

PURCHASING POLICY & PROCEDURES

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I. References

- A. Standing Order 100.4(cc) of The Regents of the University of California;
- B. University of California Delegations of Authority,
<http://www.ucop.edu/ucophome/coordrev/da/>
- C. Business & Finance Bulletin BUS-4, University Commodity Codes for Equipment and Supplies;
<http://www.ucop.edu/ucophome/policies/bfb/bus4.html>
- D. Business & Finance Bulletin BUS-29, Management and Control of University Equipment; <http://www.ucop.edu/ucophome/policies/bfb/bus29.html>
- E. Business & Finance Bulletin BUS-34, Securing the Services of Independent Consultants; <http://www.ucop.edu/ucophome/policies/bfb/bus34.html>
- F. Business & Finance Bulletin BUS-43, Materiel Management;
<http://www.ucop.edu/ucophome/policies/bfb/bus43.html>
- G. Business & Finance Bulletin BUS-50, Materiel Management: Acquisition and Use of Narcotics and Dangerous Drugs;
<http://www.ucop.edu/ucophome/policies/bfb/bus50.html>
- H. Business & Finance Bulletin BUS-56, Materiel Management: Purchases from Entities Violating State or Federal Water or Air Pollution Laws;
<http://www.ucop.edu/ucophome/policies/bfb/bus56.html>
- I. Business & Finance Bulletin BUS-63, Insurance Requirements/Certificates of Insurance; <http://www.ucop.edu/ucophome/policies/bfb/bus63.html>

- J. Business & Finance Bulletin BUS-77, Independent Contractor Guidelines;
<http://www.ucop.edu/ucophome/policies/bfb/bus77.html>
- K. Business & Finance Bulletin BUS-79, Entertainment;
<http://www.ucop.edu/ucophome/policies/bfb/bus79.pdf>
- L. Business & Finance Bulletin G-28, Travel Policy;
<http://www.ucop.edu/ucophome/policies/bfb/g28.html>
- M. Guidelines for Campus and System-wide Administration Acquisitions Involving Computing, 6/21/76;
- N. UC Merced Environmental Procurement Policy & Procedures (being developed);
- O. UC Merced Procedure for Low-Value Purchases.

II. Definitions

Glossary of frequently used purchasing terms is contained in Exhibit A.

III. Policy

- A. University of California Basic Purchasing Policy (Refer to BUS-43)

The University's purchasing policies and procedures are based upon the State of California Public Contract Code, the Bylaws and Standing Orders of The Regents of the University of California; specific Regents' policies; and administrative policies issued by the President of the University. In addition, these policies meet the requirements of the funding agencies for federal contracts and grants, and other extramural agreements.

Employees granted authority to make purchases for the University must recognize that the interests of the people of the State of California are paramount and that all transactions should be formed to best serve those interests in a cost effective manner, with good business judgment and normal business practices.

- B. UC Merced Implementation

Purchase goods and services for all organizational elements of the University of California, Merced in a timely and cost effective manner, complying fully with State of California law, Standing Orders of The Regents, University of California policy, UC Merced local campus policies and procedures and good business practice.

IV. Delegation of Purchasing Authority

The authority to contract, and thereby commit funds, on behalf of the University is initially delegated from The Regents to the President of the University and then to the Chancellor of each campus.

On June 11, 1998, the President authorized Chancellors and Laboratory Directors to continue the practice of having Materiel Managers under their jurisdiction execute purchase contracts and standard purchase orders for goods and services to be supplied to the University provided that:

- The purchase contracts, subcontracts, or standard purchase order are issued in accordance with University policy and with procedures specified in the Business and Finance Bulletin;
- Funds are available;
- If required, approval of the contracting agency is secured; and,
- Prior approval is obtained from the Treasurer of The Regents for any acquisition or lease/purchase which contemplates or will result in the issuance of Certificates of Participation in order to provide funding for the transaction.

At UC Merced, the designated campus Materiel Manager is the Purchasing Director

The Purchasing Department, under the jurisdiction of the Purchasing Director, is the only entity authorized to commit funds through the execution of purchase contracts or purchase orders. The Purchasing Director may, however, re-delegate limited authority to departments to allow utilization of authorized procurement methods (refer to Low Value Orders Procedures).

V. RESPONSIBILITIES

A. Purchasing Director's Responsibilities:

1. Providing a centralized organization and facilities for the acquisition of goods and services.
2. Delegating the appropriate purchasing authority to buyers and contract administrators within the Procurement organization.
3. Determining the prequalification of suppliers (BUS-43, Part 3, III.C). Prequalification requirements are developed for categories of purchases or for a given transaction commensurate with the complexity, cost, risk and item availability.
4. Obtaining competitive bids (price quotations or proposals) for any transaction expected to involve an expenditure of \$50,000 or more for goods or services (BUS-43, Part 3, III.D). Exceptions to this requirement may be available for unique products, sole source, or emergency conditions. Competition sought by other than the Purchasing Director or designee does not satisfy this requirement.
5. Soliciting suppliers' interest with requests for quotation (RFQ), requests for proposal (RFP) and requests for information (RFI). These documents are known as solicitations.
6. Processing quotations or proposals received (BUS-43, Part 3, III.E). Bids must be received in the Purchasing Director's Office not later than the time and date specified in the solicitation.
7. Negotiating with suppliers (BUS-43, Part 3, III.F). Negotiations are limited to a narrow realm of situations, and are conducted by Procurement buyers and contract administrators with the vendor(s) on a fair and equitable basis.

8. Determining awards which are to be made to the lowest responsible bidder whose quotation is responsive and results in a reasonable price (BUS-43, Part 3, III.F).
9. Ensuring purchase awards and contracts are in compliance with University policies and all applicable extramural requirements.
10. Documenting procurements (BUS-43, Part 3, III.G). Purchase contracts are normally written on a University **Purchase Order** form utilizing standard terms and conditions of purchases. Records of solicitations, analysis, and award are maintained which substantiate compliance with University policies.
11. Releasing award information (BUS-43, Part 3, VII). After an award has been made, any individual or firm is entitled to information relating to a purchase transaction. Requests for such information are to be directed to the Purchasing Director or designee. Users are cautioned not to discuss bid or award information.
12. Auditing low-value purchases (BUS-43, Part 3, IX). Guidelines for low-value purchase authorizations are presented in UC Merced's Low Value Orders Procedures. All purchases made under the low-value delegation are subject to audit.
13. Administering commodity contracts, auditing vendor performance and compliance with contract terms.
14. Administering the Strategic Sourcing Program which seeks to satisfy large scale requirements of the University through University-wide supply agreements (BUS-43, Part 4). These agreements generally provide better pricing, delivery and/or quality. Purchases from supply agreement sources may be made directly by users at the discretion of the responsible Procurement buyer.
15. Ensuring compliance with UC Purchasing and Public Policy through which the University expands opportunities for underrepresented enterprises to conduct business with the University (BUS-43, Part 5).
16. Instituting programs to deal with standardization, value and cost analysis.
17. Developing and maintaining written procedures and controls to implement University purchasing policies.
18. Developing campus procurement policies and practices that encourage and promote UC Merced Environmental Stewardship.
19. Assisting all departments in obtaining information and prices as well as advising on methods of procurement to meet user requirements.
20. Contacting suppliers with regard to demonstrations, purchase order conditions, return of goods, credits and other procurement functions.

- B. Department Administrators' and Principal Investigators' Responsibilities:
1. Submitting Purchase Requisitions with appropriate specifications and descriptions sufficient to secure the class of goods or services requested.
 2. Specifying goods and services that are consistent with the Environmental Procurement Policy Guidelines to the greatest practical extent.
 3. Providing reasonable lead time for the purchase of the requested items or services.
 4. Ensuring that equipment screening procedures have been completed. (Refer to BUS 29, Section F).
 5. Providing justification, when requesting that a procurement be non-competitive, which will permit evaluation and determination by the Purchasing Director or designee that a brand or trade name article, thing, or product, or proprietary service is unique, available only from a sole source, or is designated to match or interlink with others used in or furnished to a particular installation, facility or location.
 6. Assuring that the other special approvals for purchases, if required, have been satisfied and that requisitions are submitted to the Procurement Department for competitive bidding **prior** to a commitment. (Contact with suppliers may be made to gain technical information. **Bids requested or obtained by departments in connection with these requisitions are not acceptable.**)
 7. Assuring that appropriate **funds are available** before submitting a requisition.
 8. Assuring that requests for procurement against contract or grant funds are submitted well in advance of the fund's expiration date.
 9. Normally, requisitions may not be submitted for purchases against contract or grant funds after deadline dates which are: 90 days prior to the final expiration date of the contract or grant for equipment items, and 30 days prior to such date for supply items.
 10. Ensuring that equipment items have been properly tagged.
 11. Requests for exceptions to the above submission deadlines must be directed in writing to the UC Merced Office of Sponsored Research for review and approval.
 12. Assuring that any dollar or percentage limitations on total equipment expenditures set forth in applicable contract provisions or grant policies will not be exceeded in submitting requests for procurement. If such limitations will be exceeded, prior approval in writing must be obtained from the funding agency and the Office of Sponsored Research.

13. Assuring that, in the requisitioning of either general purpose equipment or permanent research equipment with an acquisition cost in excess of limitations set forth in the applicable contract provisions or grant policies, such equipment: (a) is listed in the approved budget for the project, or (b) has been approved in writing by the funding agency and the Office of Sponsored Research.

VI. AUTHORIZED PROCUREMENT METHODS

The Regents of the University of California shall prescribe methods of procurement for goods, materials, and services to be purchased, including: (a) Requirements for public advertisement where feasible and practicable or for solicitation from at least three sources in other cases; (b) Bidder prequalification and evaluation standards; (c) Guidelines for negotiating contracts for unique products or proprietary services; (d) Procedures for solicitation of vendor and service contractor interest; (e) Dissemination of award information; (f) Such other matters as may encourage the receipt of the most favorable price and conditions of purchase by the university.

Departments are encouraged to use Strategic Sourcing and/or local campus agreements where possible.

The following procurement methods are the means by which to purchase goods and services.

- A. Purchase Orders
- B. Blanket Order Releases and 0000K Agreement Releases
- C. Low-value Purchase Orders (LVOs)
 1. This authorization may be granted in writing by the Purchasing Director to individuals in departments outside the Procurement organization. Each such delegation must contain written procedures adequate to ensure observance of good business practices and compliance with University purchasing policy. Refer to UC Merced's Low Value Orders Procedures.
 2. Items that may not be purchased under Low Value Orders
 - Firearms, ammunition and explosives
 - Ethyl alcohol (except denatured)
 - Radioactive material
 - Narcotics, dangerous drugs or controlled substances.
 - Precious metals
 - Items for personal or ornamental use
 - Travel and entertainment (meals, airfare, hotel, car rental)
 - Vehicle/boats or real estate rentals/leases
 - Goods or services from employees or near relatives of any University employees
 - On-site construction

- Consulting services
- Personal services
- Services which require a signed vendor contract

D. Procurement Card

1. May not be used for:
- Goods or services prohibited on LVO
 - Equipment Items
 - Cash advances
 - On-line payment mechanisms such as Pay Pal

E. Petty Cash

VII. ORDER CLASSES AND AUTHORIZATIONS

If the item is available from a campus provider (a service unit such as Facilities, that recharges for goods and services), it should be obtained through that provider. If the item is not available through a campus provider, use the instructions that follow to determine the class of order and complete the transaction. In general, departments may submit requisitions ("R" and "J" Classes) to the Purchasing Department for most products and/or services. Other classes are restricted to the items specified.

Class	Description	Order Issued By
A	Releases against System wide/Local Agreements (Class K) or Restricted Blankets (Class B)	Campus Departments
B	Blanket Orders	Purchasing
C	Independent Consultant Agreements	Purchasing
D	One-time Repair, up to \$5,000 with Certificate of Insurance on file	Campus Departments
F	BruinBuy Orders - Catalog Purchases;	Campus Departments
H	Long-Term Rental, Lease/Purchase (one year or more)	Purchasing
J	Requisition for Blanket Order (without Encumbrance)	Campus Departments
K	System-wide or Local Agreements	Purchasing
L	Real property rentals, leases and purchases	Business Contracts and Real Estate Officer
M	Educational Media	Campus Departments

N	BruinBuy LVOs, up to \$5,000 (excluding tax and shipping)	Campus Departments
P	Purchase Orders	Purchasing
Q	Procurement Card Orders	Campus Departments
R	Requisition (with Encumbrance)	Campus Departments
T	Travel: <ul style="list-style-type: none"> ◇ Airline tickets and hotel accommodations (contact University Travel Office). 	Campus Departments
V	PAC only, Low Value Order, up to \$2,500, (excluding tax and shipping);	Campus Departments
X	Special Items: <ul style="list-style-type: none"> ◇ Delivery Service ◇ Freight and Shipping services (contact Receiving). ◇ Employee/Student Training and Development ◇ Catering (approved caterers up to \$50,000) ◇ Memberships ◇ Postage (U.S. Post Office only) ◇ Reimbursements up to \$500.00 ◇ Utilities ◇ Honoraria 	Campus Departments
Y	Construction (Contract forms, Plant Accounting)	Capital Programs

VIII. RESTRICTIONS

A. Conflict of Interest

Procurement of goods or services from employees or their near relatives or in circumstances in which either or both of them know, or have reason to know, they have a financial interest, is contrary to University policy. Exceptions are considered only after submission of a Report of Purchasing Transactions Involving Possible Conflict of Interest, (BUS-43, Part 7).

Note: Near relative is defined as husband, wife, mother, father, daughter, son, sister, brother, and step relatives and in-laws in the same relationships.

B. Personal Purchases

University credit, purchasing power, and facilities shall not be used to purchase goods or services for individuals or non-university activities. Organizations and activities closely allied or officially associated with the University (i.e., Faculty Club, Associated Student groups, etc.) may be

permitted to purchase materials through the Purchasing Department, with the approval of the Chancellor.

C. Prohibited Items

Items Not To Be Purchased with University Controlled Funds

It is campus policy not to purchase items for personal use. Since the items listed below normally fall into this category, exceptions will have to be approved by a dean or department head and the proper campus administrator before a final purchase can be made.

- Athletic equipment and supplies for tennis, golf, etc., unless it is part of an approved program of physical education or recreation.
- Examination books (blue books).
- Desk or office items such as desk clocks, desk sets and brief cases.
- Ornamental items, such as ash trays, pictures, vases, pillows, planters, plants, Christmas decorations, draperies, window coverings, etc.
- Personalization of University equipment.
- Picture framing of pictures, certificates, or other items not the permanent property of the University.
- Stereos, VCR's, and televisions other than for instructional use.
- Gifts, flowers, fruit or mementos outside the limits and guidelines defined in Business and Finance Bulletin G-41.
- Parties for academic and non-academic staff, including retirees, in conflict with the guidelines of Business & Finance Bulletin BUS-79.

D. Prohibited and Restricted Items

UC Merced Office of Environment, Health and Safety maintain lists of hazardous substances, including laboratory chemicals/biological agents and maintenance, repair and operation chemicals/fertilizers for which use is either prohibited or restricted. The list is available for review by contacting the Office of Environment, Health and Safety.

IX. PURCHASES REQUIRING SPECIAL APPROVALS

Regardless of the procurement method utilized, the required approvals indicated must be obtained prior to purchasing the following items:

- Airline tickets (University Travel Office)
- Ammunition/Explosives/Firearms (EH&S)
- Buildings or Remodeling of Buildings, capital – (Capital Planning); non-capital (Facilities Management)
- Cash Registers (Campus Cashier)
- Cell Phones (Information Technology)

- Consultants (Dean, Chair or Vice Chancellor; Refer to BUS-34)
- Controlled Substances/Narcotics or Dangerous Drugs (EH&S)
- Decorative Items (Vice Chancellor/Dean)
- Draperies, Floor & Wall Coverings (EH&S, Capital Planning and Facilities Management)
- Electromagnetic Emitting Equipment including RF (Information Technology , EH&S and Facilities Management)
- Ergonomic Office furniture (Facilities Management and EH&S)
- Entertainment/Events, i.e., bands, theater groups, etc. (Vice Chancellor/Dean)
- Fabrication Items (Facilities Management or Lab Director)
- Fire Fighting Equipment (Facilities Management)
- Foodstuffs, Beverages, and Catering (>\$500 Vice Chancellor/Dean)
- Food Storage or Preparation Equipment for lab use (EH&S)
- Food Storage or Preparation Equipment, other than for lab use or Food Service areas (Vice Chancellor/Dean)
- Heaters and Air Conditioners (Facilities Management)
- Insurance (Business Contracts and Real Estate Officer)
- Lasers, Fume Hoods and Biological Safety Cabinets (EH&S)
- Moves; (Refer to G-13, Moving and Relocation)
- Office Furniture (Facilities Management)
- Personal productivity equipment purchases (PDA, cell phone or notebooks) (UC Merced CIO or designee)
- Protective Clothing (EH&S)
- Purchases from University Employees or Near Relative of UC Employee; (Refer to G-39, Conflict of Interest)
- Personal Use Items (Vice Chancellor/Dean)
- Professional Service Agreements (Business Contracts and Real Estate Officer)
- Radioactive Items (EH&S)
- Real property rentals, leases and purchases (Business Contracts and Real Estate Officer)
- Rentals, leases and financed purchases other than real property over \$5,000 (Business Contracts and Real Estate Officer)
- Remote connectivity, DSL, remote internet access (Department Head)
- Respirators, dust masks and related supplies (EH&S)
- Repairs to Personal (non-University) Property (Vice Chancellor/Dean)
- Repairs to the Plant (Facilities Management)

- Subcontracts/Sub Agreements for scholarly research (Sponsored Research Office)
- Telecommunication and Networking equipment, cabling and connectivity (Information Technology)
- Vehicles (Vice Chancellor of Administration)
- Vending Machines (Vice Chancellor of Administration)

X. UNAUTHORIZED PURCHASES

Unauthorized purchases (which require After the Fact Justification Approval), are purchase transactions that are either entered into by an individual that is not authorized to contract on behalf of the University, or entered into by an individual normally authorized to contract, but who uses an unauthorized procurement method or exceeds their delegated authority. That authority is limited to Procurement organization buyers and contract administrators to assure compliance with federal and state law, University policy, and prudent business and financial practices. An individual who has not been delegated purchasing authority who makes an unauthorized purchase of goods or services shall be responsible for payment of the charges incurred. (BUS-43, Part 3, Section 8).

An individual may be personally responsible for payment of charges incurred by an unauthorized purchase of goods or services. At the discretion of the Chancellor, the unauthorized individual may be required to pay:

- The full amount, whenever the purchase is found to cover unneeded items or unauthorized items that cannot be canceled/returned.
- The amount of any cancellation charges incurred, whenever the unauthorized purchase can be canceled/returned.
- The difference between the charges incurred and those the University would have incurred if proper methods had been used, provided the purchase is found to be otherwise proper.

If a department accepts responsibility for payment of incurred charges from an unauthorized purchase, the department must submit the following:

- A purchase requisition containing all required information.
- Evidence of the purchase and receipt of the item(s), i.e., invoices, packing slips, etc.
- A written statement explaining the circumstances that led to the unauthorized purchase, and the steps taken to prevent its reoccurrence, i.e., Justification Form for "After the Fact" Purchases, signed by the Department Head, MSO, appropriate Vice Chancellor and the Controller.

In the event the responsible department does not wish to approve payment, the Purchasing Director should be contacted for advice.

XI. BASIC PROCUREMENT REQUIREMENTS

A. Prequalification of Suppliers

The Purchasing Department shall pre-qualify suppliers interested in doing business with UC Merced to determine responsibility. Quotations shall be requested only from pre-qualified suppliers unless the transaction requires that a specific determination as to qualifications be made based on information to be furnished with quotation(s).

B. Specifications

Specifications should contain descriptions which are adequate to obtain competition; will provide equally to competing suppliers information necessary to prepare and submit quotations; will not favor one brand, trade name article, manufacturer, or supplier over another, to the fullest extent practicable; and will promote sustainable purchasing practices when reasonable.

Types of Specifications - Two broad general types are design specifications and performance specifications. Design specifications provide details of style, type, size, etc., whereas performance specifications are stated in terms of functional requirements for the item based on end-users application.

C. Competition

Formal competition must be obtained in compliance with State law and University policy for any transaction expected to involve an expenditure of \$50,000 or more. University policy further requires that competition be sought for any transaction of \$10,000 or more. Exceptions are personal or professional services, e.g., physicians, architects, attorneys, etc., and brand or trade name products or proprietary services available only from a sole source, or are designated to match others in use at a particular campus location.

Further exception may be exercised for purchases in the \$10,000 to \$50,000 range. Placement of purchase order awards in this range may be negotiated by the Purchasing Department Buyer, in accordance with AB-507, and the concurrence of the Purchasing Director or his/her designee under existing purchasing procedure. It is University policy to award a fair proportion of its business to minority and women-owned businesses under AB-507, and BUS-43, and to negotiate awards to businesses in general where it is in the best interests of the University.

D. Quotations

Form and Content: Quotations of \$50,000 or more shall be secured or confirmed in writing by the Purchasing Director or designee. All information necessary to prepare and submit quotations shall be given equally to all suppliers solicited. The right shall be reserved to accept or reject quotations on each item separately, or the quotation as a whole, without further discussion. Quotations less than \$50,000 may be secured verbally by the Purchasing Director or designee.

Acceptable Quotations and Proposals: Only responses to requests for quotations solicited by the Procurement Department can be regarded as meeting requirements for competition in purchasing.

E. Sole Source Requests

The burden of proof is on the requester to justify sole source purchases over \$10,000. Those requisitions must be accompanied by a description of the salient features of a brand or trade name documenting that only that product or service will fulfill the University's needs to the exclusion of all others. All such statements become a part of the purchase contract file and must be defensible at times of audit.

Sole Source requisitions over \$50,000 must be submitted with a completed Sole-Source request form. (Refer to:
<http://www.purchasing.ucla.edu/home/forms/SOLE%20SOURCE%20REQUEST%20FORM.doc>)

F. Release of Award Information

Any request for information should be referred to the Purchasing Director.

XII. EMERGENCY PURCHASES

In emergency situations, a department may request authority to purchase directly from a supplier. An emergency situation is defined as a situation where the lack of materials or services may cause the cessation of an educational program/research project or injury of personnel.

To obtain this authorization, the department must submit a purchase requisition and contact the purchasing department. The buyer will determine whether the emergency action is reasonable and justifiable. If so, an emergency purchase order number will be issued to the department, however, the buyer may designate a vendor and/or method of delivery as well as a maximum amount which the department may not exceed without additional approval of the Purchasing Department.

It is the requesting department's responsibility to submit complete back up information, referencing the confirming (emergency) purchase order number provided by Purchasing, including copies of all invoices or receipts, immediately following acquisition of the requested item(s) or service(s). Should a department fail to provide necessary paperwork in a timely manner, the Purchasing Department may consider the department ineligible for issuance of emergency purchase orders in the future. Delays due to a vendor's normal invoicing cycle, however, will not adversely affect a department's eligibility.

At the time an emergency order is placed by the department, the following information must be obtained: Company/organization name, F.O.B. point, invoice terms, name of the person with whom order was placed, exact price, delivery date, and any other data pertinent to the procurement.

XIII. ENVIRONMENTAL STEWARDSHIP

It is the policy of University of California Merced to institute practices that attempt to achieve a high level of resource conservation such that the material and energy used to

build, support and maintain the campus do not delete resources available to future generations and to be a leader of sustainable urban growth in the San Joaquin Valley.

The campus shall promote environmental stewardship through the procurement of goods and services that support this effort, where practical. Special consideration and preference shall be given to environmentally sustainable products and services that offer the following environmental benefits:

- Minimize environmental impacts such as, but not limited to, toxics, pollution and hazards to workers;
- Promote community safety;
- Are durable and long-lasting;
- Conserve energy and water and use agricultural fibers and residues;
- Reduce waste through product efficiency and effectiveness;
- Are comprised of recycled content;
- Include environmentally-friendly packaging;
- Have earned Environmental Sustainability Certifications.

For a more comprehensive list and environmental procurement guidelines, refer to UC Merced Environmental Procurement Policy.

XIV. GOVERNMENT SURPLUS PROPERTY

Government surplus property is available at substantial savings to University departments through the "State Educational Agency for Surplus Property." Information regarding surplus property is available at the State of California Department of General Services.

The Purchasing Director is authorized to sign the necessary documents for acquisition of material and to certify qualified department personnel.