

Buffalo State College Foundation

Procurement Policy

Effective Date

April 8, 2020

Purpose

The policy set forth herein establishes standards and guidelines for the procurement of goods and services to ensure that price, quality, timing, service, and reputation, are considered holistically and that contracts are managed with good administrative practices and sound business judgment.

Code of Conduct

Code of Conduct shall govern the performance, behavior, and actions of individuals, including Board members, employees, directors, volunteers, or agents who are engaged in any aspect of procurement, including – but not limited to – purchasing goods and services; awarding contracts and grants; or the administration and supervision of contracts.

1. No employee, officer, director, volunteer, or agent shall participate in the selection, award, or administration of a bid or contract supported by Foundation funds if a conflict of interest is real or apparent to a reasonable person.
2. Conflicts of interest may arise when any employee, officer, director, volunteer, or agent has a financial, family, or any other beneficial interest in the vendor firm selected or considered for an award.
3. No employee, officer, director, volunteer, or agents shall do business with, award contracts to, or show favoritism toward a member of his/her immediate family, spouse's family, or to any company, vendor, or concern who either employs or has any relationship to a family member; or award a contract or bid which violates the spirit or intent of Federal, State, and local procurement laws and policies established to maximize free and open competition among qualified vendors.

4. No employees, officers, directors, volunteers, or agents shall neither solicit nor accept gratuities, gifts, consulting fees, trips, favors, or anything having a monetary value from a vendor, potential vendor, or from the family or employees of a vendor, potential vendor, or bidder; or from any party to a sub-agreement or ancillary contract.

Applicability

1. A procurement contract executed before the effective date of this Policy shall be governed by those laws, policies, and procedures in effect at the time of the contract execution.
2. The Foundation Board may, from time to time, amend these policies and procedures in order that they remain consistent with current best methods and business practices.
3. All Foundation funds, including funds held in trust, i.e. campus agency accounts, and campus-related entities for which the accounting services are provided by Finance and Management.

Exclusions

1. The lease, sale, purchase, transfer, disposal, or any other action involving an interest in real property. See College Comptroller before initiating any process.
2. Any procurement or contract to the extent of any conflict with a governing federal, state, or SUNY regulation or other requirement; or the terms of any gift. See College Comptroller for guidance and/or any questions.
3. Alterations to Buffalo State buildings, building equipment, or building systems. For these types of purchases or contracts, contact Director of Facilities. The Foundation will reimburse state accounts as appropriate.

Procurement Process

1. Prior to Procuring Goods and Services:
 - a. Ensure the goods or services are allowable from the sources of Foundation funds identified to be used.

- b. Check your account cash balance to ensure that there are enough funds to cover the disbursement associated with the procurement of the goods or services.
- c. Identify the appropriate procurement process based on procurement thresholds and other requirements based on the type of purchase.

2. Procurement Thresholds and Other Requirements:

a. Price Thresholds:

<p>\$0-\$2,499</p>	<p>Prices should be reasonable. The department can place the order without contacting College Procurement Services first. The reasonableness of price should be documented and included with the invoice and Payment Request.</p>
<p>\$2,500-\$4,999</p>	<p>Two or three competitive price quotes, documented, with vendor's name, address, phone number, and amount. The department can place the order without contacting College Procurement Services first but must include the price quotes with the invoice and Payment Request.</p>
<p>\$5,000-\$24,999</p>	<p>At least three competitive price quotes, on vendor's letterhead, quote sheet, or similar. The department can place the order without contacting College Procurement Services first but must include the price quotes with the invoice and Payment Request. Accompanying the Project Director's signature on the Payment Request, one additional signature is required from the area AVP, Dean, Director, or Division Leader.</p>
<p>\$25,000 and over</p>	<p>Reach out to College Procurement Services before starting the procurement process. Accompanying the Project Director's signature on the Payment Request, one additional signature is required from the area AVP, Dean, Director, or Division Leader.</p>

- b. Purchases of Computers, Printers, Copiers, Equipment, Software, All Other Technology, Furnishings, and Renovations:

To ensure that these types of items are properly recorded, safeguarded, comply with space, utility, and other connectivity or operational requirements, including on-going maintenance costs, these items need to be reviewed by the appropriate campus department in advance of being procured.

See Director of Technology Support Services, for the following items:

Computers, printers, copiers, software and other similar applications, other equipment that will require special connectivity.

See Director of Facilities for the following:

Furnishings, renovations, and capital equipment.

- c. The department may certify that they could not obtain a minimum of three sources, and are requesting a single or sole source exemption from a competitive process. The request will be considered if, in addition to documenting the exemption request (#1), one or more of the following conditions exist (#2-6). Approval of the exemption request must be approved by College Procurement Services and the Comptroller.
 - 1. Document that it is single or sole source exemption request.
 - 2. Vendor does not meet the form, function, or utility requirements.
 - 3. Information obtained in making recent purchases of the same or similar item(s).
 - 4. The urgency of the proposed purchase.
 - 5. Experience concerning a specific vendor's pricing or service.
- d. Purchase orders are generated only if requested by the vendor.
- e. Adequate records must be kept of the procurement process.

Upon Delivery of Goods and Services

1. Fill out a Payment Request.
2. Attach supporting documentation.
 - a. See Price Thresholds, 3a, above.
 - b. Foundation Cash Disbursements Policy.
3. Payment Requests should be sent to college Accounts Payable and Travel Services, Cleveland Hall, Room 414.

Procurement Requiring Contracts

Requests to procure services, including software or subscription licenses, require a written agreement from the vendor. If the contract is non-routine, complex, requires more than a year's commitment, or has liability exposure, legal review may be required, so please allow enough lead time for the process. Purchase of goods that are built or manufactured to order require an agreement in place between the vendor and the College. We strongly advise a written contract for any exchange of promise between two parties. The agreement should at a minimum include, scope of work, payment terms, responsibilities of both parties, insurance, cancellation, and breach of contract provisions. Agreements, including Purchase Orders, can only be signed by authorized individuals, as identified in the Foundation's Authorized Signatory Policy.

Inventory Control

Equipment purchased by the Foundation becomes the property of Buffalo State College unless excluded by the terms of a MOU or gift. Capital equipment (\$5,000 and over and computer equipment) and sensitive equipment (\$500 and over) are reported using the Inventory Control form to the Property Control Office with a copy to the Foundation. Sensitive equipment is defined as equipment at most risk of removal, personal use, or resale, such as calculators, audio-video equipment, and telecommunications equipment. It is the College or department's responsibility to maintain inventory control of equipment under \$5,000 and sensitive equipment under \$500.