

**Administration of WSU Procurement
Policies in Accordance with the Kansas
Board of Regents Policy on Fiscal
Management**

**Wichita State
University**

(Revised April 6, 2016)

Wichita State University
Administration of Procurement Policies

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Section I **Authority and Delegation**

KSA 76-769 grants authority to the Kansas Board of Regents to adopt policies regarding the acquisition of any supplies, materials, equipment, goods, property, printing or services to be acquired by a state educational institution, and any lease of real property entered into by a state educational institution.

The Board of Regents has directed the President of Wichita State University as the Chief Executive Officer of one of the state universities to develop and implement the policies required to administer and operate with all terms, conditions and requirements detailed in KSA 76-769 and Board Policies.

The President of Wichita State University may delegate the administration of the policies and procedures developed to the appropriate staff and departments on the campus at his/her sole discretion.

Section I a **Administration of the Delegated Authority**

Effective July 1, 2010, the President of Wichita State University shall delegate to the Wichita State University Associate Vice President of Financial Operations and Business Technology, Director of Purchasing and the Director of Internal Audit in conjunction with the President's Executive Team all purchasing authority. The Wichita State University Director of Purchasing may further delegate their authority to persons in university departments for the efficient operation of the university in accordance with the terms of this Wichita State University Administration of Procurement Policies document.

Consistent with the provisions of this document, the Wichita State University Director of Purchasing may adopt operational procedures governing the internal purchasing functions of the university, including purchases at the department level.

Section II **Purpose**

This Wichita State University Administration of Procurement Policies document is intended to establish the parameters of a purchasing program that is specifically designed to support and facilitate the instructional, research, and public service missions of the University by applying best methods and best business practices when the University is acquiring supplies, materials, equipment, goods, property and services.

Within the context of the University environment, this document and the attached policies are intended to promote the development and use of purchasing processes that promote the pursuit of excellence and the best interests of the University while maintaining the highest possible integrity, broad based competition, fair and equal treatment of the business community and increased economies and efficiencies in the purchasing process. (See Appendix A) Examples include seeking lower higher education pricing in lieu of governmental pricing, utilizing procurement processes and procedures that allow shorter processing times, developing specifications that are University specific, and dramatically increasing the flexibility of the purchasing process.

The University shall communicate and collaborate with the State of Kansas Division of Purchases and state universities to insure that all procurement opportunities where mutual benefit can be obtained are achieved. Examples include participating in state sponsored contract development meetings, utilizing state contracts when they meet the needs of the University and allowing state agencies and other state universities to access contracts and pricing agreements entered into by the University whenever possible.

The Wichita State University Associate Vice President of Financial Operations and Business Technology and/or Director of Purchasing and members of the Wichita State University Office of Purchasing shall work collaboratively with the University Director of Internal Audit as operating procedures and reporting mechanisms are developed and audits of individual departments are conducted to insure adherence to proper purchasing policies and procedures.

Section III Applicability

A. General Applicability

These Policies apply to the acquisition of all supplies, materials, equipment, goods, property, printing or services to be acquired by a state educational institution, and any lease of real property entered into by a state educational institution and are paid for with funds deposited into the state treasury. This includes grants and research funds.

B. Exclusions

The attached policies do not apply to purchases made with funds from the Wichita State University Foundation, nor any funds that are not deposited into the state treasury, such as those for the Intercollegiate Athletics Association.

Section IV Ethics and Conflict of Interest

A. Code of Ethics

All parties involved in the negotiation, performance, or administration of the acquisition of any supplies, materials, equipment, goods, property, printing or services to be acquired by a state educational institution, and any lease of real property entered into by a state educational institution are bound to act in good faith. Any person employed by the University who purchases supplies, materials, equipment, goods, property, printing or services to be acquired by a state educational institution, and any lease of real property entered into by a state educational institution, or is involved in the purchasing process for the University, shall be held to the highest degree of trust and shall be bound to the Wichita State University Procurement Code of Ethics. (See **Appendix A**)

B. Conflict of Interest

The Wichita State University “Conflict of Interest Policy” defines the processes to be followed in articulating and resolving conflicts of interest at the University. When the Wichita State University Associate Vice President of Financial Operations and Business Technology and/or Director of Purchasing has reason to believe that a conflict of interest may exist in the acquisition of goods and services, he/she will direct the affected department to comply with the procedures described in this policy.

Please refer to the Kansas Board of Regents Policy and Procedure Manual, Chapter II, Section F (13), <http://www.kansasregents.org/academic/policymanual.html>

Section V Competitive Bids

A. Competitive Bid Policy

It shall be the policy of the University to purchase all required supplies, materials, equipment, goods, property and services in a manner that affords vendors a fair and equal opportunity to compete.

B. Competitive Bid Thresholds

1. Informal Bid Solicitation from \$5000 to \$10,000 (\$3,000 to \$10,000 for federally funded program purchases.) – The Wichita State University Director of Purchasing may delegate authority to campus departments for purchases of required supplies, materials, equipment, goods, property, leases of real property, services, including professional services, in accordance with KSA 75-37, 131 and KSA76-769 and approved purchasing policies and procedures.

If non-federal (grant) funds are used, it is recommended that 3 price quotations be secured and submitted to purchasing with the Banner Requisition (if a PO is to be issued) or with the ICD (if purchased without a PO), for audit purposes. If federal (grant) funds are used, per 2 CFR 200 Uniform Guidance, the 3 price quotes are required.

Along with these quotes, the department should complete a Bid Tabulation that details the delivered prices and the department's recommendation to award the purchase. This documentation will be scanned, as processed, by Financial Operations. If the documentation isn't included and it is requested by any State or Federal auditor, the budget officer will be required to produce the documentation. Prior approval is not required.

Acceptable quotations include pricelists from websites, written quotes from vendors, or quotes generated by online searches. Rate quotations should include a written specification of the item to be purchased that is provided to each vendor or used to secure the verbal or web quote. The department shall accept the low bid that meets specification, or must provide a written explanation as to why the low bid/quote was not acceptable.

Sole Source requests are not required for purchases under \$10,000.

2. Purchases of \$10,000 but less than \$50,000 – Competitive bids on purchases of required supplies, materials, equipment, goods, property, leases of real property, services, including professional services of \$10,000 or more, shall be obtained by the Office of Purchasing, either by telephone or written request, accomplished by utilizing an approved competitive solicitation type, or by an approved non-competitive process as determined by the Wichita State University Director of Purchasing in accordance with the terms of this document and approved purchasing policies and procedures.

3. **Purchases in excess of \$50,000:** All bids, regardless of the source of funds, that are estimated to be in the amount of \$50,000 or more, must be advertised and open for a minimum of two (2) weeks and processed with the receipt of formal written bids.

C. **Contractual Service Agreements:**

Contractual service agreements in the amount of \$10,000 or more, and all land leases must be documented a formal written agreement including a Contractual Provisions Attachment (DA-146a). The Office of Purchasing will work with the Vice President and General Counsel regarding preparation of any contract. Contractual service and appropriate documents shall be signed in accordance with the contracting policy referenced in [Section 1.04](#).

D. Competitive Bid Notification

All competitive bid transactions, regardless of type of competitive solicitation utilized, except those that are restricted to the solicitation of those vendors and contractors listed on an “On-Call” type of contract, shall be advertised in a manner that provides reasonable notice to the public of the competitive bid opportunity. Reasonable notice may include but is not limited to electronic bulletin boards, posting of hard copy documents in a public location, publication in appropriate newspapers and trade journals and other means as deemed appropriate by the Wichita State University Director of Purchasing in accordance with approved purchasing policies and procedures.

D. Specifications

Specifications shall be developed in a manner that are not unduly restrictive while recognizing the purpose of these Policies as detailed in Section II of this document.

E. Competitive Bid Openings

Competitive transaction bid openings shall be open to the public in accordance with approved purchasing policies and procedures.

F. Evaluations and Award

All competitive bid responses shall be evaluated as outlined in the bid solicitation. The Wichita State University Director of Purchasing shall ensure the award decision treats all vendors equitably and is made in accordance with the specifications, terms and conditions utilized for the competitive transaction as well as the terms of this document and approved purchasing policies and procedures. Unless otherwise specified in approved purchasing procedures and in the specific bid documents governing a transaction, the criteria for award shall be on the basis of lowest responsible bidder meeting the specifications, terms and conditions established in the bid documents.

G. Determinations Required

Any decision or finding required to administer the scope of the purchasing program shall be supported by a written determination prepared or approved by the Wichita State University Director of Purchasing in accordance with approved purchasing policies and procedures.

Section VI Vendor Suspension

The Wichita State University Director of Purchasing may issue a written determination to suspend a vendor from doing business with the University pending an investigation to determine whether cause exists for debarment in accordance with approved operating procedures.

A written notice of the suspension, including a copy of the determination, shall be sent to the suspended vendor with a copy to the Wichita State University Director of Financial Operations and Business Technology.

The suspension period will be effective upon issuance of the notice of suspension.

Section VII Vendor Debarment

A. A vendor may be debarred for any of the following reasons:

1. Conviction of a criminal offense in relation to obtaining or attempting to obtain a Wichita State University contract or in the performance of such contract;
2. Conviction under State of Kansas or Federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records or receiving stolen property;
3. Conviction under State of Kansas or Federal antitrust statutes arising out of the submission of bids or proposals;
4. Failure to perform in accordance with the terms of one or more contracts following notice of such failure, or a history of failure to perform, or of unsatisfactory performance of one or more contracts;
5. The vendor is currently under debarment by any other governmental entity that is based upon a settlement agreement or a final administrative or judicial determination issued by a federal, state or local governmental entity.

Following completion of the investigation to determine whether a vendor has engaged in activities that are cause for debarment, the Wichita State University Director of Purchasing may debar the vendor for a period of time commensurate with the seriousness of the findings.

B. A written notice of debarment shall be sent to the vendor. The notice shall:

1. State the debarment period; and
2. Inform the debarred vendor that any person(s) representing the debarred vendor during the debarment period may conduct no business with the University and that any solicitation responses received from the debarred vendor during the debarment period shall not be considered.

C. The debarment period will be effective the date of the written notice being sent to the debarred vendor and all University departments.

Section VIII Dispute Resolution

- A. The Wichita State University Director of Purchasing is authorized to resolve, in accordance with approved operating procedures, any protests regarding any and all purchasing matters including but not limited to:
 - 1. Any protest concerning the solicitation or award of a contract or purchase order; and
 - 2. Any controversy arising between the University and a contractor by virtue of a contract or purchase order between them, including, without limitation, controversies based upon breach of contract, mistake, misrepresentation, or any other cause for contract modification or rescission.

- B. The Wichita State University Director of Purchasing shall render a written decision regarding the protest within seven (7) working days after the protest and/or any subsequently submitted information is received. The Wichita State University Director of Purchasing shall furnish a copy of the decision to the protestor in writing in accordance with approved purchasing policies and procedures.

- C. The protesting party may appeal the written determination of the Wichita State University Director of Purchasing. If the protesting party desires to appeal, he/she must submit his/her written request for appeal to the Wichita State University Vice President for Administration and Finance within seven (7) calendar days after receipt of the written determination of the Wichita State University Director of Purchasing. The decision of the Vice President of Administration and Finance shall constitute the Final Agency Order regarding the matter.

Section IX Procurement Records

Procurement records are subject to disclosure pursuant to the provisions of the Kansas Open Records Act.

<http://www.kslegislature.org/legsrv-statutes/index.doc>

Procurement records shall be retained and disposed of in accordance with applicable records retention policies of the State of Kansas and Wichita State University.

Appendix A

Wichita State University Procurement Code of Ethics

The conduct of all persons involved in the procurement process at Wichita State University should be characterized by integrity and dignity, and he or she should expect and encourage such conduct by others.

All persons should adopt and be faithful to personal values that:

- accord respect to self and others;
- preserve honesty in actions and utterances;
- give fair and just treatment to all;
- accept intellectual and moral responsibility;
- aspire to achieve quality;
- refuse conflict, or the appearance of conflict, between personal and institutional interests; and
- engender forthright expression of one's own views and tolerance for the views of others.

All persons should act with competence and should strive to advance competence, both in self and in others.

All persons should understand and support his or her institution's objectives and policies, should be capable of interpreting them within and beyond the institution, and should contribute constructively to their ongoing evaluation and reformulation.

All persons should communicate to institutional colleagues the content of this Code of Ethics and should strive to ensure that the standards of professional conduct contained therein are met.

In discharging his or her duties in accordance with this Code of Ethics, all persons should enjoy the following rights:

- the right to work in a professional and supportive environment;
- the right to have a clear, written statement of the conditions of his or her employment, procedures for professional review, and a job description outlining duties and responsibilities;
- within the scope of his or her authority and policy, the right to exercise judgment and perform duties without disruption or harassment; and
- freedom of conscience and the right to refuse to engage in actions that violate the ethical principles contained in this Code or provisions of law.