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**I. POLICY STATEMENT**

Purchasing authority is delegated from the Board of Regents, through the President, to the Vice President/CFO of Administration and Finance and to the Executive Director of Procurement Services.

Purchasing policies, processes, procedures, and institutional reporting are the responsibility of the Executive Director of Procurement Services. The Executive Director is also responsible for documenting and communicating purchasing policy to all employees, the implementation of university purchasing policy, management of operational processes and procedures, and the organization of the Purchasing Department.

**II. PURPOSE AND SCOPE**

It is the responsibility of the Purchasing Department to organize and administer procurement of supplies, equipment, and services for the University in a manner that will result in the best value and price for the University in conformance with established ethical practices. This administrative policy and procedure describes guidelines to ensure that this responsibility is met. Purchase orders are a particular type of contract. For information on contracts in general, refer to MAPP 08.04.01, Contract Administration.

**III. DEFINITIONS**

“Emergency Purchase” means a purchase made during an actual emergency arising from unforeseen causes without the issuance of a competitive solicitation.

**IV. POLICY PROVISIONS**

1. GENERAL

1.1 The Purchasing Department is responsible for purchasing all supplies, materials, services or equipment and, pursuant to Texas Education Code § 51.9335, an institution of higher education may acquire goods and services by the method that provides the best value to the institution, including but not limited to:

Competitive bidding

- Competitive sealed proposals      Group purchasing programs
- Open market contract

1.2 In determining best value to an institution of higher education, the institution shall consider:

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- Purchase price.
  - Reputation of the vendor and of the vendor's goods or services.
  - Quality of the vendor's goods or services.
  - Extent to which the goods or services meet the institution's needs.
  - Vendor's past relationship with the institution.
  - Impact on the ability of the institution to comply with laws and rules relating to Historically Underutilized Businesses (HUBs) and to the procurement of goods and services from persons with disabilities.
  - Total long-term cost to the institution of acquiring the vendor's goods or services.
  - Any other relevant factor that a private business entity would consider in selecting a vendor.
  - Use of material in construction or repair to real property that is not proprietary to a single vendor, unless the institution provides written justification in the request for bids for use of the unique material specified.
- 1.3 The following additional criteria shall be considered in determining best value:
- 1.3.1 A vendor proposal must meet the requirements of the Institution's solicitation document; and
  - 1.3.2 A vendor proposal that is non-responsive to the criteria set forth in the Institution's solicitation document shall be rejected.
  - 1.3.3 Procurement of goods and services must comply with state and federal laws and institutional policies and procedures.
  - 1.3.4 The Purchasing Department is delegated the final authority for determining the "best value" for the university. The Purchasing Department shall issue policies and procedures to help ensure that the purchasing methods described in the Texas Education Code, Section 51.9335, are followed and are competitive. The Controller and Office of General Counsel shall provide guidance in the implementation of such procedures. Subject to state rules and regulations, the Purchasing Department has final discretion and authority for vendor selection and award. It is the responsibility of the Purchasing Department to issue and maintain records of purchase orders.
  - 1.3.5 Regardless of the source of funds or dollar level of purchase, the Purchasing Department and operating unit will purchase from state-certified Historically Underutilized Businesses (HUBs) to the fullest extent possible and will make a good faith effort to meet the state's goals for doing business with HUBs.

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2. PURCHASES FROM ALL FUNDS

2.1 Principles when making purchases involving the expenditure of all funds are as follows:

- 2.1.1 To adhere to the general procurement requirements of “best value” as noted in Section IV.1.
- 2.1.2 To provide free and open competition when and wherever possible.
- 2.1.2 To abide by the general procurement standards of the Office of Management and Budget (OMB) Circular A-110 and its applicable attachments, when required.
- 2.1.3 To provide for sole source procurement when competitive options do not provide adequate procurement solutions for end users.
- 2.1.4 To exercise buyer discretion in the purchasing process.

3. EMERGENCY PURCHASES

3.1 A department may provide for emergency purchases when a situation exists in which the requirement for goods and services is so severe that the university will suffer operational or financial damage if the goods or services are not secured immediately. If the nature of the emergency permits, the needed goods or services should be requested through the Purchasing Department. The Purchasing Department is responsible for issuing specific policies to be used as a guideline when the emergency is such that corrective action must be taken immediately.