



TEXAS A&M **INTERNATIONAL** UNIVERSITY

## Purchasing Manual

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### 1. Introduction

The TAMIU Purchasing Office works to procure goods and services in support of the University mission by working with departments to provide training and advisement in all areas of procurement. TAMIU Purchasing maintains the highest level of professional ethics and integrity and is in accordance with federal and State laws, government code, Texas A&M University System and internal regulations, policies and procedures.

The Purchasing Office oversees University purchasing, contracting (in conjunction with the Office of the Vice President for Finance and Administration), the Procurement Card Program and the HUB Program.

While the majority of purchases are made through the Purchasing Office, departments are able to purchase allowed goods and services within their delegated authority with the University procurement card. It is the responsibility of all employees conducting business with vendors to obtain the best value for the University in a professional and ethical manner.

### 2. Department Contact Information

Front Office: 956-326-2351; email: [purchasing@tamiu.edu](mailto:purchasing@tamiu.edu)

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### 3. Adherence to Ethical Standards

All employees must adhere to the TAMU System [Code of Ethical Conduct](#). Employees who perform purchasing functions for the University shall adhere to the same ethical standards required of the Purchasing Office employees and shall refrain from conflict of interest in all purchasing activities.

### 4. Historically Underutilized Businesses

The University is committed to the State's HUB program, as such, it is the responsibility of all University employees to make a good faith effort to encourage and promote the use of HUBs in all procurements, regardless of the dollar amount and funds being used. Departments may refer to the electronically-accessible Comptroller's HUB Directory, the [Central Master Bidders List](#) (CMBL), to locate HUB vendors. The Purchasing Office's website provides step-by-step instructions on how to search for vendors on the CMBL. Please visit [HUBs at TAMIU](#).

## 5. Requisitions

A purchase is initiated when a department submits a requisition.

- All purchases over the delegated \$5,000.00 limit must be routed to purchasing and processed through a requisition.
- All requisitions (including those for items under \$5,000.00) must include complete, clear and correct specifications as to the good(s) and/or service(s) being requested.
- Requisitions must also include the correct object code.
- Requisitions that do not have complete and/or correct information will be returned to the creator for correction.

Regardless of the type of funds used (state, local, grant, HEAF) purchases may never be broken down/split into smaller dollar purchases in order to stay under the delegated purchase amount and bypass purchasing procedures.

Requisitions shall be submitted to the Purchasing Office far enough in advance to allow sufficient time for preparing and advertising bid invitations, receiving and evaluating bids, awarding contracts, and permitting a normal delivery schedule.

The Purchasing Office may require clarification of the specifications in order to foster open competition. If department specifications unreasonably limit competition the Purchasing Office may require an additional written explanation and justification (for example- best value justification). Upon review of such explanation, the Purchasing Office will advise department whether such justification is reasonable or whether solicitations will be required.

When purchasing any of the following goods/services a requisition is required so that the Purchasing Office can issue a purchase order directly to the vendor. The following cannot be purchased with a p-card or an L doc, and may require additional approvals and/or paperwork:

- IT/technology purchases (software, hardware, telecommunication items, etc.)
- Advertising
- Memberships
- Furniture
- Capitalized or controlled items (see below)
- Customized and University brand-carrying items (promotional items, printed materials, plaques)
- Services
- HEAF Purchases

Please see below or look at our [Purchases Requiring Additional Approvals or Documentation](#) resource for further details.

Regardless of the purchase amount, the Purchasing Office, at its sole discretion, may:

- utilize the formal bid process if considered to be in the best value for the University based on the type of good(s) or service(s) being requested.
- utilize existing federal, state, TAMUS, state-agency, cooperative and/or alliance contracts.

## 6. Purchase thresholds

**\$0 to \$5,000.00 – Delegated Limit:** Purchases within this range do not require competitive bidding, however it is in the best interest of the University to obtain multiple bids/quotes to obtain best value. End users may request bids from different vendors. The total purchase amounts should include all allowable charges (ex. delivery) and not exceed the threshold.

**\$5,000.01 - \$25,000.00 – Informal Bid Limit:** Purchases within this limit must go through the informal bid process. Departments are required to submit a complete and correct purchase requisition to the Purchasing Office for processing. Bid solicitations will be sent by the buyer to vendors only upon receipt of all necessary information. The standard solicitation and vendor response time for informal bid invitations is up to five (5) business days. After such time, the Purchasing Office will notify the department of the bid results and will issue a purchase order.

**\$25,000.01 or greater – Formal Bid Limit:** Purchases above this amount require the solicitation of formal bids and are subject to listing on the State’s Electronic State Business Daily (ESBD). Departments are required to submit a complete and correct purchase requisition to the Purchasing Office for processing. Formal bid solicitations will be sent to vendors only upon receipt of all necessary information. The standard solicitation and vendor response time for formal solicitations is 14 to 21 business days, but may be greater depending on the complexity of the solicitation. The bid timeframe is determined by the Purchasing Office, not the requesting department. Once the solicitation closes, the Purchasing Office will notify the department and will issue a purchase order or begin contract negotiations.

### **7. Solicitation Process**

During the solicitation process departments are not allowed to communicate with possible bidders. If the requesting department is contacted by a vendor refer them to the designated Purchasing staff, as communication directly with the department may cause their solicitation response to be disqualified.

The entire formal solicitation process may take anywhere from 4-6 weeks, not taking into consideration contract negotiations, necessary internal and System approvals or other unforeseen time delays. Timely planning by departments is vital.

### **8. Competitive Sealed Proposals**

The University may use the process established in the Texas Government Code, Chapter 2156 for the acquisition of goods and services by the competitive sealed proposals process.

### **9. Best Value**

Lowest cost may not always represent the best value. Criteria for best value must not be arbitrary or variable and must be specifically addressed in the solicitation pursuant to the provisions of Texas Government Code §§ 2155.074 and 2155.075. Typical criteria that should be used in determining the proposal offering the best value in addition to price are:

- The quality, availability, and adaptability of the supplies, materials, equipment, or contractual services to the particular use required;
- The number and scope of conditions attached to a respondent’s proposal;
- The ability, capacity and skill of the respondent to perform the contract or provide the service required;
- Whether the respondent can perform the contract or provide the service promptly or within the time required without delay or interference;
- The character, responsibility, integrity, reputation, and experience of the respondent;
- The quality of performance of previous contracts or services;
- Any previous or existing noncompliance by the respondent with specification requirements relating to time of submission of specified data such as samples, models, drawings, certificates, or other information;
- The sufficiency of the financial resources and ability of the respondent to perform the contract or provide the service;
- The ability of the respondent to provide future maintenance, repair parts, and service for the use of the contract.

Additional general best value evaluation factors found in Texas Government Code § 2155.074(b):

- Installation costs;
- Life cycle costs;
- Quality and reliability of the goods and services;
- Delivery terms;
- Indicators of probable vendor performance under the contract such as past vendor performance, the vendor's financial resources and ability to perform, the vendor's experience or demonstrated capability and responsibility, and the vendor's ability to provide reliable maintenance agreements and support;
- Cost of any employee training associated with a purchase;
- Effect of a purchase on agency productivity;
- Vendor's anticipated economic impact to the state or a subdivision of the state, including potential tax revenue and employment;
- Factors relevant to determining the best value for the state in the context of a particular purchase;

The University may also award contracts to more than one vendor if it is determined to be in the best value of the University.

#### **10. Proprietary Purchases**

A proprietary product or service has a distinctive characteristics that is not shared by competing products or services when the specification limits consideration to one manufacturer, one product, or one service provider.

If a department requests a procurement and it is a proprietary purchase, approval by the Director of Purchasing and/or the VP for Finance and Administration must be requested and, if granted, must be in writing. Written justification must be included, explaining the need for such a procurement, which part or parts of the stated specification restricts the requisition to one manufacturer, the reason that competing products are not satisfactory, and must be signed by the department head. Requestor must provide any other information that is requested by the Purchasing Office.

#### **11. Centralized Master Bidders List**

The [Centralized Master Bidders List](#) (CMBL) is a database of vendors who have registered with the state and provided contact information, as well as information on goods and/or services they offer. Texas Government Code § 2155.263 requires the Comptroller to maintain the CMBL. Vendors pay a nominal annual fee to appear on the CMBL and to view opportunities for solicited commodities and/or services from state agencies and universities. The University may use the CMBL to select vendors but may also send solicitations to vendors having the known ability to supply the product(s) requested.

#### **12. Professional Services**

Professional services must be within the scope of practice as defined by Texas Government Code § 2254.002 and state law, of, or provided in connection with the professional employment or practice of a person who is licensed or registered as:

- accounting - a certified public accountant
- architecture - an architect;
- landscape architect;
- land surveying - a land surveyor;
- medicine - a physician, including a surgeon;
- optometry - an optometrist;
- professional engineering - a professional engineer;
- real estate appraising - a state certified/licensed real estate appraiser; or
- professional nursing – a registered nurse.

For information on procuring services provided by private legal counsel, contact the Purchasing Office. The procurement of private legal counsel requires the approval of the Office of the Attorney General, regardless of the types of funds to be used.

### **13. Consultant Services**

Texas Government Code § 2254.021 defines a consultant service as the service of studying or advising an agency under a contract that does not involve the traditional relationship of employer and employee.

The University may contract with a private consultant only if:

- there is a substantial need for the service; and
- we cannot adequately perform the service(s) with our own personnel or through a contract with a state agency.

Any department wishing to hire a consultant must contact the Purchasing Office beforehand. Any contracts with consultants must be approved by the Purchasing Office prior to execution.

### **14. Emergency Purchases**

Emergency purchases are defined as "a purchase of goods and/or services so badly needed that the department or institution will suffer financial or operational loss unless those goods and/or services are procured immediately."

The Purchasing Office may approve emergency purchases on a case-by-case basis. For emergency purchases over \$5,000:

- at least three informal bids must be obtained, whenever possible;
- department must send a full written explanation of the emergency along with a memo stating:
  - (a) the reason for the emergency purchase, explaining what the emergency is and/or what caused the emergency situation;
  - (b) the specific financial or operational damage that will/would occur if needs are/were not satisfied immediately (do not just say there will be a loss or some damage);
  - (c) why the needs were not or could not be anticipated so that items could have been purchased through the Purchasing Office or purchased following regular delegated procurement procedures.

Departments shall contact the Purchasing Office for advice and assistance in the handling of emergency purchases.

### **15. Specific Department Delegations**

The authority to grant specific delegation resides with the Purchasing Office. At a minimum, departments granted specific delegations shall meet the following criteria:

- All delegated departmental purchases are subject to an audit by the Purchasing Office, System and State Auditors. The department must maintain all necessary documentation to support the delegated purchase.
- Department staff involved in purchasing will be required to acknowledge complete knowledge of all state, System and TAMIU purchasing policies and procedures.

### **16. Debarred Vendors**

The state excludes individuals or firms from contracting with state agencies to protect the state from risks associated with awarding contracts to persons or firms having shown an inability or unwillingness to fulfill contractual requirements, and to protect the state interests and the integrity of the procurement process by

preventing individuals or firms who have displayed improper conduct from participating in state contracts for a specified amount of time.

As an agency of the state of Texas, University purchases, contracts, and subcontracting opportunities may not be made with debarred vendors. Departments shall make an effort to ensure that debarred vendors do not participate in the University's procurement and contracting opportunities. Departments shall check vendor status to comply with this requirement by visiting the Comptroller's [Debarred Vendor List](#).

### **17. Vendor Protest Procedures**

Vendor protests must be submitted within 10 business days of the action giving rise to the protest. A statement containing clear facts relating to the protest, giving reference to the statute or procedure allegedly violated must be submitted to the Director of Purchasing. The protest will be reviewed and the solicitation or award process will be paused until the protest is resolved, so long as the pause is not detrimental to the University.

If the Director of Purchasing was involved in the solicitation or award process, the Associate VP for Administration will review the protest and make a determination and recommend appropriate action. All interested parties will receive notice of the final determination and appropriate action(s) to be taken, if necessary. If within three business days there is no appeal regarding the ruling, the ruling will stand.

### **18. Export Controls**

As a commitment to export control compliance the Purchasing Office has established the following procedures:

Vendors will be screened through Visual Compliance prior to the completion of the procurement process if the goods/services being purchased are included in the list below. In addition, all foreign vendors will be screened prior to the completion of the procurement process.

- Purchase of Software;
- Purchase of guns, ammunitions, or related items (gun-scope, night vision goggles, etc.);
- Purchase of chemicals;
- Purchase of laboratory or engineering equipment;

Purchases made from and payments made to foreign entities require pre-approval from the Office of Budget, Payroll and Fiscal Analysis and/or from the University's Export Controls Officer.

Pro cards cannot be used to order goods from a foreign entity, a requisition would need to be created. For more information regarding export controls, please visit the [Office of Research and Sponsored Projects](#).

### **19. Purchases Requiring Additional Routing/Approvals**

#### **Customized Products**

A customized product is defined as any product that is prepared specifically for the University. Types of customized products include but are not limited to:

- Specialty imprinted products, including promotional items and screened or embroidered products such as clothing;
- Printing services, including custom printed forms;

A requisition is required for all customized products. The requisition must include full specifications regarding item number, item description, color(s) (including imprint color, ink color if applicable, etc.), logo placement, sizes (if applicable), etc. Include as much information as available on the item.



All art work must be approved by the Office of Public Relations and Marketing Information Services (PRMIS) prior to the issuance of a purchase order. Because of production methods common to the industry, certain customized products are subject to quantity variations either above or below the quantity ordered. Limitations to such under/overruns are limited to 10% of the quantity ordered. If under/overruns are not acceptable, the requisition must state this so that the bid and/or purchase order also reflects this. The requisition should state "Exact Quantity –No Under/Overruns will be accepted." Overruns in excess of the 10% percent will be considered a non-charge donation to the University. The invoice will be adjusted to the allowable overage based upon the original net quantity indicated on the purchase order.

### **Advertising**

A requisition is required for all advertising (including, but not limited to, display ads, classified ads, online ads). The requisition must include run dates, details and prior approval, all of which are provided by the office of PRMIS. The approved ad copy will be submitted to the vendor and must be attached to the requisition.

Certain advertising requests may require additional approvals. Personnel ads/faculty positions, for example, require approval by the Office of the Provost and Vice President for Academic Affairs and the Director of Human Resource or their designee.

### **Technology/IT Purchases**

A requisition is required for all purchases of IT goods and/or services. The Purchasing Office reserves the right to acquire additional approvals for IT purchases. Departments needing to purchase IT items must:

- Contact the Office of Information and Technology (OIT) regarding the specific need(s) and compatibility with current hardware and operating systems;
- Obtain approved specifications and a quote from OIT for the goods and/or services needed;
- Obtain IT Security approval, aside from quote approval, for goods and/or services needed;
- Submit a requisition with full details and specifications and all OIT approvals and supporting documentation to the Purchasing Office for processing.

Any IT related purchase that exceeds \$250,000 must be approved by TAMUSCIO prior to the issuance of a contract/purchase order.

### **Memberships**

All memberships must be approved by the appropriate University VP and must be processed by means of a requisition. Details on requisitions for memberships must include University employee/department that membership is for, dates of membership, and should have the University's mailing address, not a personal address.

Approvals for VPs and Deans are as follows:

- Vice President → President or CFO approval
- President → CFO approval
- Dean → Provost approval

### **Furniture**

A requisition is required for all furniture purchases. Contact the Purchasing Office for furniture needs and for instructions on how to proceed.

### **Flowers, Floral Arrangements, and Plants**

State funds may not be used to purchase flowers, floral arrangements, or decorative plants. Local accounts may purchase flowers and plants upon advanced approval from the Purchasing Office. Purchases from state funds

are limited to vegetation, dirt, potting soil, fertilizers, seeds, and plants needed for erosion prevention, research, teaching, or agriculture.

### **Gifts, Prizes and Giveaways**

State funds may not be used to purchase gifts, prizes, or giveaways. Only certain departments and certain types of fund accounts may be used to make these purchases. All items purchased for these purposes must:

- be purchased in the month that they will be given away (cannot be stored for future use);
- be reported on the [Prize/Gift log](#) on the Purchasing procurement card website as soon as purchased. The log must be submitted along with the procurement card report (if applicable) for that month or to purchasing once the items are received;
- be signed for by the recipient on the Prize/Gift log and completed log must be sent to the Purchasing Office promptly.

Contact the Purchasing Office with questions regarding these types of purchases as these vary on a case-by-case basis.

### **20. Conference Registration Fees**

Payment for registration fees cannot be made more than six weeks in advance, exceptions may be made when registration is required further in advance to reserve/guarantee space or to obtain a substantially reduced rate. Conference registration fees may also be paid directly by the employee and then reimbursed by the University. However, the employee reimbursement may only be submitted after attending the conference. Conference registration fees may be paid with an L document or with a department procurement card.

### **21. Exempt Purchases**

Exempt Purchases are goods and services exempt from competitive bidding requirements which may be purchased in accordance with delegated departmental purchases regardless of dollar amount. So long as there is a legitimate reason and such is documented in writing, the Director of Purchasing has the discretion to exempt any purchase. The following are exempt purchases (must be purchased in accordance with TAMIU procedures):

- Artists - painters, sculptors, compositions, performers
- Classified advertising - newspaper, magazine, radio, television, billboard and all other printed advertisements (does not include campaigns/programs developed by public relations or advertising firms)
- Automobile state safety inspection fees
- Conference expenses - expenses related to conference room services such as audio/visual/network and foodservices (not to include goods purchased for attendees or transportation services)
- Gas cylinder use and rental
- Direct Publications - trade periodicals, magazines, newspapers, data downloads, subscriptions direct from the publisher only;
- Educational/training services- require contract or purchase order prior to services being rendered;
- Freight/Delivery Services;
- Texas Department of Criminal Justice (TDCJ) and Texas Industries for the Blind and Handicapped (TIBH) good and services;
- Internal repairs;
- Insurance premiums;
- Grant payments;

- Hotel and conference rooms - does not include hotel rooms for programs and conferences that are regularly scheduled throughout the year. For example, a department hosts seminars/workshops throughout the year and is responsible for making lodging accommodations for the attendees;
- Membership fees and dues, as approved by VP;
- Services provided by other State of Texas agencies or by local governments;
- Items for Resale;
- Lecturers/Guest Speakers/Entertainers - hired on a one-time basis not on a continuous basis;
- Legal Services – require pre-approvals;
- Legislative information services - bill analysis services;
- Library materials - specific for Texas A&M International University Library (ex. reference material);
- Moving expenses for employees - paid with institutional funds only;
- Participant costs;
- Postage;
- Department of Information Resources (DIR), federal agency or GSA contract purchases
- Rental of space/booth and/or computer/video equipment for events/conferences;
- Software- requires approvals and supporting documentation;
- Sub-awards - contracts and grants only;
- Student travel;
- Telecommunications;
- Utilities;

## **22. Improper/After-the-Fact Purchases**

An improper purchase occurs when a department makes a purchase before a contract and/or purchase order is issued or when a procurement card is used to purchase items that are not allowed on the procurement card.

Examples:

- Authorizing a vendor to begin work before the Purchasing Office issues a purchase order, even though the department has submitted a purchase requisition.
- Purchasing promotional items or printed products and then submitting an invoice for payment.
- Unauthorized University employee signing a contract.

All improper purchases, regardless of the dollar amount, present problems for the Purchasing Office, Accounts Payable, vendors, and end-users. In many cases, these transactions:

- place the university at financial and credit risk and result in higher than necessary prices paid for products and services;
- create unnecessary administrative effort;
- bypass State of Texas and University dollar thresholds;
- violate state procurement laws, and/or TAMUS and University regulations, rules and procedures;
- result in contracts with unfavorable terms and conditions signed by unauthorized university personnel;

Employees and/or departments found to be authorizing purchases prior to or without the approval of the Purchasing Office or other appropriate University representative will be subject to withdrawal of delegated purchase authority.

When a purchase is made outside of acceptable purchasing procedures:

- The responsible person will be issued a non-compliance memo, with copy to their supervisor.

- The memo must be returned to Purchasing, completely filled out and accompanied by the backup documentation for the situation will be evaluated.
- Only after review and approval by the Director of Purchasing will the purchase be processed for payment.

After review, if approval is not granted due to blatant disregard of purchasing procedures or for any other reason, the individual responsible for the order may be held personally liable for payment/ reimbursement or may return the item and receive a refund.

After two non-compliant purchases the employee's purchasing authority will be suspended and reviewed. Additional training may be required. After three instances of non-compliance the employee's purchasing authority will be taken away. The Purchasing Office will verify compliance with established procedures for delegated purchases and may withdraw delegated purchase authority in whole or in part from a department for continued violations.

### **23. Purchased Items Failure to Meet Specifications/Cancellations**

If a purchase is determined to not meet required specifications, the department must contact the buyer who worked on the procurement. The buyer will review the situation and advise the department of further steps. The buyer should be the one to contact the vendor and explain the situation to arrive at remediation.

A vendor may be required to pick up any merchandise not conforming to specifications and will be responsible for the cost of replacing the merchandise immediately.

Cancellations on orders placed are not permitted without the Purchasing Office's written approval. Orders may be canceled without the vendor's consent due to unsatisfactory performance or nonperformance.

A contract or a portion of a contract may be canceled on request of the contractor if the contractor is unable to perform due to circumstances beyond its control. In these instances, the Purchasing Office will consider such requests from vendors, which must be presented in writing with proper documentation.

### **24. Damages for failure to perform**

A vendor who fails to perform as required under a contract shall be liable for actual damages and costs incurred by the University. If any items delivered under a contract have been used or consumed by the University and upon testing is found not to comply with specifications, no payment may be approved by the component for such merchandise until the amount of actual damages incurred has been determined.

### **25. Limited Documents (L Docs)**

L documents are created solely to process a payment for under \$5,000. They eliminate the issuance of a purchase order, resulting in a more timely payment. Supporting documentation must be submitted to Accounts Payable and should be easily identified with or linked to the L document number.

Examples of *appropriate* uses for an L document include:

- Payment of a subscription under \$5,000 for which a renewal invoice has been received;
- Payment of services contracted via an Independent Contractor Agreement under \$5,000 for which an invoice has been received;
- Payment for travel under \$5,000;
- Payment for employee reimbursements under \$5,000, so long as purchasing procedures were not bypassed;

Examples of *inappropriate* uses for an L document include:

- Purchases over \$5,000;
- Purchases of dues or memberships, or any other purchases that require additional approvals;
- Purchases of goods or services which circumvent existing purchasing procedures (i.e. creating verbal purchase orders by calling a vendor directly); goods and services cannot be purchased with an L doc;
- Multiple purchases under \$5,000 to circumvent securing quotes or bids.

## **26. Lease or Lease-Purchase Contracts**

A. A department may acquire capital equipment by lease or lease-purchase if it is cost effective.

B. If a proposed lease or lease-purchase is for information technologies, resources, as defined in Texas Government Code, Chapter 2054, the requisition must include written evidence that the Department of Information Resources has approved the University's biennial operating plan. The Purchasing Office will determine the cost effectiveness of a lease or lease-purchase.

To establish cost effectiveness, the requisitioning department should submit the following information:

- anticipated interest charges over the life of the contract;
- anticipated cost savings which would result from outright purchase; and
- any other information the department considered relevant.

C. All lease, lease-purchase, or installment payment purchase in excess of \$1,000,000 or having a term in excess of 5 years must be submitted to the Texas Bond Review Board for approval.

## **27. Posting of Contracts**

All contracts and/or purchase orders for procurements with private vendors, when over \$15,000, must be posted on the Purchasing Office website. These postings will remain on the website until the contract expires or when it is completed.

## **28. Procurement Cards**

The University issued Procurement Card Program is a business to business credit cards that allow the purchase of good and services directly from vendors. The program is designed to reduce cost, shorten the buying cycle and empower the employee. All purchases must be made within Texas A&M policies and regulations, Texas A&M International University rules and procedures and the laws of the State of Texas. The following important points should be reviewed before using the procurement card:

- Person named on card is personally responsible for all transactions on the card. All purchases made on the card must be made only by the cardholder. The cardholder is responsible for the security of the card and the transactions made with it.
- Procards may be used for in-store, online, mail, telephone or fax orders within the delegated limit.
- Reconciliation of the monthly transaction, to ensure the validity of all charges, is required.
- Failure to follow procurement card program guidelines policies will result in temporary suspension or permanent cancellation of the card.

For detailed procurement card policies and procedures please visit our [Procurement Card Manual](#).

## **29. Review of Purchase Documents**

The Purchasing Office may review departmental delegated purchases and revoke any delegation as deemed necessary. Based on the review of the documents, the Purchasing Office may revoke any delegation as deemed necessary.

All department purchases are subject to audit at any time.