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1.0 Administrative Responsibilities

A. Procurement of Goods and Services

Goods and services that cost $5,000 or less may be purchased by individuals with delegated purchasing responsibilities and must follow established guidelines and procedures.

The Department of Procurement and Contracts is responsible for purchasing and renting/leasing all goods and services for the University that cost more than $5,000, except:

- Those associated with the capital outlay process that exceed two million dollars;
- Real estate acquisitions, rentals, and leases.

B. Delegated Authority

The Director of Procurement and Contracts has unlimited authority to execute the following:

- purchase orders for goods and services;
- blanket and term contracts for goods and services;
- hotel accommodation and related service agreements;
- non-capital construction;
- sole source and emergency procurements;
- revenue contracts;
- purchase order changes and contract modifications;
- delegation of signature authority; and,
- delegation of purchasing authority to the departmental level.

Delegation of procurement authority is the responsibility of the Director of Procurement and Contracts. Documentation supporting specific departmental delegated levels of authority above $5,000 is on file in the Department of Procurement and Contracts and is included as Appendix I, Memorandum For The Record: Authority to Contract for Radford University.

The Director of Procurement and Contracts may re-delegate this authority to those deemed appropriate and in the best interest of the University. Any personnel holding delegated purchasing authority shall be responsible for using that authority in
conformance with the policies and procedures for procurement and contract services.

In the absence of such written authorization, university employees and students are not permitted to sign contracts or make obligations on behalf of the University. If an individual takes such actions without proper authority, the individual may be held personally liable of the financial commitment of the contract or obligation.

C. Contract Administration

A Contract Administrator will be designated in writing, by the appropriate Contracting Officer, to monitor and support contracts for delivery of goods and/or services, which may also include revenue payments to the University. Contracts may cover an extended time period. The contract administration process delegates authority to the University representative that is receiving the goods and/or services to directly communicate with the contractor for the purpose of facilitating and verifying desired performance standards. Active contract administration and written annual evaluations of the vendor’s performance are the cornerstones of effective outsourcing. Contract Administrators are restricted from making any commitment or conducting any negotiations which may change the scope of the contract or may result in modified financial arrangement. Contracting Officers in the Department of Procurement and Contracts are available to consult with Contract Administrators on any matter and must be involved to issue written change orders and renewals and to formally address performance shortcomings, non-renewals, and contract terminations.

Contract Administrators, or their supervisors, must notify the Department of Procurement and Contracts if there is a change in responsibilities, such as leaving the university, or a re-assignment of this requirement. See Chapter 32 for more information on Contract Administration.

D. Planning

Proper planning, including careful review of procurement policies and procedures and early involvement of the Department of Procurement and Contracts staff is recommended and will better ensure timely receipt of needed items and/or services.

E. Compliance.

Failure to comply with these procedures may result in revocation of departmental delegated purchasing authority by the Director of Procurement and Contracts.

F. Updates/Revisions

The Director of Procurement and Contracts is responsible for the day to day administration of the Procurement and Contracts Procedures Manual and has the
authority to update and revise the Manual as needed. Substantive changes will be reviewed by the Associate Vice President for Finance and Administration.

Changes to this manual will be tracked with a number and date through the issuance of a written memorandum.

G. Department Responsibilities

Department of Procurement and Contracts

It is the responsibility of the Department of Procurement and Contracts to organize and administer the procurement function for all Radford University departments, in accordance with the Commonwealth of Virginia Procurement Manual for Institutions of Higher Education and their Vendors (Appendix B) and the applicable State policies and procedures. These responsibilities include the following:

- Management of major procurements;
- Establishment and renewal of university contracts;
- Approval and monitoring of departmental delegated purchasing authority;
- Providing proper quantity and quality of products and services at the appropriate time and location required by the university;
- Securing such products and services at competitive prices, consistent with prevailing economic conditions;
- Providing excellent customer service to university employees and students with timely information and advice as to how market conditions and trends could affect the future availability and price of materials;
- Ensuring professionalism is promoted and that the university’s Code of Ethics is upheld by the procurement staff;
- Ensuring open access to university business and that all procurements are conducted in a fair and impartial manner with avoidance of any impropriety or appearance of impropriety.
- Establishing, reviewing, and approving all university contracts and agreements;
- Strategic business development that includes small, women and minority-owned businesses;
- Compliance with all laws of the Commonwealth of Virginia.

University Departments

To ensure that goods and/or services are obtained in the most cost efficient and timely manner, university departments have the responsibility to:

- Anticipate departmental needs in advance of the actual delivery requirements to allow all interested vendors time to compete;
- Anticipate departmental needs in advance to avoid last minute rush orders as well as numerous small repetitive orders over a short period of time;
- Consolidate similar items that can be supplied from one vendor onto a single
requisition;

- Provide clear and complete specifications on items to be purchased, including the important features or functional requirements of the items, in addition to the brand name and model number;
- Identify a required delivery date when delivery time is to be a consideration in the evaluation of bid responses;
- Identify “equal” brands and models which can perform the required functions, whenever possible;
- Use only current catalogs and catalog numbers for items to be requisitioned;
- Document and communicate poor to unsatisfactory vendor performance to the Department of Procurement and Contracts (Appendix R Radford University Contractor Noncompliance Form (Form R4));
- Ensure professionalism is promoted and that the standard of conduct in the university’s Code of Ethics is upheld; and
- Procure goods and services within departmental delegated authority, in accordance with stated policies and procedures.

References:

Appendix B: Commonwealth of Virginia Procurement Manual for Institutions of Higher Education and their Vendors
https://vascupp.org/hem.pdf

Appendix R: Radford University Contractor Noncompliance Form (Form R4)
http://www.radford.edu/content/dam/departments/administrative/purchasing/contractor-noncompliance-form.pdf
Chapter 2

Memorandum of Understanding

2.0 Application of the Memorandum of Understanding

Radford University entered into and renewed the Procurement Authority, Memorandum of Understanding (MOU) between Radford University and the Commonwealth of Virginia (Appendix A1) in compliance with the Restructured Higher Educational Financial and Administrative Operations Act of 2008 (Appendix D), and subsequent renewal MOU. As a part of the MOU, a “Rules Document” (Appendix C) was created to address procurement procedures. The MOU and Rules Document apply to all procurements, regardless of the source of funding and the purpose for which the goods and/or services are to be used. The term "procurement" also includes leasing and renting. If there is uncertainty about the precise terms and provisions of the MOU and Rules Document, including the narrow and legally recognized exceptions (i.e. sponsored programs sub-awards and certain real estate transactions), departments may contact the Department of Procurement and Contracts for additional information and guidance on the subject.

The original MOU became effective July 6, 2009. The subsequent renewal MOU was signed March 8, 2012, and remains in effect through June 30, 2017.

References:

Appendix A1: Procurement Authority Memorandum of Understanding between Radford University and the Commonwealth of Virginia
http://www.radford.edu/content/dam/departments/administrative/purchasing/Procurement_%20Authority_MOU_dtd%2003082012.pdf


http://leg1.state.va.us/cgi-bin/legp504.exe?081+ful+CHAP0824
Chapter 3

Ethics in Public Contracting

3.0 Ethics in Public Contracting

Radford University complies with the State and Local Government Conflict of Interests Act which establishes parameters for individuals involved in procurement transactions. The Act precludes individuals from participating in the procurement process under certain circumstances (e.g. the employee is contemporaneously employed by a company involved in the procurement transaction; the employee's immediate family holds a position with a company involved in the procurement transaction; the employee or any member of the employee's immediate family has a pecuniary interest arising from the procurement transaction, etc.).

Because of the extraordinary trust and responsibility entrusted to university employees conducting procurement transactions and because of the legitimate expectation by the public that this trust and responsibility be exercised properly, State laws dictate a higher standard of conduct for employees involved in the procurement process. Employees and vendors must be cognizant of these laws which include certain areas of the Virginia Public Procurement Act (VPPA) (Appendix E), the State and Local Government Conflict of Interests Act (Appendix F), and the Governmental Frauds Act. All university employees having responsibility for procurement transactions shall conduct business with vendors in a manner above reproach in every respect. Transactions relating to the expenditure of public funds require the highest degree of public trust.

Employees who have questions about potential conflicts of interest should contact the Director of Procurement and Contracts. Employees must disclose actual or potential conflicts of interest and should not initiate any contract or transactions to which the University is a party until approval is granted by the Vice President for Finance and Administration and the Director of Procurement and Contracts.

University employees having administrative or operating authority, whether intermediate or final, to initiate, approve, disapprove, or otherwise affect a procurement transaction, or any claim resulting there from:

- Shall not solicit, demand, accept, or agree to accept from a bidder, offeror, contractor, or subcontractor any payment, loan, subscription, advance, deposit of money, services, gifts, transportation, lodging, meals, tickets to events or shows, or anything else of nominal value.
- Shall not accept employment from any bidder, offeror or contractor with whom the employee or former employee dealt in an official capacity concerning procurement transactions for a period of one year from the cessation of employment by the State, unless the employee or former employee provides written notification to the President.
of the University prior to commencement of employment by that bidder, offeror or contractor (Code of Virginia, Section 2.2-4370).

In some situations it may be necessary for university personnel to make site visits to evaluate vendor capability and equipment. If site visits are required for evaluation purposes the University, not the vendors being evaluated, should pay initial expenses for such visits with reimbursement directly to the University from the Vendor. Exceptions to this policy can be made by the President, Provost, or respective Vice President. Any exception must be made on a case by case basis. University employees making such site visits will incur and recover travel costs from the University in accordance with state travel regulations. No direct reimbursement to university individuals by a vendor is permitted. The University will determine all costs incurred by employees in connection with the site visits and bill the appropriate vendor for reimbursement of costs by means of a check payable to the University.

University employees having official responsibility for procurement transactions may attend vendor-sponsored seminars or trade shows where they will benefit from receiving product information and learning of new techniques and products or service trends. Food, drinks and give-away items offered to all participants at such functions may be accepted by university employees attending.

All university personnel having official responsibility for procurement transactions shall be knowledgeable about the provisions of Article 4, Sections 2.2-4367 through 2.2-4377, Code of Virginia, entitled “Ethics in Public Contracting”. No public employee having official responsibility for a procurement transaction shall knowingly falsify, conceal, or misrepresent a material fact; knowingly make any false, fictitious or fraudulent statements or representations; or make or use any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry” (Code of Virginia, Section 2.2-4376). “Any person convicted of a willful violation of any provision of this article shall be guilty of a Class 1 misdemeanor. Upon conviction, any public employee, in addition to any other fine or penalty provided by law, shall forfeit his employment.” (Code of Virginia, Section 2.2-4377).

If you have any questions or concerns regarding the State and Local Conflict of Interests Act, contact the Director of Procurement and Contracts.

3.1 Procurement Code of Ethics

- Give first consideration to the objectives and policies of Radford University.
- Strive to obtain the maximum value for each dollar of expenditure.
- Decline personal gifts or gratuities.
- Grant all competitive suppliers equal consideration insofar as state or federal statute and institutional policy permit.
- Conduct business with potential and current suppliers in an atmosphere of good faith, devoid of intentional misrepresentation.
- Demand honesty in sales representation whether offered through the medium of a verbal or written statement, an advertisement, or a sample of the product.
- Receive consent of originator of proprietary ideas and designs before using them for competitive purchasing purposes.
- Make every reasonable effort to negotiate an equitable and mutually agreeable settlement of any controversy with a supplier; and/or be willing to submit any major controversies to arbitration or other third party review, insofar as the established policies of the University permit.
- Accord a prompt and courteous reception insofar as conditions permit to all who call on legitimate business missions.
- Cooperate with trade, industrial and professional associations, and with governmental and private agencies for the purposes of promoting and developing sound business methods.
- Foster fair, ethical and legal trade practices.

References:

Appendix E: Virginia Public Procurement Act
http://www.eva.virginia.gov/buyers/pages/vppa.htm

Appendix F: State and Local Government Conflict of Interests Act
http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+TOC0202000003100000000000
Chapter 4

Overview for the Procurement of Goods and Services

4.0 Overview for the Procurement of Goods and Services

The Department of Procurement and Contracts supports the University community by procuring desired goods and services. The goal is to satisfy each department’s procurement requirements in a timely manner at the lowest available cost, while adhering to university policy and state procurement guidelines and regulations.

Generally, requirements, regardless of dollar amount, must be processed in eVA, the Commonwealth’s electronic purchasing portal. Vendors should be encouraged to become self-registered with eVA prior to doing business with the University. eVA vendor registration information can be located at https://eva.virginia.gov/pages/eva-i-sell-to-virginia.htm. eVA purchase requests resulting in fully approved purchase orders integrate with Radford University’s accounting system Banner Finance. The only exception is purchases made using a University assigned Small Purchase Charge Card for local point of sale transactions.

Vendors are required to submit a W-9 to eVA when they register. The Commonwealth of Virginia Substitute W-9 (COVA W-9) is required in lieu of the IRS W-9 form for each individual who is a US citizen or US resident alien and from each corporation, company, partnership, or association created or organized in the US or under US laws. The COVA W-9 includes additional information that is required by the Commonwealth Vendor Group (CVG) to ensure the vendor is properly established in Cardinal, the Commonwealth of Virginia accounting system. After establishing a vendor in eVA the vendor information is shared with Cardinal.

The Department of Procurement and Contracts’ responsibilities vary depending on dollar amount and method of the procurement, vendor registration, and commodity. The majority of goods purchased are delivered initially to Warehouse Services where they are received and then delivered to the final destination as specified in the purchase order.

Receiving reports document the satisfactory receipt of goods, materials, equipment, supplies and services. Receiving reports provide an auditable source of verification that goods and/or services are received in a manner acceptable to the conditions and requirements of the contract or purchase order. All receiving’s are processed through the eVA system unless prior authorization is given to use an alternate method. The use of the eVA receiving ensures information is maintained electronically with the purchase order and provides a clear record of items that are received and ready for payment processing. Receiving should be processed as soon as possible, but in no case more than (3) days after delivery. Receiving dates should reflect the actual date goods and/or services are received. Additional guidance can be located on the Procurement and Contracts website by
clicking on this link - eMall Receiving Guide The receiving date and the invoice date are used to determine payment due date.

4.1 Planning the Procurement

4.1.1 Department Responsibilities

A. Department identifies a valid need for goods and/or services.
B. Department ensures funding/budget is available.
C. Department determines availability from existing contracts by contacting the contracting officer, reviewing the university’s contract listing; reviewing state contract listing at VASCUPP.
D. Department representative should contact the appropriate Contract Officer in Procurement and Contracts as early as possible in the planning process for assistance and guidance.
E. Department seeks and researches sources of supply.
F. Department develops specifications.
G. Create Purchase Requisition (PR) in eVA.
H. Required approvals are obtained through the PR approval flow associated with the eVA user name, NIGP commodity code selection, account code selection, budget code, vendor selection, and dollar amount or by execution of an Authorization to Proceed form which can be located on the Procurement and Contracts web site. Radford University internal procedures utilize the eVA approval flow to obtain approvals for such items as printing, apparel, furniture, facility renovations, telecommunication devices, and restricted items.
I. Department ensures compliance with all university policies, including but not limited to the following:

Clickable links are provided; however, departments are encouraged to navigate Radford University’s Office of Policy Compliance, ARMICS and Special Projects Policy and Procedure website as well as Accounting Services website to locate all policy and procedures referenced below.

- [Small Purchase Charge Card Procedures (SPCC) AS-SPCC-01](#)
- [Food and Beverage Policy FA-PO-1207 Apparel Policy](#)
- [Promotional Items Policy](#)
- [Improper University Expenditures](#)
- [Appropriate Sources for University Spending Travel Policy and Guidelines](#)

4.1.2 Department of Procurement and Contracts. Employees in the Department of Procurement and Contracts are available to assist in the planning process, especially for furnish and install purchases, large volume purchases such as furnishing a renovated building, and software related purchases.
4.2 Procedures for Procurement of Goods and Services

4.2.1 Use of Contracts

The use of state-issued contracts by the Department of General Services Division of Purchases and Supply (DPS) or cooperative contracts issued by VASCUPP institutions are preferred. Cooperative contracts issued by other public or private organizations or entities, including other educational institutions; public-private partnerships, public bodies, charitable organizations, health care provider alliances and purchasing organizations are allowed only when those contracts are procured competitively with comparable processes as noted below.

At the discretion of the Department of Procurement and Contracts, purchase orders may be approved against active contracts even when the contract will expire prior to receipt of goods/services.

4.2.2 Small Dollar Purchase Procedures (less than $50,000)

The Rules Governing Procurement of Goods, Services, Insurance and Construction by a Public Institution of Higher Education of the Commonwealth of Virginia (Subchapter 3 of the Restructured Higher Education Financial and Administrative Operations Act) (Appendix C: Rules Document) permits a public body to establish small dollar purchase procedures, if adopted in writing, not requiring competitive sealed bidding or competitive negotiation for purchases of goods and services or the establishment of a term contract if the purchase is not expected to exceed $50,000. However, such small dollar purchase procedures must provide for competition wherever practical.

The following small dollar purchase procedures have been established by Radford University when acquiring materials, supplies, and equipment, printing, or non-professional services up to and including $50,000. Procurements made pursuant to these procedures do not require public bid opening or newspaper advertising of competitively negotiated procurements.

A. Purchases less than $5,000. Purchases of goods and services costing less than $5,000 are procured through the department’s delegated procurement authority granted to authorize designees. Detailed procedures in this category are listed below in Section 4.3.

B. Purchases $5,000 or more but less than $50,000.

1) Competitive Requirements

   a) Unsealed Bidding
   An unsealed Invitation for Bid (IFB) may be used to solicit bids or
quotes for goods and non-professional services from $5,000 but less than $50,000.

b) Unsealed Proposals
An unsealed Request for Proposal (RFP) may be used to solicit proposals for goods and non-professional services from $5,000 but less than $50,000.

Proposals may be opened and evaluated upon receipt. All responses must be received at the designated location by the date and hour stated in the solicitation.

In lieu of an evaluation committee, the buyer, or end user in consultation with the buyer, may solely evaluate and rank proposals. Upon completion of the evaluation, negotiations shall be conducted with the offeror(s) selected.

4.2.3 Purchases $50,000 and Above

Purchases of goods and services costing $50,000 and above shall follow the procedures as set forth in the Commonwealth of Virginia Procurement Manual for Institutions of Higher Education and their Vendors found here at this link https://vascupp.org/hem.pdf VASCUPP

F. Buyer Determination to Award without Competing when in the best interest of the University

For purchases of goods and services $10,000 and less, the appropriate Contract Officer in the Department of Procurement and Contracts may, in their discretion, without requiring additional approvals, process the order with a suggested source without seeking further competition. The assigned Contract Officer must collectively work with the end user to obtain all required supporting documentation. Documentation must include: eVA vendor registration status – self registration is the preferred status - SWaM outreach attempt, written quote from supplier that includes shipping and payment terms, and fair and reasonable price validation. This documentation must remain in the electronic procurement file

Determination to award without seeking competition for goods and services less than $50,000 and are not a sole source may only be approved by the Director of Procurement and Contracts, a designee, or the Chief Financial Officer and Vice President for Finance and Administration. A written justification will be maintained with the procurement record documenting why it was in the best interest of the University to award without competing.
G. Exceptions to Normal Competitive Requirements (Exempt Procurements)

Competition normally is either not practicable or available for purchase of the following goods or services when less than $50,000. This exception does not eliminate the requirement for procurement review and execution of associated agreements, contracts, etc. that require signature by the university.

1) Books, pre-printed materials, reprints and subscriptions (e.g., print or electronic, pre-recorded audio and video cassettes, compact discs, slide presentations, etc., when only available from the publisher/producer.

2) Library books, electronic magazines, publications and other items for the Libraries’ collection as per applicable Library acquisition procedures.

2) Academic research services or academic consulting services.

3) Training that is specialized, proprietary, not typically available to the general public for which competition is generally unavailable, off-site, and requires a registration fee.

4) Honoraria, entertainment (speakers, lecturers, musicians, performing artists).

5) Royalties and film rentals when only available from the producer or protected distributors.

6) Professional organizational membership dues.

7) Writers.

8) Artists (does not include graphic artists); original works of art, and original, or authentic antique period art frames (does not include newly replacement or reproduction frames).

9) Photographers (other than graduation and yearbook photographers).

10) Advertisements in newspapers, magazines, journals, radio or television, or billboards.

11) Utility charges.
12) Conferences, Exhibits, Fairs and Product Shows (to include conference, exhibit, fair and product show support, and related lodging and meals) only when the use of a specific facility is directed by an outside donor, sponsor or organization.

13) Booth space, and related items at conferences, exhibits, fairs and product shows.

14) Conference fees/course fees/seminars/training sessions/tuition and other registration fees when attended by university employees.

15) Accreditation fees.

16) Exhibition rental fees for exhibitions of historical artifacts or original works of arts. (The rental fee may include charges other than the rental of exhibition, such as transportation costs).

17) Academic testing, tests and evaluations.

18) Pass-through-procurements. (Examples include contracting for alumni functions for which the institution is reimbursed by the alumni and materials purchased for students by a faculty member using State funds and for which the students fully reimburse the institution).

19) Televised or radio programs (e.g., athletic events, televised conferences, etc.) whereby specific stations are selected because of market demographics.

20) Fees associated with participation in intercollegiate athletic tournaments and events including team lodging, registration and game guarantees for all athletic events.

21) Referees, officials and umpires for athletic events.

22) Pharmacies participating in pharmacy student in-service programs wherein all qualifying facilities are eligible.

23) Purchases of used equipment. This also includes used equipment purchased at a public or online auction, if determined in writing that the purchase would be in the best interest of the public.

24) Purchases from the federal government, other states and their agencies or institutions and public bodies.

25) Surplus property.
26) On Demand Renovation and Construction Projects not to exceed $50,000 where the award is made to a single trade vendor or general contractor that has been pre-qualified by the University through an open solicitation qualification process. The vendor must meet the requirements to complete the unplanned, on demand renovation or construction project under the timeline and specifications dictated by the project to insure the safety of the University and the ongoing daily operations continue without concern. All such on demand, unplanned projects will be overseen by a University Engineer from Facilities Planning and Construction and all direct awards will be issued by the appropriate Contracting Officer in the Department of Procurement and Contracts.

27) Specialized software that is not already available on campus, but has been approved by Radford University’s IT Department DOIT.

28) Specialized software, website or browser plugins, website or desktop applications or subscriptions, electronic databases, software-as-a-service (SAAS), mobile apps for software already purchased and in use at the University. Any and all software purchases require Radford University’s IT Department DOIT approval before purchasing.

29) Software maintenance contracts for software that has already been purchased and is in use at the University.

30) Software site licenses.

31) Software upgrades and consulting services related to existing software provided the purchase if made from the existing exclusive supplier.

32) Maintenance contracts for service of mainframe and supercomputers for which there is no competitive source available to service the equipment.

33) Maintenance contracts for high-cost, sophisticated, equipment where there is no known competitor and service must be purchased from the manufacturer of the equipment or an authorized agent of the manufacturer.

34) Direct payment to a vendor providing specialized technical training on their equipment and/or software. Requires approval by Procurement.
35) Court Reporters.

36) Facilitators.

37) Mediators.

38) Specialty Delivery Services to include but not be limited to refrigeration specialized packaging, etc.

39) Employee moving and relocation.

40) Real estate leases.

41) Medical (Health Care) Services when the service is provided by a hospital or an individual licensed and authorized by law to engage in the prevention, diagnosis, or treatment of human illness, injury, or physical disability, mental health, mental retardation, substance abuse, or emotional condition. Contracts and purchase orders between the agency or institution and temporary service providers or independent laboratory testing companies are not exempt from purchasing through eVA.

42) Contracts with public and private hospitals, medical practices, and medical clinics that are licensed and authorized by law to engage in the prevention, diagnosis, or treatment of human illness, injury, or physical disability, mental health, mental retardation, substance abuse, or emotional condition, when the purpose of the contract is to provide on-site mentoring and practical experience to medical students enrolled in state institutions or higher education.

43) Local funds owned by trust-agent organizations (e.g., student organizations). These funds are non-state and are not owned and controlled by the university. The university’s sole responsibility is writing checks out of a local account maintained on behalf of the organization that owns the funds. This exclusion does not include Auxiliary Enterprises.

44) Testing or evaluation (limited to purchases of quantities considered necessary for complete and adequate testing).

H. Exemption from Competition Regardless of Dollar Amount

Competition is not required at any dollar amount for the purchase of the goods or services listed below. One quote must be obtained and documented and a purchase order is to be issued prior to purchase.
GOVERNING RULES – (Governing Rule §37).

1) The purchase of goods or services that are produced or performed by or related to:
   a. Persons, or in schools or workshops, under the supervision of the Virginia Department for the Blind and Vision Impaired;
   b. Nonprofit sheltered workshops or other nonprofit organizations that offer transitional or supported employment services serving the handicapped;
   c. Private educational institutions; or
   d. Other public educational institutions.

2) Speakers and performing artists;

3) Memberships and Associations dues;

4) Sponsored research grant sub-awards and contract sub-awards, not to include the purchase of goods or services by the Institution;

5) Group travel in foreign countries;

6) Conference facilities and services;

7) Participation in intercollegiate athletic tournaments and events including team travel and lodging, registration and tournament fees;

8) Royalties; or

9) The purchase of legal services, provided that the Office of the Attorney General has been consulted, or expert witnesses or other services associated with litigation or regulatory proceedings;

I. Price-Reasonableness Determination
   When competition is restricted or lacking or the prices offered appear excessive, the Contract Officer is responsible for further analysis to determine in writing if the prices are fair and reasonable. This applies to sole source, single response, contract changes or contract modifications, contract renewals, contract extensions, items exemption from competition, or anytime a single price is agreed upon.

4.3 Procedures
   The objective of effective procurement is to obtain high quality goods, supplies, and services, at the lowest possible cost. Individuals must procure goods and services fairly and impartially to avoid impropriety or the appearance of
impropriety. Employees and other individuals involved in the procurement for the University are expected to exercise prudent judgement. Each procurement decision must sustain the test of public review and inspection:

**Guide to Dollar Thresholds**

<table>
<thead>
<tr>
<th>Goods and Services</th>
<th>Department Procedure</th>
<th>Procurement Methods - Lead-time</th>
</tr>
</thead>
<tbody>
<tr>
<td>All goods and non-professional services $4 Less than $5,000</td>
<td>One or more quotes are required for purchases of goods and services costing less than $5,000 (exceptions: see Mandatory Sources – Chapter 19.) Departmental users create eVA purchase requisitions (PR) after obtaining and documenting at least one written or telephone quotation from a certified small, minority owned or woman owned business (SWaM) if available. See Virginia Department of Small Business and Supplier Diversity (SBSD) for potential certified sources. <strong>Department delegation information:</strong> Never split PRs under any circumstances in an attempt to keep cost under $5,000. Departments are encouraged to use eVA self-registered vendors. If the vendor is not self-registered, departments must first encourage the vendor to self-register before agreeing to add them as a state-entered vendor.</td>
<td>Lead-time: 3-5 Days</td>
</tr>
</tbody>
</table>
| $5,000-$10,000                | The Department of Procurement and Contracts may receive one quote from a SBSD SWaM certified and eVA self-registered vendor. | Lead-time: 7-15 Days  
  - eVA Requisition submitted by Department to include quotes received.  
  - Procurement will verify vendor SWaM certification and eVA registration status and approve purchase requisition. |
| Goods and non-professional services $5,000 to $50,000 | Competition may be obtained by the Department of Procurement and Contracts including SBSD certified SWaM vendors if available using informal bid or informal proposal procedures, eVA Quick Quote for non-complex purchases or fax-back quotes for more detailed purchases. | Lead-time: 10-30 Days  
  - eVA Requisition submitted by Department for processing by Procurement. |
<table>
<thead>
<tr>
<th><strong>Goods and Services</strong></th>
<th><strong>Department Procedure</strong></th>
<th><strong>Procurement Methods - Lead-time</strong></th>
</tr>
</thead>
</table>
| All goods and non-professional services more than $50,000 | Departments are encouraged to use established Radford University contracts or to work with the appropriate Contract Officer in the Procurement and Contracts Department to locate existing cooperative contracts. If contracts are not available competition shall be obtained by the Department of Procurement and Contracts. | Lead-time: 40-120 Days or more.  
- eVA Requisition or Authorization to Proceed Form must be submitted by the Department  
- Procurement will compete using established procurement procedures. |
| Professional Services means work performed by an independent contractor within the scope of the practice of:  
- Accountant  
- Actuarial  
- Architect  
- Land Surveying  
- Landscape Architect  
- Law  
- Dentistry  
- Medicine  
- Optometry  
- Pharmacist  
- Engineer | Procured through competitive negotiation as required by State Law. | - Notify Procurement of needs |

### 4.4 eVA

#### 4.4.1
Radford University is required to use the Commonwealth of Virginia’s electronic-Procurement System, referred to as eVA. Generally, purchase requirements, regardless of dollar amount, shall be processed in eVA. The eVA purchase order will integrate to Radford University’s accounting system, Banner. The selection of bypass integration box is allowed when using a small purchase charge card (SPCC), and for some change orders at the discretion of Procurement and Contracts.
Items that are exempt from competition are still required to be procured through eVA.

4.5 Open Commitments
Integration of the purchase order to the Banner Finance system establishes an encumbrance to the applicable fund/organization/account/program (FOAP). University departmental designees responsible for departmental budgets must carefully track open commitments to ensure payment to the vendor occurs in a timely fashion, and the purchase order is fully closed and liquidated. Any discrepancies or irregularities should be reported to the Department of Procurement and Contracts immediately.

4.6 Construction or Renovation Procurements

4.6.1 State (Department of Professional and Occupational Regulation - DPOR) and University procedures require that renovation or construction related procurements must be reviewed in advance by Facilities Planning and Construction or Facilities Management and Administration to ensure compliance with university space planning, safety and maintenance requirements. Call the appropriate office for assistance. The telephone number for Facilities Planning & Construction 540-831-7817. The telephone number for Facilities Management and Administration is 540-831-7803.

4.6.2 Contractor’s License. If a procurement of $1,000 or more involves construction, removal, repair or improvement of any building or structure permanently affixed to real property or any other improvement to such real property, the contractor performing the work must possess an applicable contractor’s license by the State Board of Contractors for the type of work involved Code of Virginia Section 54.1-1103 and Code of Virginia Section 54.1-1115

- **Class A contractors** – perform or manage construction, removal, repair, or improvements when (i) the total value referred to in a single contract or project is $120,000 or more, or (ii) the total value of all such construction, removal, repair, or improvements undertaken by such person within any 12 month period is $750,000 or more.

- **Class B contractors** – perform or manage construction, removal, repair, or improvements when (i) the total value referred to in a single contract or project is $10,000 or more, but less than $120,000, or (ii) the total value of all such construction, removal, repair, or improvements undertaken by such person within any 12 month period is $150,000 or more but less than $750,000 (Contractor license C for all such work exclusive of electrical, plumbing, and HVAC).

- **Class C contractors** – perform or manage construction, removal, repair, or improvements when (i) the total value referred to in a single contract or project is over $1,000 but less than $10,000, or (ii) the total value of all such
construction, removal, repair, or improvements undertaken by such person within any 12 month period is $150,000. The Board of Contractors shall require a master tradesmen license as a condition of licensure for electrical, plumbing and heating, ventilation and air conditioning contractors. (Contractor license B or A for all such work including electrical, plumbing, and HVAC).

Contractors must be licensed in the proper classification and specialty to perform the work required. If there is any question whether a licensed contractor is required for a specific procurement, call Procurement and Contracts at 540-831-6097.

If you have questions whether a vendor has a valid contractor’s license, call the Commonwealth of Virginia Department of Professional and Occupational Regulations (DPOR), Board of Contractors at 804-367-2785 or use the license lookup feature on their website at DPOR.

4.7 Purchases of Information Technology Equipment, Software, and Services

Purchases of Information Technology equipment, software, and services must be approved by the Division of Information Technology. The approval will be required by the selection of the proper commodity code (NIGP) when creating an eVA requisition.

Updated 5.17.2017
Chapter 5

*eVA*

Virginia’s Electronic Procurement System

5.0 eVA

5.1 eVA Purchase Requisition:

5.1.1 To best communicate requirements, the following must be included in each eVA requisition:

- Title (Vendor Name, eVA User’s Name, and RU Extension)
- Fiscal Year
- PO Category (see 5.1.2)
- Description (detailed specifications or drawings-to be forwarded to the Department of Procurement and Contracts);
- Commodity
- Supplier (Vendor)
- Contact
- Contract Number (if applicable)
- Quantity
- Unit of Measure
- Price
- Accounting Detail (FOAP Banner Finance fund/organization/account/program) to be charged;
- Ship to location
- Deliver to (default in eVA is Warehouse Services)
- Comments

5.1.2 eVA PO Category (reference Appendix R Radford University PO Category Code Guide – Form R6).

01 PO Categories ending in 01 are for purchases with eVA registered Vendors. The vendor has agreed to pay the Commonwealth of Virginia eVA usages fees.

02 PO Categories ending in 02 are for purchases with vendors that are not registered in eVA and Radford University agrees to pay the Commonwealth of Virginia eVA usage fees.

5.1.2.1 Emergency Orders
To be determined and approved by the Director of Procurement and Contracts

E01: Emergency orders for eVA registered vendors.
E02: Emergency orders for non-registered vendors.

5.1.2.2 Proprietary Orders
To be determined and approved by the Director of Procurement and Contracts (reference Appendix R Radford University Request for Proprietary Purchase Form - Form R2)

P01: Proprietary orders for eVA registered vendors.
P02: Proprietary orders for non-registered vendors.

5.1.2.3 Routine Orders

R01: Routine orders for eVA registered vendors.
R02: Routine orders for non-registered vendors.

5.1.2.4 Sole Source Orders
To be determined and approved by the Director of Procurement and Contracts (reference Appendix R Radford University Request for Sole Source Form – Form R3)

S01: Use for Sole Source Procurement after consulting with the Department of Procurement and Contracts to ensure processing of proper documentation.
S02: Use for Sole Source Procurement after consulting with Purchasing to ensure processing of proper documentation. (non-registered vendors)

5.1.2.5 APSPM Exclusion - Exempt

X02: Certain transactions are excluded from competition (refer to Governing Rules Section 37) but are required to be entered in eVA and are exempt from eVA fees. The following items are exemptions from competition:

A. The purchase of goods or services that are produced or performed by or related to:
   - Person, or in schools or workshops, under the supervision of the Virginia Department for the Blind and Vision Impaired;
   - Nonprofit sheltered workshops or other nonprofit organizations that offer transitional or supported employment services serving the handicapped;
   - Private educational institutions; or,
   - Other public educational institutions.

B. Speakers and performing artists;
C. Memberships and Association dues;
D. Sponsored research grant sub-awards and contract sub-awards, not to include the purchase of goods or services by the university;
E. Group travel in foreign countries;
F. Conference facilities and services;
G. Participation in intercollegiate athletic tournaments and events including team travel and lodging, registration and tournament fees;
H. Royalties; or,
I. The purchase of legal services, provided that the Office of the Attorney General has been consulted, or expert witnesses or other services associated with litigation or regulatory proceedings.

Additional instructions are available at on the Procurement and Contracts website: http://www.radford.edu/content/procurement/home.html

Departments should check the status of their eVA requisition to determine what approvals remain or if the requisition has converted to a purchase order.

To log into Virginia’s electronic ordering system, eVA, open Internet Explorer or Firefox and go to http://www.eva.virginia.gov/.

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References:

Appendix R: Radford University Request for Proprietary Purchase Form (Form R2) http://www.radford.edu/content/dam/departments/administrative/purchasing/co17-proprietary-request-form.pdf

Appendix R: Radford University Request for Sole Source Form (Form R3) http://www.radford.edu/content/dam/departments/administrative/purchasing/co18-sole-source-request-form.pdf

Appendix R: Radford University PO Category Code Guide (Form R6) http://www.radford.edu/content/dam/departments/administrative/purchasing/PO-CATEGORY-CODE-GUIDE.pdf
Chapter 6

Delegated Purchasing Procedures

6.0 Delegated Purchasing Authority Procedures.

In an effort to provide departments with a certain degree of purchasing flexibility, the Director of Procurement and Contracts has delegated campus-wide authority to departments to make purchases of $5,000 or less. Documentation supporting this delegation is maintained and updated by the Director of Procurement and Contracts and is summarized in Appendix I: Memorandum for the Record: Authority to Contract for Radford University.

However, compliance with the Procurement Authority Memorandum of Understanding between Radford University and the Commonwealth of Virginia (Appendix A1) and Radford University’s current SWaM Plan (Appendix A3), the Rules Document (Appendix C), and the other applicable state rules and regulations must be observed when ordering goods and/or services.

Departments are responsible for the following:

A. Obtaining or documenting an attempt to obtain at least one telephone or written price from one Department of Minority Business Enterprise (DMBE) certified small, women-, or minority-owned (SWaM) firm, if available, on delegated purchases of $5,000 or less. A listing of DMBE certified firms is available on their website at [http://www.dmbe.virginia.gov/](http://www.dmbe.virginia.gov/);

   Departmental purchases play a vital role in achieving the University’s SWaM spending targets.

B. Creating an eVA purchase requisition (PR) to an eVA registered vendor;

C. Entering eVA receiving on a timely basis, immediately, but no later than three business days; receiving date must be the actual date the goods and/or services were received; not the date on which the receiving is entered in eVA.

D. Compliance: Maintaining departmental purchase files in an appropriate and accessible manner as they are subject to review at any time when requested by the Office of Audit and Advisory Services, Auditor of Public Accounts, Division of Purchases and Supply, Virginia Information Technologies Agency (VITA), Division of Engineering and Buildings, and the University’s Department of Procurement and Contracts.

REMEMBER, ALL TRANSACTIONS FOR GOODS AND/OR SERVICES MUST BE CREATED IN eVA, EXCEPT SMALL PURCHASE CHARGE CARD (SPCC) POINT
OF SALE (SWIPED) TRANSACTIONS. THOSE IN EXCESS OF THE
DEPARTMENTAL DELEGATED PURCHASING AUTHORITY LIMIT NOTED
HEREIN WILL BE PROCESSED THROUGH PROCUREMENT AND CONTRACTS.
Splitting orders to circumvent the departmental delegated limit for goods and/or services is not permitted.

Confirming orders are a violation of procurement procedure and may not be processed. Confirming orders are those orders placed with a vendor prior to the receipt of an approved purchase order number.

Any order placed by a department outside of the established guidelines will be handled as a procurement violation and the individual authorizing the purchase could be held personally liable.

Departments do not have the authority to sign vendor contracts (e.g. hotel contracts, maintenance agreements, etc.). See Section 15.0.

References:

Appendix A1: Procurement Authority Memorandum of Understanding between Radford University and the Commonwealth of Virginia
http://www.radford.edu/content/dam/departments/administrative/purchasing/Procurement_%20Authority_MOU_dtd%2003082012.pdf


Appendix I: Memorandum for the Record: Authority to Contract for Radford University
www.radford.edu/content/dam/departments/administrative/purchasing/authority-to-contract-for-radford-university.pdf
Chapter 7

Taxes

7.0 Taxes

7.1 Excise. As an agency of the Commonwealth of Virginia, Radford University is generally exempt from paying federal excise taxes, except for excise taxes for air transportation, the cost of which is generally defined as any amount paid within the United States for transportation of any person by air. Certain vaccines also require that an excise tax be paid by the University.

7.2.1 State Sales. As an agency of the Commonwealth of Virginia, Radford University is generally exempt from paying Virginia's sales taxes on purchases of tangible personal property for its use or consumption. The University's Tax Exemption Certificate (COV Form ST-12, Appendix R: Form R1) can be found at the Department of Procurement and Contracts website.

7.2.2 Sales and Use Tax Payments- The tax applies when such sales are made without the required purchase order and are not paid using public funds. No exemption to the sales and use tax is provided for university employee purchases of meals or lodging whether purchases are pursuant to required official purchase orders or not. The following examples are offered to show that taxes apply to lodging and conference facilities under a variety of circumstances:

- **Hotels, motels, tourist camps, etc. (Generally).** The tax applies to the sale or charge for any room or rooms, lodgings or accommodations furnished to transients by any hotel, motel, inn, tourist camp, tourist cabin, camping grounds, club, or other similar place. The tax applies to all sales of tangible personal property by such business.

- **Charges in connection with accommodations.** Any additional charges made in connection with the rental of a room or other lodging or accommodations are deemed to be a part of the charge for the room and are subject to the tax. For example, additional charges for internet, local telephone calls and similar services are subject to the tax. Toll charges for long-distance telephone calls are not subject to the tax.

- **Meals (Generally).** Retail sales of meals by restaurants, hotels, motels, clubs, caterers, cafes, and others are taxable. Related service charges (examples: cover charge, minimum sales fee, or room service charges) are part of the sales price and are taxable. Any applicable tips are not subject to sales tax.
References:

Appendix R: University’s Tax Exemption Certificate (COV Form ST-12) (Form R1)
http://www.radford.edu/content/dam/departments/administrative/purchasing/F002-%28ST12%29-SALES-AND-USE-TAX-CERTIFICATE-OF-EXEMPTION.pdf
Chapter 8

Unauthorized Purchases

8.0 Unauthorized Purchases

With the exception of written delegated purchasing authority granted to university departments for goods and/or services, the Department of Procurement and Contracts has the sole authority and responsibility to obligate the University for the purchase of goods and/or services. Failure to comply with this policy may result in loss of departmental procurement authority. In addition, the individual making the purchase may be held personally and legally responsible for the financial commitment when the procurement is not in accordance with the Procurement Authority Memorandum of Understanding between Radford University and The Commonwealth of Virginia (Appendix A1), Rules Document (Appendix C), and/or other state policies and procedures.

Splitting purchase orders is a circumvention of state procurement requirements and confirming orders are a violation of procurement procedures and will not be processed.

References:

Appendix A1: Procurement Authority Memorandum of Understanding between Radford University and the Commonwealth of Virginia
http://www.radford.edu/content/dam/departments/administrative/purchasing/Procurement_%20Authority_MOU_dtd%2003082012.pdf


Appendix J: Memorandum: University Agreements, Approvals and Signature Authority, dated November 6, 2007
http://www.radford.edu/content/dam/departments/administrative/purchasing/Univ_Agreements_Apprv_Sign_Memo_11062007.pdf

Appendix O Radford University Improper University Expenditures
http://www.radford.edu/content/dam/departments/administrative/financial-services/policies-procedures/ImproperUniversityExpenditures.pdf

Appendix P Radford University Appropriate Sources for University Spending Frequently Asked Questions
http://www.radford.edu/content/dam/departments/administrative/financial-services/policies-procedures/SpendingGuidelinesFAQ7708.pdf
Chapter 9

Allowable / Non-allowable Expenditures

9.0 Allowable/Non-allowable Expenditures

All requests for disbursement, whether funded from State, Federal or Local (non-State) sources, must include documentation to support the purpose of the expenditure. This documentation must attest to the fact that the expenditure is a business-related expenditure and is reasonable. Individuals submitting and approving the expenditure for processing are responsible for ensuring that the expenditure is reasonable, meets all internal and external guidelines and is coded to the proper Banner accounting code (i.e. FOAP).

A “business-related expenditure” is generally accepted to mean an expenditure that is directly related to the operation of a functional area (e.g., school, department, administrative area, etc.) in the fulfillment of its stated mission or objective as part of the University (e.g., instruction, research, public service, support services, etc.). The term reasonable is defined to mean an amount that a prudent businessperson would expend to obtain that particular good and/or service on behalf of a public agency of the Commonwealth of Virginia. This also infers that the good and/or service has been acquired under a competitive procurement process when applicable.

It is the responsibility of persons authorized to submit expenditures for processing to ensure the most efficient and effective use of university financial resources assigned to their area of responsibility. It is the responsibility of each department’s financial representative to ensure all expenditures, regardless of funding source, contain appropriate justification as to the reasonableness of the expenditure and the business-related purpose of the expenditure. Any questions concerning this policy or questions regarding the reasonableness and/or business purpose of an expenditure should be directed to the Department of Procurement and Contracts, eVA Coordinator at 831-5429.

References:

Appendix A1: Procurement Authority Memorandum of Understanding between Radford University and the Commonwealth of Virginia
http://www.radford.edu/content/dam/departments/administrative/purchasing/Procurement_%20Authority_MOU_dtd%2003082012.pdf


Appendix O Radford University Improper University Expenditures
http://www.radford.edu/content/dam/departments/administrative/financial-
Appendix P  Radford University Appropriate Sources for University Spending Frequently Asked Questions
http://www.radford.edu/content/dam/departments/administrative/financial-services/policies-procedures/SpendingGuidelinesFAQ7708.pdf

Appendix Q  Radford University Travel Policy
http://www.radford.edu/content/financial-services/home/forms.html#par_heading
Chapter 10

Gifts and Donations

10.0 Procurements Tied to Gifts and Donations

10.1 Gifts and Donations to the University:

No purchasing commitment is allowed to be made if the purchase is tied to a gift or donation being made to the University. For example, a donor may specify that a gift to the University is dependent upon the University’s future purchase or lease of goods or services from the donor. Likewise, a donor may specify that a particular brand of an item be purchased or that the item be purchased from a particular source. In all of these examples, the donor should be informed that a purchase under these conditions is prohibited.

When a business or individual is interested in making a donation to the University that is tied to a pending or imminent purchase, the Department of Procurement and Contracts must be contacted during the initial discussions. Contact the Director at 6118.

Donors wishing to make gifts unrelated to procurement activities should be referred to the Office of University Advancement at 5407.

10.2 Prohibition of University Employees to Receive Gifts. To find out more about the prohibitions, employees are requested to review the following section of the Conflict of Interest Act: Prohibited conduct as stated in the Code of Virginia Conflict of Interests Act.

References:

Appendix F: State and Local Government Conflict of Interests Act
http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+TOC0202000003100000000000
Chapter 11

Shipping / Freight Charges

11.0 Shipping / Freight Charges

It is the basic policy of the University to purchase goods "FOB Destination". This means that the vendor pays the freight charges for shipping the goods to the ordering department (in essence the cost of shipping is included in the price of the goods), the vendor retains title to the goods until the carrier delivers the goods, and any claim for loss or damage incurred during delivery shall be between the vendor and the carrier. Delivery FOB Destination without any qualifying language following the term is the preferred method of purchase (reference Appendix B: Commonwealth of Virginia, Purchasing Manual for Institutions of Higher Education and their Vendors, Section 9. F.)

A department may pay freight charges and/or change the FOB point when it is a requirement to make the purchase. Departments are cautioned that changing the FOB point can create problems in the event the product is damaged or lost in transit. In such cases, any claim for loss or damage incurred during delivery shall be between the University and the carrier.

If departments are paying freight cost, a shipping line item must be added to the purchase order. This designation on the purchase order is notification to the vendor that the University accepts title only when goods are received. This will also notify Accounts Payable that the department has authorized the vendor to prepay the freight cost and add it as a separate line item on the invoice.

Accordingly, Accounts Payable will pay the full invoice that includes the actual freight costs as stated by the shipping vendor.

Remember when purchasing goods "FOB Destination, Prepay and Add", the department has the responsibility to determine the actual (or maximum) freight charge. This will ensure that the total amount of the order does not exceed the departmental delegated purchasing authority, since that limit includes freight and handling charges.

References:

Chapter 12

Certified Small, Women-owned, and Minority-owned (SWaM) Businesses

12.0 Certified Small, Women-owned and Minority-owned Businesses

The Department of Procurement and Contracts encourages the participation of small, women- and minority-owned (SWaM) businesses in the procurement process by actively soliciting bids and proposals from these businesses. The Department of Procurement and Contracts uses the information contained in the University’s vendor database (Banner) and information compiled by the State Department of Minority Business Enterprise (DMBE), the State Division of Purchases and Supply, Virginia Information Technologies Agency (VITA), and other State agencies to assist in this endeavor.

Departments are required to obtain a quote or document an attempt to obtain at least one telephone or written price from one DMBE certified SWaM firm. A listing of DMBE certified firms is available on their website at http://www.dmbe.virginia.gov/

Each year Radford University is required to submit a Fiscal Year Annual Procurement SWaM Plan that includes our goals, processes to attain those goals, and other activities (Appendix S10).

When Radford University entered into the original Procurement Authority Memorandum of Understanding between Radford University And The Commonwealth of Virginia, and Radford University Three-Year SWaM Plan For Fiscal Years 2010-2012 in Accordance with the Restructured Higher Educational Financial and Administration Operations Act Level 2 Operational Authority in Procurement (Appendix A), the targets and goals we agreed to work towards are listed in this Appendix.

Prior to entering in the renewal Procurement Authority Memorandum of Understanding, Radford University established the Radford University Small, Women and Minority-Owned (SWaM) Plan for Fiscal Years 2013 through 2017 (Appendix A2).

The Director of the Department of Procurement and Contracts, the Director of Contract Administration and Supplier Diversity, and the Director of Facilities Planning and Construction are responsible for ensuring that the University achieves the goals stated in the SWaM Plan and are dependent on the University community to do its part to include SWaM businesses in purchasing transactions.

The Director of Contract Administration and Supplier Diversity is responsible for
submitting a monthly activity report to the Governor’s Office as well as submitting quarterly spend reports to the Department of Minority Business Enterprise (DMBE).

If a department is aware that a business is eligible for DMBE certification or has made purchases from a contractor that used a SWaM business as a subcontractor, please provide this information to the Director of Contract Administration and Supplier Diversity by calling 831-2470.

A listing of certified SWaM businesses can be found at the following website:

http://www.dmbe.virginia.gov/

References:

Appendix A1: Procurement Authority Memorandum of Understanding between Radford University and the Commonwealth of Virginia
http://www.radford.edu/content/dam/departments/administrative/purchasing/Procurement_%20Authority_MOU_dtd%2003082012.pdf

Appendix A2 Radford University BOV Resolution Approval of Five Year SWaM Plan. Radford University Small, Women and Minority-Owned (SWaM) Plan for Fiscal Years 2013, 2014, 2015, 2016, and 2017
http://www.radford.edu/content/dam/departments/administrative/purchasing/swam-plan-signed2013_2017.pdf

Appendix S: Radford University FY2011 Annual Procurement SWaM Plan (S10) Radford University FY2012 Annual Procurement SWaM Plan (S10)
http://www.radford.edu/content/dam/departments/administrative/purchasing/swam-plan-2012.pdf
13.0 Purchase Order Changes

On various occasions, a change to a purchase order is required. Regardless of dollar amount of purchase order change, Departments must contact the appropriate buyer in the Department of Procurement and Contracts to discuss if a formal purchase order change is necessary. If so, purchase order changes must be initiated by the department through eVA. Purchase order changes do not integrate to Banner Finance; therefore, the Department of Procurement and Contracts staff members will work with departments to ensure that purchase order changes are processed correctly.

If a purchase order change is less than $100, the purchase order change to increase or decrease the encumbrance needs to only be processed in Banner, unless the vendor specifically requests the eVA purchase order to be changed. Purchase Order Changes in Banner are processed by the Department of Procurement and Contracts.
Chapter 14

Office of the Attorney General

14.0  Office of the Attorney General

Occasionally a contract must be submitted to the Office of the Attorney General for review and approval. Keep in mind that, while legal counsel may be able to clarify meaning, or redraft an agreement so that the terms are legally permitted, counsel’s role is not to review or approve your underlying business judgments. By law in Virginia, the General Assembly places this discretion in the sound judgment of the University’s officials. It is incorrect to assume that a contract approved for legal sufficiency removes economic risk or the individual’s authority and duty to responsibly weigh risk against benefit.

14.2  Procedure to submit a contract or agreement to the Office of the Attorney General.

All contracts or agreements that require review of the University’s representative in the Office of the Attorney General must first be submitted to the Division Head in the respective area in the University.

14.3  Forbidden Contract Provisions. The Office of the Attorney General provided the following summary of forbidden contract provisions.

1. Requiring the Commonwealth to maintain any type of insurance for its benefit or for the contractor’s benefit.

2. Requiring or stating that the terms of any contractor’s form agreement shall prevail over the terms of the Commonwealth’s terms.

3. Requiring the Commonwealth to defend, indemnify or hold harmless the contractor or any person or entity.

4. Imposing interest charges contrary to that specified by the Code of Virginia or imposing interest for any period prior to the receipt of contractor’s invoice for payment.

5. Except in the case of agencies of the government of the United States, choosing any body of law, except the law of the Commonwealth, as the governing law of the contract.

6. Permitting unilateral modifications of any contract by the contractor.

7. Binding the Commonwealth to any arbitration or to the decision of any arbitration board, commission, panel or other entity except a court of competent jurisdiction
located in the Commonwealth.

8. Obligating the Commonwealth to pay costs of collection or attorney’s fees.

9. Limiting the lawful remedies of the Commonwealth to seek enforcement or redress for any violation of statutory, regulatory or common law.

10. Providing a different statute of limitations other than that provided by the laws of Virginia.

11. Limiting the authority/responsibility of the Attorney General of Virginia as set forth in the statutes of Virginia, (specifically §§ 2.2-500 Et. Seq. Of the Code of Virginia), or any other official of the Commonwealth of Virginia.

12. Prohibiting the Commonwealth from recovering its lawful damages directly incurred as a result of any breach of contract. The Commonwealth and the contractor may agree to limit or eliminate liability for consequential or indirect damages.

13. Imposing any liability or responsibility on the Commonwealth contrary to the laws of Virginia.

14. Releasing the contractor or any other entity or person from its legal liability for unlawful or negligent conduct or failure to comply with any duty recognized or imposed by applicable law.

15. Imposing any obligation on the Commonwealth as a result of any promise, representation or statement by anyone without the authority to do so.

16. Waiving, directly or indirectly, the sovereign immunity of the Commonwealth of Virginia.
Chapter 15

Contracts

15.0 Contracts

15.0.1 Delegated Authority to Sign Contracts: The Director of Procurement and Contracts delegated to specific individuals/positions at the University the authority to sign contracts and to make financial commitments or to agree to certain terms and conditions for the University (Appendix I – Memorandum for the Record – Authority to Contract for Radford University). No other employee is authorized to commit the University.

Those individuals with the delegated authority to sign contracts or procure goods and services received written guidelines with specific requirements and expectations for following a protocol to control the risk involved. Individuals or departments with delegated authority are required to maintain all documentation for a minimum of five years after the expiration or termination of the contract.

15.0.2 Contract Review: Departments do not have the authority to sign contracts. Even under departmental delegated purchasing authority, any agreement submitted in response to a request for quotation or other means must be forwarded to and reviewed by the Director of Procurement and Contracts and must include the eVA PR number on the agreement (even if the purchase is within the departmental delegated purchase authority). Do not give the purchase order number to the vendor until the contract has been signed by the authorized individual at the University. The Director of Procurement and Contracts will make any amendments to the terms as required by State law or policy and secure the appropriate signatures in compliance with university procedures. After the appropriate signatures are obtained, the vendor agreement will be returned to the requesting department for processing, if the order is within the departmental delegation. Only then may the department submit a purchase order to the vendor.

15.1 Compliance

It is important to maintain departmental files in an appropriate and accessible manner as they are subject to review at any time when requested by the Office of Audit and Advisory Services, Auditor of Public Accounts, Division of Purchases and Supply, Virginia Information Technologies Agency (VITA), Division of Engineering and Buildings, and the University’s Department of Procurement and Contracts.

A procurement review conducted by the Department of Procurement and Contracts of department records found to be insufficient or not in compliance with established procedures may result in a warning to the department or in a full suspension of delegated authority.

If a vendor requests that the University agree to the vendor's contract terms and conditions
other than those specified on the purchase order, then that contract needs to be submitted to the Director of Procurement and Contracts (Campus Box 6885) for review and approval. Departments are required to review contract terms before submitting them to the Department of Procurement and Contracts to ensure any changes required for business needs have been noted on the contract. This includes service contracts, lodging agreements, software agreements, and license agreements.

Agreements may also be scanned and sent to email at purchase@radford.edu.

15.2 Unauthorized Contract Clauses/Provisions

Contracting personnel should never agree to any term which is not understood, or which exposes the University to substantial and indeterminate monetary risk. The procurement interest in quickly obtaining goods/services may be very shortsighted. If the University is unable to eliminate objectionable provisions in negotiation, then the agreement will be sent to the Office of the Attorney General for assistance.

Specifically, the University cannot agree to any indemnification clause or agreements incorporating laws of another state. Such provisions are not only inadvisable from a business perspective, but they also are legally problematic. Individuals who sign agreements containing terms or conditions contrary to the laws of the Commonwealth expose the University and themselves to liability risk on a theory of breach of implied warranty of authority to undertake the contract. Contracting officers must be careful to ensure that agreements present only reasonable business risks, and that the risk is also within their authority to accept on behalf of the University.

See section 14.3 for list of forbidden contract provisions.

If you have a question dealing with a vendor’s contract terms, contact the Director of Procurement and Contract at 831-6118.

Reference:

Appendix I: Memorandum For The Record: Authority to Contract for Radford University, dated June 22, 2012, supercedes Memorandum dated May 5, 2010 http://www.radford.edu/content/dam/departments/administrative/purchasing/Authority_to_Contract_for_RU.pdf

Appendix R: Radford University Contractor Non-Compliance Form (Form R4) http://www.radford.edu/content/dam/departments/administrative/purchasing/contractor-noncompliance-form.pdf

Appendix R: Radford University Addendum To Contractors Form (Form R5) http://www.radford.edu/content/dam/departments/administrative/purchasing/contractor-addendum-to-contractors-form.pdf
University Logos: Trademark Requirements

16.0 University Logos: Trademark Requirements

Radford University has an established trademark licensing program to protect and control the use of the University's names, marks and official logos. The University licenses only those products or goods which promote the desired image of RU and demonstrate quality and good taste.

The most familiar of RU's official marks are the University seal, the RU logo, and the visual image of the Highlander. University departments are required to use an officially licensed RU manufacturer when ordering items bearing the University's trademarks and have artwork approved by University Relations or Athletics prior to production (e.g. caps, shirts, gift items, etc.).

To obtain a current listing of licensed manufacturers or additional information about the licensing program, call University Relations at 831-5324.

Items for Radford University Athletics that require use of the University logo and to the Highlander image are approved by personnel within that department.
Chapter 17

Small Purchase Charge Card

17.0  Small Purchase Charge Card

The Small Purchase Charge Card (SPCC) may be used for official Radford University purchases only and all purchases must comply with university and State procurement regulations and not exceed the cardholder’s transactional limit. Travel-related charges should not be paid with the small purchase charge card, with the exception of student related travel that is sufficiently justified and pre-approved by the SPCC Administrator.

All SPCC orders must be created in eVA using the appropriate Banner Finance FOAP codes prior to the purchase, except when the cardholder visits the merchant’s site and the card is swiped.

Benefits derived by the use of the SPCC are reduced paperwork, simplified billing, improved prompt payment statistics, reduced transaction costs, and improved vendor relations. Suppliers that accept the card benefit from timeliness of payment, elimination of invoices, direct user level contact, and reduced collection costs.

All appropriate university personnel are encouraged to enroll in this program and become active participants in reducing paperwork and improving administrative processes.

Questions regarding the SPCC program or requests for sign-up information should be addressed to the University’s Purchase Card Administrator at 831-5356. The Department of Accounts (DOA) requires card holders and their supervisors to complete an annual on-line training session. Check the Department of Procurement and Contract’s website for the schedule of on-campus training sessions for the SPCC program.

Reference:

Appendix H:  Commonwealth of Virginia CAPP Manual – CAPP TOPIC 20355 Small Purchase Charge Card
http://www.doa.virginia.gov/Admin_Services/CAPP/CAPP_Summary.cfm
18.0 Fiscal Year-End Cutoff

Departments have the responsibility to ensure that requisitions to purchase goods and/or services which are to be paid from current fiscal year funds are submitted to the Department of Procurement and Contracts early enough to allow for processing, vendor delivery, and invoice payment prior to fiscal year-end close-out deadlines. Obviously, no absolute date can be established which will guarantee bidding, delivery, and invoicing prior to the year-end close because external factors such as product availability and manufacturing time have a major influence on the delivery and receipt of materials. In general, the department should identify a required delivery (and invoicing) date on the eVA requisition at any time during the year when the vendor's performance in those regards is critical. Delivery times may be considered in the evaluation of bid responses to purchasing proposals. **Potential loss of funds at year-end is not a valid reason for requesting an emergency procurement.**

The Vice President for Finance and Administration releases a Memorandum each year that includes specific fiscal year-end cut-off dates. This Memorandum contains useful information for departments to use as a guide for planning expenditures.

The Commonwealth of Virginia Purchasing Manual for Institutions of Higher Education and Their Vendors, Section (F) Emergency defines an emergency as “an occurrence of serious or urgent nature that demands immediate action”.
Mandatory Sources and State Contracts

19.0 Mandatory Sources

The Procurement Authority Memorandum of Understanding between Radford University and the Commonwealth of Virginia (Appendix A1), Rules Document (Appendix C), and/or State policies require that certain goods and services be procured, where applicable, from designated State agencies or State contracts. Whenever such a mandatory source is designated, the University is required to use that source. Departments must check with the Department of Procurement and Contracts for an updated listing of mandatory sources or go to the eVA homepage and click on the link for contracts or click this link http://www.radford.edu/content/procurement/home.html

Many commodity groups are supplied by these mandatory sources and new items are constantly being added. Information on items which are available, along with pricing information or possible exemptions from the mandatory sources may be obtained by contacting the Department of Procurement and Contracts at 831-5419 or by viewing the website http://www.radford.edu/content/procurement/home.html

*Virginia Correctional Enterprises (VCE) remains a mandatory source for the purchase of furniture.

19.1 State Contracts

State contracts are preferred sources and their use is strongly encouraged. Term contracts are established by the State Department of General Services/Division of Purchases and Supply to obtain more favorable prices through volume purchasing and to reduce procurement lead-time and administrative effort. If an item is available on a State contract, it is the recommended first source for the purchase. Departments may obtain copies of State contracts from the Department of Procurement and Contracts and from the Department of General Services, Division of Purchases and Supply website at http://www.dgs.state.va.us/.

Under certain circumstances, the Director of the Department of Procurement and Contracts may authorize procurement from another source or make a determination to establish a Radford University term contract or to use a cooperative contract.

Departments are charged with the responsibility to keep abreast of the products and services under contract. The contract number must be entered by the department in the "Contract Number" block on the eVA requisition. Continued delegation of purchasing authority depends on the accurate and timely performance of procedures at the departmental level.
Although approved eVA requisitions within a department’s delegated purchasing authority will convert to purchase orders and flow directly to the vendor, the department may choose to order any or all items through the Department of Procurement and Contracts. The use of two or more purchase orders to circumvent the departmental delegated limit is prohibited. Additionally, the department may not authorize a change in the quantity or price of the items being purchased subsequent to placing the original order which causes the order to exceed the departmental delegated limit without prior authorization from the Department of Procurement and Contracts.

**eVA purchase orders instruct vendors to mail invoices to Accounts Payable, Box 6906, Radford, Virginia 24142 and to include their taxpayer identification number (FIN or SSN) and purchase order number on the invoice to facilitate payment.**

Accounts Payable is the default bill to address in eVA.

References:

Appendix A1: Procurement Authority Memorandum of Understanding between Radford University and the Commonwealth of Virginia
http://www.radford.edu/content/dam/departments/administrative/purchasing/Procurement_%20Authority_MOU_dtd%2003082012.pdf

20.0 University and Cooperative Contracts

The Department of Procurement and Contracts establishes contracts for frequently purchased goods and services. In addition, contracts are established cooperatively with other Commonwealth of Virginia institutions of higher education collectively called VASCUPP (Virginia Association of State Colleges and University Purchasing Professionals).

A listing of the VASCUPP Cooperative Procurement Contracts is available on the VASCUPP website and can be viewed at http://www.vascupp.org. Each VASCUPP institution is responsible for maintaining and updating the listing of their respective cooperative contracts. These contracts provide cost savings through economies of scale and streamline the purchasing procedures for specific items and services. As with state contracts, many goods and/or services are covered. Contact the Department of Procurement and Contracts buying staff regarding current contracts or if you would like to suggest that a specific contract be established.

VASCUPP contracts are established and maintained by Contracting Officers located at each member institutions. Member institutions are:

College of William and Mary
George Mason University
James Madison University
Old Dominion University
Radford University
University of Virginia
Virginia Commonwealth University
Virginia Military Institute
Virginia Tech
Chapter 21

Purchase of Services

21.0 Purchase of Services

State and University purchasing procedures require competition for the procurement of professional and nonprofessional services when the estimated cost exceed departmental delegated purchasing authority. However, if a current contract exists, then that contract should be used.

Services can be categorized as follows:


These services are specifically defined in Virginia law as the practice of accounting, actuarial services, architecture, land surveying, landscape architecture, law, medicine, dentistry, optometry, pharmacy, and professional engineering. The procurement of professional services is accomplished by competitive negotiation. Concurrence and/or approval from other State agencies may be required. Contact the Department of Procurement and Contracts for assistance regarding the procurement of professional services.

21.2 Nonprofessional Services.

All services not listed as professional services are considered nonprofessional services. Specific procedures and competitive methods are required depending on the dollar value and the type of service. Departments must determine their specific service needs sufficiently in advance to allow the Department of Procurement and Contracts adequate time to comply with the competitive requirements.

Often the purchase of services will require the Contractor to provide a Certificate of Insurance and/or to hold a Contractor’s License. Departments procuring services less than $5,000 that require the contractor to perform work on the campus must coordinate this purchase with the Department of Procurement and Contracts to ensure appropriate regulations are followed. For more information, contact the Director of Procurement and Contracts at 831-6118.

21.3 Independent Contractors.

Departments often engage the services of individuals who are not employees of the University, including consultants, guest lecturers, entertainers, suppliers, and others. When engaging the services of an individual, the Internal Revenue Service (IRS)
requires the University to properly classify the individual as an independent contractor or employee. The determination of the correct classification must be made before a contract is signed or any other commitment is made by the department on behalf of the University.

### 21.3.1 Independent Contractor Defined

At its basic level, an independent contractor is an individual who provides service to the University and is not an employee: namely, a worker whose pay would be reported under an IRS Form 1099 and not an IRS Form W-2. More specifically, it is a worker who:

- **a)** is engaged in an independently established profession or business;
- **b)** provides a service outside of the University’s usual course of business; and,
- **c)** is free from the University’s control or direction when providing services.

While the above may seem straightforward, the determination as to whether a worker is an independent contractor versus an employee can be difficult and unclear in many cases. This procedure provides guidance and resources for making this determination.

### 21.3.2. Typical Independent Contractors

Typically, the University treats the following service providers as independent contractors when the providers are not otherwise employees of the University:

- Any individual providing services under existing State or University contracts
- Artisans/Artists
- Athletic Officials (officiating at intercollegiate athletic contests)
- Caterers (if allowable under the [Food and Beverage Policy](#))
- Disc Jockeys
- Performing Artists (public events, theatre or musical productions, workshops, readings)
- Guest Speakers
- Musical Instrument Tuners/Repairers
- Photographers/Videographers
- Translators/Interpreters (Foreign Language or Hearing Impaired)
- Writers
21.3.3 Determination of Classification (i.e. Independent Contractor versus Employee)

For individuals performing services listed in Section 21.3.2, and who are not otherwise employees of the University, departments do not need to document a determination of classification.

For individuals performing other services, a determination of classification must be documented by the following steps in advance of making any commitments for payment for services by the University:

a) Obtain a signed COVA Form W-9, Request for Taxpayer Identification Number and Certification, from the individual.

b) If the Entity Type on the COVA Form W-9 is marked Individual, Sole Proprietorship, or Disregarded Entity, then continue with the steps below. Otherwise, no further action is required.

c) Complete the Independent Contractor/Employee Status Form and send it to the Tax Compliance Officer (Campus Box 6923 or rmah@radford.edu) for review and approval.

d) If the classification is determined to be employee, the department must follow hiring procedures established by the Department of Human Resources.

e) If the classification is determined to be independent contractor, the department must enter an eVA Purchase Requisition (PR) in accordance with procurement procedures. An approved copy of the Independent Contractor/Employee Status Form must be attached to the eVA PR along with a completed University Services Contract.

21.3.4 Non-US Citizens

If the individual performing services is a non-US citizen, contact the Tax Compliance Officer (rmah@radford.edu or 540-831-7020) immediately before taking any action.

References:

Appendix R: Independent Contractor/Employee Status Form (Form R13)
22.0 Information Technology Hardware/Software Purchases

It is important to note that these procurements are generally all-inclusive and cover the purchase, lease, lease/purchase, and rental of hardware or software, software upgrades, maintenance agreements, computer consulting services, all other services, and trial or use.

To satisfy a majority of routine computing requirements, Virginia Information Technologies Agency (VITA) establishes contracts for hardware and software. The contracts include many common hardware and software items and the use of the contracts will greatly reduce order processing time and should be considered first when making a purchasing decision. Contact the Department of Procurement and Contracts for information concerning these contracts or access these contracts at VITA’s website: http://vita2.virginia.gov/procurement/contracts.cfm

Often, the purchase of software includes a contract from the software provider. This contract must be reviewed and approved by the Department of Procurement and Contracts to ensure that the contract does not contain language unacceptable to the Commonwealth. These agreements and/or contracts must be signed by a representative in the Department of Procurement and Contracts.

Radford University’s Division of Information Technology (DoIT) reviews all information technology hardware/software requests prior to purchase. This is accomplished when the department creates a purchase requisition (PR) in eVA and uses the proper account code. Departments are requested to take time to use the correct account code when creating PRs in eVA.

Appendix I: Memorandum For The Record: Authority to Contract for Radford University, dated June 22, 2012, supersedes Memorandum dated May 5, 2010 http://www.radford.edu/content/dam/departments/administrative/purchasing/Authority_to_Contract_for_RU.pdf
Acquisition and Leases of Real Property

23.0 Acquisition and Lease of Real Property

Real property is defined as land and improvements, and any rights thereto. Acquisition of real property, whether by gift, purchase or lease (any duration) is subject to the provisions of the Code of Virginia as defined in the directives of the Department of General Services, Real Estate Services. The following requests related to the acquisition or lease of real property should be directed to RU’s Department of Facilities Planning and Construction at 831-7812:

- Purchase of land and/or improvements;
- Lease of office space, classrooms, clinical facilities, etc.;
- Lease of warehouse or storage space (not including mini-storage facilities);
- Lease of land for parking; and
- Lease of dedicated spaces in a parking structure.

Requests to acquire services related to real property are not subject to the process above. Instead, these are requested via an eVA purchase requisition which will be processed according to the end user’s previously established approval flow and by the account code used. These services include:

- Rental of hotel rooms;
- Rental of conference space, sporting events, concert or registration facilities; and
- Rental of mini-storage facilities

Appendix I: Memorandum For The Record: Authority to Contract for Radford University, dated June 22, 2012, supercedes Memorandum dated May 5, 2010
http://www.radford.edu/content/dam/departments/administrative/purchasing/Authority_to_Contract_for_RU.pdf
24.0 Printing Purchases

Requisitions created in eVA for printing must use the 712151 account code to allow for proper internal approvals. The purchase of printing is governed by specific printing terms unique to this commodity. Color items being printed off-campus require a written justification approved by the President’s office, or designee, prior to placing an order.

Within the departmental delegated purchasing authority, one (1) verbal or written vendor quotation may be obtained by the department prior to creating the eVA purchase requisition. The Department of Procurement and Contracts suggests that departments which choose to exercise their delegated purchasing authority obtain a written quote because of the technical aspects and complications resulting from printing trade customs.
Purchases of Used Equipment

25.0 Purchases of Used Equipment

Used equipment is defined as equipment that has been previously owned and used and is offered for sale under "where is, as is" condition. It does not include demonstration or factory rebuilt items marketed through distribution outlets.

The purchase of used equipment not greater than $50,000 has been exempted from competitive purchase procedures. However, the following must be submitted with the eVA requisition for the purchase of used equipment not greater than $50,000:

- Complete information describing the item; and,
- A written statement from an individual who is technically knowledgeable of the type of equipment to be purchased verifying the condition of the equipment, its future usefulness, and that its purchase would be in the best interest of the Commonwealth of Virginia and Radford University.

Used equipment purchases greater than $50,000 follow the sealed competitive purchase procedures. In such cases, contact one of the buyers in the Department of Procurement and Contracts for assistance in procurement planning.
Chapter 26

Procedures for Advance Payment

26.0 Procedures for Advance Payment

Within departmental delegated authority, advance payments may be requested for the procurement of the following:

- books
- subscriptions
- publications (magazines, pamphlets, reprints, periodicals and software updates)
- membership dues
- accreditation fees
- advertisements in newspapers, magazines, journals, radio and television
- any non-host seminar or non-host conference registration fees.

Requests for advance payments must be created in eVA as X02 purchase order category with supporting documentation attached to the PR or sent directly to Accounts Payable. Supporting documentation for an Advance Payment includes invoice, contract or agreement, and date payment must be made.

All advance payment requests should be coordinated with the Department of Procurement and Contracts and Accounts Payable.
Chapter 27

Proprietary Specification Purchases

27.0 Proprietary Specifications Purchases

Occasionally, campus departments may require the purchase of a particular brand name product. Limiting competition to only one brand name is known as a proprietary specification. However, because of the State's competitive procurement requirements, such requests should be the exception rather than the rule. A proprietary specification excludes consideration of a proposed "equal." Proprietary items are available from several distributors. Every effort must be made to obtain full competition among the distributors which carry the manufacturer’s product.

Proprietary purchase requests that exceed the departmental delegated purchasing limit for goods or services must contain a written determination for the use of proprietary specifications. This determination shall be made in advance, in writing on Procurement and Contracts Form C034-Proprietary or Sole source Request and Certification, and must be electronically attached to the Electronic Virginia - eVA purchase request when submitted for electronic approval. All sections of the form applicable to the proprietary nature of the request must be completed providing all supporting documentation which clearly demonstrates that only one brand name product meets the user's requirement. The user department's written justification must contain clear, in-depth, accurate and verifiable information since it becomes a matter of public record and is subject to protest.

All proprietary eVA purchase requests must have a PO category code of P01.

Form C034 can be located electronically on the Procurement and Contracts website at www.radford.edu/procurement under the forms tab.

Upon receiving the eVA purchase request in Procurement and Contracts the C034 form will be reviewed by the appropriate Contract Officer. If additional information is required during the review process the responsible party indicated on the form will be contacted. If approved, Procurement and Contracts will attach a fully executed copy of the C034 form to the eVA purchase request to document the file.

The use of a proprietary specification may be appropriate where:

- The desired product must be compatible with or is an integral part of existing equipment or products;
- Pre-qualification of products is necessary to support a specific need of a program;
- The desired product is covered by a patent or copyright;
- The requested items must yield absolute continuity of results; and/or
• The desired item is one with which the user has had extensive training and experience and the use of any other brand of the item would require considerable reorientation and training.
Chapter 28

Sole Source Purchases

28.0 Sole Source Purchases

A sole source purchase differs from a proprietary specification. A sole source purchase is a proprietary specification which is practicably available from only one source. Competition is not available for sole source procurements.

Sole source purchase requests exceeding the departmental delegated purchasing limit for goods or services must be approved by the Director of Procurement and Contracts or his/her designee, and the appropriate Contract Officer and must also be accompanied by a written sole source justification from the requesting department (Form C034-Proprietary or Sole Source Request and Certification). Form C034 can be located electronically on the Procurement and Contracts website at www.radford.edu/procurement under the forms tab. The form must be completed in its entirety and electronically attached to the eVA purchase request before submitting through eVA electronic approvals. All sole source eVA purchase requests must have a PO category code of S01.

Upon receiving the eVA purchase request in Procurement and Contracts the C034 form will be reviewed by the appropriate Contract Officer. If additional information is required during the review process the responsible party indicated on the form will be contacted. If approved, Procurement and Contracts will attach a fully executed copy of the C034 form, with all supporting documentation, to the eVA purchase request to document the file.

Purchase requisitions under departmental delegated procurement authority thresholds are not to be keyed as a sole source unless the good and/or service is for an on-going need and the total aggregate spend exceeds departmental delegated procurement authority. If assistance is required in making this determination, contact Procurement and Contracts.

All sole source procurements are subject to public review. Sole source procurements in excess of $50,000 require public posting by the Department of Procurement and Contracts for ten calendar ten (10) days. Placing the order, however, need not be delayed because of the posting requirement. Therefore, the sole source justification must contain clear, in-depth, accurate and verifiable information to avoid protests and the resulting possibility of delaying the purchase request. Contact the Department of Procurement and Contracts for any assistance needed to prepare the justification.

Any sole source procurement request requires careful attention and prior written approval. Special procedures are applicable to such requests and the advice of the Department of Procurement and Contracts should be sought at the earliest opportunity. In addition, the Department of Procurement and Contracts must be fully informed of any special circumstances or relationships which may exist between the University, or any of its
28.1 Sole Source Recertification Process

If seeking to order a sole source good and/or service that was previously approved and executed on the most currently dated Form C034 published on the Procurement and Contracts website, and a sole source contract was not awarded, submit the most currently dated Form C035 – Sole Source Subsequent Request and Recertification from the Procurement and Contracts website instead of Form C034 referenced in section 28.0.

However, if the prior approved Form C034 was on an earlier dated version, not the most currently dated form published on the Procurement and Contracts website, a new currently dated Form C034 must be submitted instead of Form C035.

For Recertification, an eVA purchase request identifying PO category Code S01 must be submitted attaching Form C035. The form must be completed in its entirety. The form is located on the Procurement and Contracts website under the Forms tab – www.radford.edu/procurement.

In addition, the original executed C034 sole source form must be attached to the eVA purchase request as well as documentation validating the good and/or service still meets the criteria stated on the original sole source document.

Sole source recertification is not required to be publicly posted. All other directives provided in 28.0 above will be followed.
Emergency Purchases

29.0 Emergency Purchases

Even with the best of intentions and planning, emergencies do arise. Emergency purchases will be processed only when the need for supplies and/or services, if not procured immediately, will cause serious operational or financial loss or where life and/or property must be protected. The Director of Procurement and Contracts is required by State law to obtain such competition as is practicable under the circumstances. Emergency purchases can cover only that which is necessary to cover the emergency. Subsequent requirements must be obtained using normal purchasing procedures. In all emergencies, the requesting department is required to prepare a written determination indicating the nature of the emergency and the reason for selection of the particular vendor. This written determination from the requesting department must be included in the procurement file. Emergency procurements must be publicly posted by the Department of Procurement and Contracts.

Deans/Department Heads should establish a contact in their area to coordinate with the Department of Procurement and Contracts if emergency purchases are required. These purchases (over $5,000) must be critical in nature and have the advance approval of the Dean/Department Head. The approval of the appropriate Division Head will be required for any emergency exceeding $50,000. In the event of an emergency, contact the appropriate buyer in the Department of Procurement and Contracts for specific guidance and assistance.

If an emergency occurs at a time outside the normal work-day (i.e. nights, weekends, holidays), the department’s designated representative may place the order. The department will obtain such competition as is practicable under the circumstances (e.g. obtain three quotes, etc.). As soon as practicable, the department must create an eVA requisition and a signed written determination stating the basis of the emergency and for the selection of the particular vendor. The written determination must be included in the procurement file. The emergency procurement must be publicly posted by the Department of Procurement and Contracts subsequent to the event.

The nature of the emergency determines what preliminary (pre-award) action may be taken:

- For an emergency purchase required to protect safety or property, efforts should be directed to finding a source and authorizing the vendor to proceed. This does not relieve the university from negotiating a fair and reasonable price and subsequently documenting the procurement action taken.
For other types of emergencies, competition should be sought to the extent practicable. Verification is required of the following vendor information prior to authorizing the purchase:

1) Qualifications.
2) Insurance coverage, if applicable.
3) Warranty.
4) Any other data pertinent to the procurement may be obtained.

A contingency plan is in place to address a catastrophic system failure wherein the university’s financial system (Banner) would not be accessible for an extended period. In this situation, the departments should obtain or utilize their existing SPCC.

The SPCC may be used for emergency purchases as deemed necessary.

As soon as practical, all supporting documentation to justify and support the utilization of an emergency purchase must be submitted to the Director of Procurement and Contracts, including the Radford University Emergency Procurement Justification form (Form R9) must be completed and submitted to Procurement and Contracts.

The potential loss of funds at the end of the fiscal year is not considered to be an emergency.

Reference:

Appendix R: Radford University Emergency Procurement Justification Form (Form R9)
http://www.radford.edu/content/dam/departments/administrative/purchasing/C016-A-EMERGENCY-JUSTIFICATION-FORM.pdf
Chapter 30

Special Types of Purchases

30.0 Special Types of Purchases

30.1 Office Supplies

The Supply Room Companies is the preferred vendor for office supplies. Their prices for the most commonly ordered items are generally favorable because of a State contract and are available using the eVA punch-out catalog. The Supply Room Companies charge a $5 small order fee for orders less than $25 and are a certified women-owned small business.

Departments may also purchase from another State contract vendor, Guy Brown, using the eVA punch-out catalog. Guy Brown is a certified minority-owned small business and requires a minimum order of $25 for free shipping.

Departments must make sure they access State contract pricing for both companies when placing orders in eVA.

The State contract for office supplies requires desk-top delivery. If ordering from a different office supply vendor, desk-top delivery must be discussed with the vendor and approved by Warehouse Services.

30.1.1 Copy Paper:

As required in Executive Order #82 (Governor Kaine) “Greening of State Government”, recycled copy paper (30% minimum) must be purchased for campus use, except when approved in advance by the Director of Procurement and Contracts.

30.1.2 Office Equipment Purchases:

All new copiers, faxes, printers, and other such office equipment purchased or leased by agencies and institutions that use paper shall be recycled paper-compatible. As an agency of the Commonwealth, Radford University shall purchase only recycled paper except where equipment limitations or the nature of the document precludes the use of recycled paper.

If you have any questions about the purchase of recycled paper, please contact the Department of Procurement and Contracts at 831-5356.

30.2 Furniture

Department representatives must create an eVA requisition to Virginia Correctional Enterprises (VCE) for all furniture purchases. Departments may not purchase furniture from any other source. If furniture from a vendor other than
VCE is requested, a VCE Release Request, sometimes referred to as a waiver, is required. The buyer in the Department of Procurement and Contracts is responsible for coordinating this request with the VCE Representative.

30.3 University Bookstore
Departments may make purchases within their delegated authority for approved items from the University Bookstore.

30.4 Food and Beverage Purchases
Purchases of food and beverages for university functions are a specialized type of purchasing. Departments must follow the University’s Food and Beverage Policy (Appendix L), which can be found at http://finservc.asp.radford.edu/temp/Food%20and%20Beverage%20Policy%20708%20FINAL.pdf

Reference:
Appendix L: Radford University’s Food and Beverage Policy
http://www.radford.edu/content/dam/departments/administrative/financial-services/policies-procedures/FoodBeveragePolicy708.pdf
Chapter 31

Training

31.0 Training

The Department of Procurement and Contracts offers annual procedure training that includes a review of this manual, eVA, and use of the Small Purchase Charge Card (SPCC).

eVA training is required for all employees prior to accessing eVA. Monthly training is offered to new employees and to those in need of a review.

SPCC training is required before issuance of a card. Cardholders and their supervisors are also required to complete annual online training using the Knowledge Center on the Department of Accounts (DOA) website.

If a refresher workshop is needed regarding purchasing procedures or if new employees need instruction, the Department of Procurement and Contracts provides in-house training. The “eVA/Banner Training” offers employees an opportunity to learn the basic purchasing and accounts payable procedures at the University. For additional information about the various seminars, contact the Department of Procurement and Contracts at 831-5419.
Chapter 32

Contract Administration

32.0 Contract Administration

The Radford University Director of Contract Administration is responsible for ensuring all departmental contract administrators are aware of the responsibilities of executing and administering the requirements of a term contract. This chapter focuses on the responsibilities for a term contract as opposed to the responsibilities associated with a one-time purchases.

University department heads are responsible for assigning departmental contract administrators for contracts that have been established for their use. Contract Administrator’s must monitor the contractor's performance to ensure that the contractor provides the required goods and/or services in accordance with all of the applicable terms and conditions of the contract. It is essential that the Contract Administrator notify the appropriate buyer immediately if there is a problem with a contract.

Contract administration begins with the signing or execution of a contract or purchase order, by an authorized representative of the University. Only certain employees have been delegated signature authority. The purpose of contract administration is to ensure that the contractor performs in accordance with all of the terms and conditions of the contractual agreement. Contract administration includes all actions taken by the Department of Procurement and Contracts and the assigned Contract Administrator after the award of a contract. As such, proper contract administration requires the complete cooperation, coordination, and communication of both the buyer that established the contract and the departmental contract administrator. Although they are separate and distinct functions, each of these positions plays an integral and vital role in the total scope of contract administration.

The following details the departments contract administrator’s responsibilities after authorizing the procurement. Contract administrators that do not have access to eVA to create purchase requests (PR) or to complete receiving must work directly with the person in their department that is an eVA account user.

32.1 Follow-up and Expediting. After a term contract is awarded, the assigned Contract Administrator must perform any necessary follow-up and expedite with the contractor. In the event of untimely contractor performance, the contract administrator must begin documenting all activity concerning compliance. When a problem occurs, the contractor administrator should be notified the contractor either verbally or in writing of the issues involved. If the issue cannot be resolved in a timely manner, the contract administrator must immediately contact the appropriate buyer in the Department of Procurement and Contracts for assistance.
Be prepared to provide supporting documentation.

32.2 **Receipt of Goods and/or Services.** Only the eVA account user that created the eVA PR has access to the purchase order to enter receiving in eVA. The eVA account user must ensure that the individual receiving the goods and/or services maintains a copy of the purchase order/contract and is fully informed of the requirements of the contract. **The inspection of the items or services received and the completion of the receiving report should be completed as soon as possible, but in no case more than three (3) working days after delivery.** The receiving date must be the actual date the goods and/or services were received; not the date on which the receiving is entered in eVA. The receiving date is used by Accounts Payable to determine actual payment date for the vendors. All administrative requirements relative to receiving goods and/or services shall be made in accordance with the most current version of the procedures established for an eVA account user.

32.3 **Over-shipments/Overruns.** The eVA account user should not accept goods in excess of those specified on the purchase order/contract unless provided for by an authorized purchase change order from the Department of Procurement and Contracts and should reject an over-shipment even after receipt. In such event, the eVA account user must notify the contractor (or coordinate with the Department of Procurement and Contracts) that the over-shipment will not be accepted and unless the over-shipment is picked up by the contractor, it will be returned at the contractor’s expense. For purchase orders/contracts for printing, up to 10% overruns and under-run are generally considered within industry standards, and are therefore, considered acceptable. Accounting Services will process payment up to ten percent over the purchase order amount for printing orders only.

32.4 **Lost or Damaged Shipments.** The contract administrator must promptly inspect deliveries for shipping damage at the receiving location. Concealed damage must be documented by the contract administrator. In such cases, the contract administrator must coordinate with the appropriate buyer to ensure that the concealed damage is reported within seven (7) days of receipt and prior to removal from the point of delivery. It is difficult to determine the correct responsible party for damaged deliveries once the department has moved the goods to another location or when inspection has not been made in a timely manner. The contractor shall make immediate replacement of the damaged or lost merchandise or be in default of the contract. It shall be the contractor’s responsibility to file a claim against the carrier. If damage is to a small quantity and with the approval of the department, the contractor may deduct the amount of damage or loss from the invoice to the University in lieu of replacement. The contract administrator must inform the eVA account user not to complete receiving in eVA of the damaged goods.

32.5 **Inspection, Acceptance, and Continuous Monitoring of Performance (including**
SWaM Subcontracting Requirements. For one-time purchases, the department’s assigned contract administrator is responsible for inspecting and accepting goods and services, and continually monitoring the performance of the contract. For purchases from an established contract, the contract administration is responsible for inspecting and accepting goods and services and to continually monitor the performance of the contract. Inspection is the close and critical examination of the delivered goods and/or services to determine conformance with applicable contract requirements of specifications. It includes the determination that:

- Unless otherwise specifically ordered, the delivery consists of new and unused merchandise and
- Goods and/or services provided are of the quality, grade, standard or any other aspect specified in the purchase order/contract.

The ongoing and continual monitoring of the contractor’s performance is critical to the success of the contract. If guidance is required relative to contract administration or assistance is needed in resolving contractor compliance issues, contact the University Director of Contract Administration if the purchase is from an existing contract, or the buyer if the purchase is a one-time purchase. Please remember that the department and the Department of Procurement and Contracts are responsible for ensuring that the contractor performs in accordance with the contract.

The assigned departmental contract administrator is responsible for ensuring the contractor is meeting the Small Business subcontracting (SWaM) requirements as stated in their response to the University’s solicitation. This is an important factor in the performance of the contract and requires monitoring and reporting on a monthly basis.

32.6 Rejection. Rejection of goods and/or services is the responsibility of the contract administrator whenever goods and/or services do not meet contract requirements. The contract administrator must document in writing when the contractor’s performance does not comply with the contractual agreement. Such written documentation shall be provided to the Department of Procurement and Contracts by the user department using the University’s Contractor Non-Compliance Form (Appendix R4). This report is necessary for the Department of Procurement and Contracts to take the appropriate default actions as provided for in the contract. In addition, the form is important so that the Department of Procurement and Contract and the State can continue to develop vendor history and evaluate vendor performance. Contact the Department of Procurement and Contracts at 831-5419, if you intend to file a complaint.

32.7 CANCELLATIONS AND CHANGES TO PURCHASE ORDERS/CONTRACTS. NO CANCELLATION OR CHANGE MAY BE MADE TO A PURCHASE ORDER/CONTRACT (ISSUED BY THE DEPARTMENT OF PROCURMENT AND CONTRACTS) BY THE EVA
ACCOUNT USER UNTIL THE BUYER HAS BEEN MADE AWARE OF THE SITUATION. CANCELLATIONS AND CHANGES TO PURCHASE ORDERS/CONTRACTS MAY BE REQUESTED, IN WRITING, BY THE EVA ACCOUNT USER AND SUBMITTED TO THE APPROPRIATE BUYER. ALL SUCH ACTIONS MUST BE REVIEWED, APPROVED, AND CONFIRMED WITH THE CONTRACTOR BY THE APPROPRIATE BUYER.

Reference:

Appendix R: Contractor Non-Compliance Form (Form R4)
http://www.radford.edu/content/dam/departments/administrative/purchasing/contractor-noncompliance-form.pdf

Appendix R: Radford University Addendum To Contractors Form (Form R5)
http://www.radford.edu/content/dam/departments/administrative/purchasing/contractor-addendum-to-contractors-form.pdf

Appendix R: Radford University Contract Administrator Contract Renewal Checklist (Form R7)
http://www.radford.edu/content/dam/departments/administrative/purchasing/ca-renewal-checklist.pdf

Appendix R: Radford University Contractor Performance Evaluation Report (Form R8)
http://www.radford.edu/content/dam/departments/administrative/purchasing/C002%20CA%20EVALUATION%20AND%20PERFORMANCE%20REPORT.pdf

Appendix R: Radford University Emergency Procurement Justification Form (Form R9)
http://www.radford.edu/content/dam/departments/administrative/purchasing/C016A-EMERGENCY-JUSTIFICATION-FORM.pdf

Appendix R: Radford University eVQA Acceptable Use Acknowledgement (Form R10)
http://www.radford.edu/content/dam/departments/administrative/purchasing/eva-acceptable-use-acknowledgement.pdf

Appendix R: Radford University Contract Modification Request (Form R11)
http://www.radford.edu/content/dam/departments/administrative/purchasing/modification-request-memo.pdf

Appendix R: Radford University Monthly SWaM Subcontractor Expenditure Reporting Form (Form R12)
http://www.radford.edu/content/dam/departments/administrative/purchasing/monthly-subcontractor-report-form.pdf
Procurement Complaints

33.0 Procurement Complaints

Departments that encounter problems in dealing with a vendor should contact the Department of Procurement and Contracts for assistance in resolving the problem. In order for complaints to obtain prompt attention, the Department of Procurement and Contracts requires the department to complete the Contractor Noncompliance Form (Appendix R (Form R4)). This form provides an easy mechanism for addressing and resolving complaints related to vendor performance. This system provides assistance in resolving complaints related to:

- Non-delivery;
- Over/under shipments;
- Delinquent deliveries;
- Improper billing; and
- Receipt of non-conforming materials or services-failure to perform.

Specific instructions and procedures may be obtained from the Department of Procurement and Contracts. Remember, feedback on the quality of goods or services from vendors doing business with the University is critical to all university departments, as well as agencies within the State system. To ensure the best goods and/or services for users, the Department of Procurement and Contracts takes the Contractor Noncompliance Form very seriously. User input is a valuable tool and helps identify vendors who should be debarred from future dealings with the University and State. Documented poor vendor performance may result in the Department of Procurement and Contract debarring the vendor from doing business with the University. The form for reporting complaints is located on the Department of Procurement and Contracts website. All complaints must be sent to the Department of Procurement and Contracts. The Department of Procurement and Contracts staff will review the complaint and take the appropriate action. Departments should not send complaints directly to the vendor.

Reference:

Appendix R: Contractor Non-Compliance Form (Form R4)
http://www.radford.edu/content/dam/departments/administrative/purchasing/contractor-noncompliance-form.pdf
34.0 Tips for Dealing With Sales Representatives

Radford University reserves the right to determine if the goods or services offered by a company are acceptable for use by the University and may deem it necessary to deny that company access to University business or participation in the RU Express program.

Sales representatives from vendors doing business with the University may contact your department. These representatives can be a helpful source of information.

All commitments to purchase goods and/or services beyond the departmental delegated purchasing authority are to be made through the Department of Procurement and Contracts. In such cases, quotations or specifications provided by sales representatives should be forwarded to the appropriate buyer with your requisition.

Please remember that all equipment, materials and services must be purchased using applicable procurement procedures. Equipment left by sales representatives on a "loaner" or "demonstration" basis does not constitute a commitment to buy this equipment.

Occasionally, some vendors may utilize unethical tactics by attempting to solicit business by telephone, stating that they can offer you a great deal on over-stocked merchandise. They will take minimal information as a commitment to buy and ship merchandise after a conversation with someone in the department. Should such a company contact you, refer them to the Department of Procurement and Contracts at 831-5419.

Do not order from a vendor that contacts you as this may be a scam. Remember, you must initiate the purchase, not the vendor. **Do not accept gifts or gratuities from vendors under any circumstances as this practice violates the State and Local Conflict of Interest Policy.**

Radford University reserves the right to reject an RU Express application submitted by a business that does not complement the mission of the University.

Furthermore, unauthorized attempts by a vendor to conduct business on University property will result in immediate removal of that vendor by University Police.