

3344-65-01 General scope and procurement authority.

(A) It is essential to follow uniform purchasing policies throughout the university in order to maintain standards of efficient business practice and good relationships within the university as well as with outside vendors and suppliers. Furthermore, a public educational institution has a responsibility to the taxpaying public, as well as to its students, faculty, and staff. It shall conduct its business fairly, in accordance with state regulations and university policy.

~~(B) Accordingly, the responsibility for procurement of supplies, equipment, and services for the operation and development of the university is assigned to the department of purchasing services as affirmed in board of trustees' resolution 85-148.~~

~~(C)~~(B) ~~The purchasing department~~Purchasing services is responsible for approving all quotations, selecting suppliers, and placing all purchase orders for any division, department, or office of the university. ~~The purchasing department~~Purchasing services has delegated authority to the law library and main library to directly purchase books and periodicals only (up to the current bid ~~limit amounts~~), ~~and to departments to make purchases utilizing the small order form (SOF) threshold~~. Failure to follow university purchasing policies and procedures may result in revocation of this delegated authority. ~~The purchasing department~~Magnusmart will also verify availability of funds ~~from the controller's office, via its electronic budget checking function~~, for any purchase prior to issuance ~~of a purchase order~~. To avoid delays, please ensure that sufficient funds are available for the purchase ~~or another arrangement has been made with the controller's office~~, before submitting the requisitions.

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3344-65-02 Definitions for procurement terms.

- (A) “Bid” is defined as a prospective vendor’s sealed submission to the university, including specifications of the product(s) (or construction project) to be delivered, and the cost for which the prospective vendor would agree to deliver it.
- (B) “Proposal” is a prospective vendor’s description of the professional services it would provide in response to the university’s request (request for proposal), including supporting information such as the prospective vendor’s qualifications, previous experience, the ways in which the proposed solution would satisfy the university’s needs, and (for services other than professional design for construction) the proposed fee structure.
- (C) “Competitive bidding” is the process of obtaining sealed bids for contract award, either through adherence to the process defined in Chapter 153 of the Revised Code (for public improvements), or through the competitive bidding process set forth in rule 3344-65-16 of the Administrative Code.
- (D) “Competitive selection” is the process of selecting a service provider through advertising and receipt of proposals. This is done either through adherence to the process defined in Chapter 153 of the Revised Code (for public improvements), or through the competitive selection process set forth in rule 3344-65-16 of the Administrative Code (invitation to bid).
- (E) “Request for quotation” is a formal request to vendors for specific items or a small project. The format typically covers defined item(s) to be purchased, number of items and per unit cost. A request for quotation is similar to bid terms, but applicable to purchases below bid threshold.
- (F) “Request for qualifications (RFQ)” is a formal request to vendors to submit their qualifications for a particular service or project.
- (G) “Minority business enterprise” (MBE) is a for-profit company that has been in business for longer than one year and is at least fifty-

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one per cent owned and controlled by a minority person(s) as defined by the state of Ohio, certified by the equal opportunity coordinator of the state of Ohio.

(H) “Magnusmart” is the electronic purchasing system used by the university.

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(I) “Purchaser” means an employee authorized by their department is committed to make purchases on the efficient and economical acquisition department’s behalf.

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(J) “Bid threshold” is the value of quality a purchase above which a competitive bidding or competitive selection process is required pursuant to rule 3344-65-16 of the Administrative Code. The bid threshold for goods and services in support of Cleveland state university’s overall mission. Toward that end, Cleveland state university is a member of the inter university councils supplies is twenty-four thousand nine-hundred ninety-nine dollars; the bid threshold for services is forty-nine thousand, nine hundred ninety-nine dollars.

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(K) “Responsive vendor” is a vendor whose solicited bid or proposal is in substantial conformance with the conditions, requirements and specifications detailed in the invitation to bid or request for proposal.

(L) “Responsible vendor” is a vendor qualified on the basis that it has adequate resources to perform a contract; is able to comply with associated legal or regulatory requirements; is able to deliver according to the contract schedule; has a history of satisfactory performance; has a good reputation regarding integrity; has or is able to obtain necessary resources to fulfill the contract; and is otherwise eligible and qualified to be awarded the contract.

(M) “Purchasing agent” is an employee in purchasing services that assists in the selection and purchase of goods and services by gathering information about products, prices and vendors. Also,

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distributes invitations to bid and requests for proposals and receives responses from vendors in the form of bids and proposals.

(N) “Vendor” is a person doing business with the university or seeking to do business with the university.

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3344-65-03 BuyOhio

- (A) In accordance with sections 125.09 and 125.11 of the Revised Code, the university shall give preference to Ohio vendors, vendors from a “border state”, and vendors that qualify as having a significant Ohio economic presence.

- (B) A “border state” means any state that is contiguous to Ohio and that does not impose a restriction greater than Ohio imposes pursuant to sections 125.09 and 125.11 of the Revised Code on persons located in Ohio selling product or services to agencies of that state. The Ohio department of administrative services current recognizes the following “border states”: Michigan, Kentucky, Pennsylvania, Indiana, and New York.

- (C) “Significant Ohio economic presence” means business organizations that: 1) pay required taxes to the state of Ohio; 2) are registered and licensed to do business in the state of Ohio with the office of secretary of state; and 3) have ten or more employees based in Ohio, or seventy-five per cent or more of their employees based in Ohio.

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3344-65-04 Tax exempt status.

Cleveland state university is exempt from paying Ohio sales tax under section 5739.02 of the Revised Code (there is no specific exemption number) and the purchaser should inform the supplier of that fact. In the event the vendor requires a tax exemption certificate, it is obtainable from ~~group (IUCPG), a~~ purchasing services.

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3344-65-05 Purchases below bid threshold.

(A) Small purchases

Small purchases valued at twenty-five hundred dollars or below are exempt from the competitive process.

(B) Goods below bid threshold

For goods consortium composed of state of Ohio assisted colleges and universities, technical schools and community colleges. With the advantage of their combined to be purchased between twenty-five hundred one dollars and twenty-four thousand nine hundred ninety-nine dollars, a minimum of three quotes, one from an MBE, shall be acquired, when possible. If not possible, a brief written explanation shall accompany the requisition. One or more quote(s) are provided by the department and the others by purchasing, with the lowest, responsive vendor becoming the vendor of choice. The process of selecting the lowest quote is subject to a procedural override at the Vice President level, if determined to be in the best interests of the University.

(C) Services below bid threshold

For purchase of services power, IUCPG members jointly establish and utilize several price agreements. between twenty-five hundred one dollars and forty-nine thousand nine hundred ninety-nine dollars, the department should supply a minimum of three quotes, one from an MBE, where possible, for the identical scope of work, reviewable by purchasing. If not possible, a brief written explanation shall accompany the requisition. The most advantageous quote becoming the vendor of choice.

(D) Purchases above the bid threshold require competitive bidding or competitive selection in accordance with rule 3344-65-16 of the Administrative Code.

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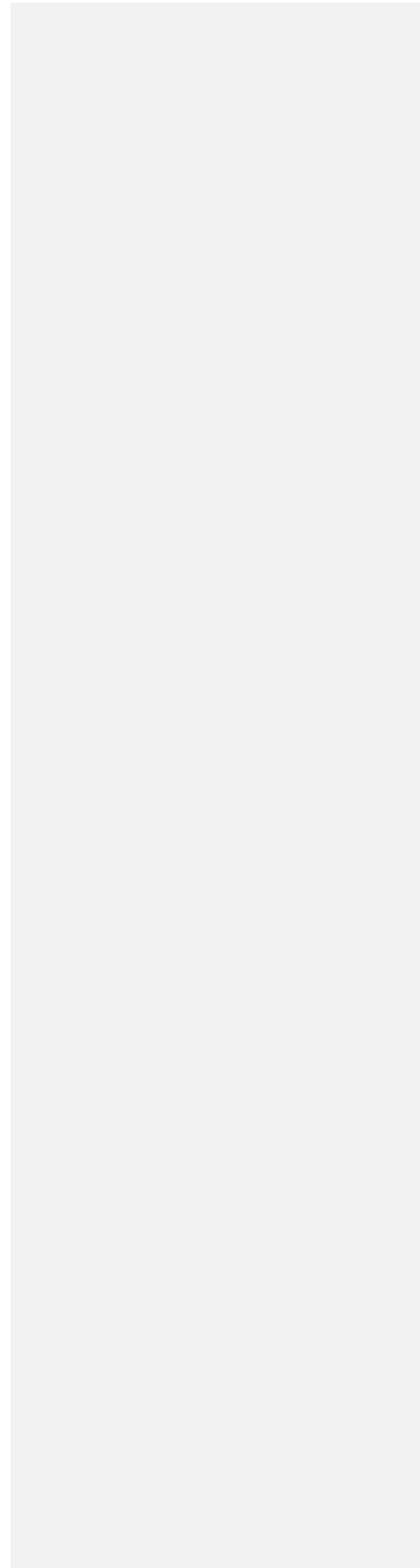
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3344-65-06 Cooperative purchases and state contracts

(A) Purchasing services has the authority to join cooperative purchasing organizations, defined as an arrangement to aggregate purchases to get lower prices from suppliers, provided that such cooperative purchasing organizations use contracts that conform to the legal requirements for contracting with the state of Ohio. A list of contracts available to the university through cooperative purchasing groups is available from purchasing services.

~~(D)~~(B) Contracts established by the state of Ohio, office of purchasing, are also available to CSU purchasing. Further, the department is a member of a national purchasing consortium, the educational and institutional cooperative service (“E&I”), as well as a member of a national organization for purchasing professionals, the national association of educational buyers, the university. A list of state of Ohio contracts is available on the state of Ohio website at <http://procure.ohio.gov/proc/currentContracts.asp>.

(C) Prior to issuing an invitation to bid or a request for proposal, purchasers must review whether a cooperative purchasing contract or state contract exists for the goods or services to be purchased. Purchasers must use such available contracts when it is advantageous to the university to do so.

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3344-65-02 — ~~Unauthorized~~ Mandated vendors

(A) Purchasing services may enter into price agreements with vendors for commonly-purchased goods and services.

(B) In situations where a price agreement exists and the Controller has determined that significant savings may be realized by the use of such price agreement, the controller may require that all purchases of certain goods and services be made from certain mandated vendors.

(C) Exceptions to the requirement to purchase from mandated vendors pursuant to this rule may be approved by purchasing services when it is demonstrated that another vendor provides goods and services that are more advantageous to the university than those offered by the mandated vendor.

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3344-65-08 **Equipment purchases.**

- (A) All requests for purchases of equipment, defined as non-expendable, tangible, personal property having a useful life of more than one year and an acquisition cost of five thousand dollars or more shall be initiated by a purchase requisition. The university is required to maintain an inventory of all equipment and the utilization of the purchase requisition ensures that the property control department is automatically notified of such acquisitions.
- (B) Equipment improvements that increase non-expendable value to five thousand dollars or more shall be added to that valuation when identifiable. Increases to valuation can include costs such as shipping/delivery/installation charges (example: a server that has memory added.) These are considered assets that shall be maintained by property control, as stated in paragraph (A) of this rule.

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3344-65-09 Additional approval for certain purchases.

(A) Certain purchases require additional approval. Guidance describing the additional approvals required is set forth in the following table.

<u>Purchase</u>	<u>Guidance</u>
<u>Furniture</u>	http://www.csuohio.edu/offices/architect/furniture/
<u>Outsource services / external hosting</u>	http://www.csuohio.edu/offices/ist/technologypolicies/outsourcing-hosting-services_security_checklist.pdf
<u>Signage</u>	https://www.csuohio.edu/architect/signage-standards
<u>Microcomputers</u>	https://www.csuohio.edu/hardware-software/ist-hardware-procurement-procedure
<u>Environmental, health & safety items</u>	http://www.csuohio.edu/ehs/ehs

(B) Electronic and information technology purchases

(1) Cleveland state university has a responsibility to make our programs and services accessible to persons with disabilities according to federal law in accordance with the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973 and related regulations and state law

(2) Software and hardware considered electronic and information technology (EIT) must be evaluated for access to persons with disabilities before purchase of such technology may commence.

(3) The information services and technology department shall issue purchasing guidelines for the acquisition of EIT. All parties purchasing EIT must comply with those purchasing guidelines.

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3344-65-10 Personal purchases.

No purchaser may make a purchase for the personal benefit of university employees or other private persons, whether or not the university is reimbursed for the purchase. Those found in violation of this rule may be subject to disciplinary action.

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3344-65-11 Contracts.

(A) ~~No CSU employee outside of purchasing~~No university employee outside of purchasing services has the authority to enter into purchase contracts, or in any way to obligate Cleveland state university for procurement indebtedness unless specifically authorized to do so by the board of trustees, either by general policy or specific resolution. Any such ~~negotiations~~actions shall ~~be~~ considered an unauthorized purchase and the individual could be personally liable for the purchase in accordance with section 3.12 of the Revised Code.

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~~3344-65-03~~ Tax exempt status.

~~Cleveland state university is exempt from paying Ohio sales tax under section 5739.02 of the Revised Code (there is no specific exemption number) and the purchaser should inform the supplier of that fact. In the event the vendor requires a tax exemption certificate, it is obtainable from the purchasing department for this specific vendor.~~

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~~3344-65-04~~ **Competitive process.**

- (A) ~~For goods and supplies to be purchased below the bid threshold, a minimum of three quotes shall be acquired, when possible. One or more quote(s) are provided by the department and the others by purchasing, with the lowest, responsive becoming the vendor of choice.~~
- (B) ~~For purchase of services below the "Request for Proposal" (RFP) threshold, department should supply a minimum of three quotes, where possible, for the identical scope of work, reviewable by purchasing, with the lowest most responsive becoming the vendor of choice.~~

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~~3344-65-05~~ **Equipment purchases:**

~~(A) All requests for the purchases of equipment, defined as non-expendable, tangible, personal property having a useful life of more than one year and an acquisition cost of five thousand dollars or more shall be initiated by a purchase requisition, not a small order form. The university is required to maintain an inventory of all equipment and the utilization of the purchase requisition ensures that the property control department is automatically notified of such acquisitions. Violation of this policy may result in the revocation of the small order form privilege.~~

~~(B)(A) Equipment improvements that increase non-expendable value to five thousand dollars or more shall be added to that valuation when identifiable. Increases to valuation can include costs such as shipping/delivery/installation charges (example: a server that has memory added.) These are considered assets that shall be maintained by property control, as stated in paragraph (A) of this rule.~~

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~~3344-65-06—Procurement of microcomputers.~~

~~The provost's office has adopted certain brands of microcomputers for use at the university. In addition, specific installation procedures have also been implemented. Inquiries may be made with the department of information services and technology regarding these standards and procedures or with purchasing services regarding recommended vendors and procurement approach. The policy is also available on the university's web page. Purchase of computers that do not conform to university standards shall have information and system technology's approval attached to the purchase requisition.~~

~~3344-65-07 — Outsource / services external hosting.~~

~~All contracts for these services shall be approved by information systems and technology (“IT&S”) due to security concerns. Please refer to the link: http://www.csuohio.edu/offices/ist/technologypolicies/outsourcing-hosting-services_security_checklist.pdf for more information.~~

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~~3344-65-08~~ **Procurement of furniture.**

~~All purchases of furniture shall be coordinated with the capital planning department to follow the university furniture standards. Standards are shown on their website: <http://www.csuohio.edu/offices/architect/furniture/>.~~

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~~3344-65-09—Procurement of signage.~~

~~The capital planning department oversees exterior temporary and permanent signage. Please contact that office at 216-687-5390 for assistance.~~

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~~3344-65-10 — Personal purchases.~~

~~The university shall not purchase any supplies or equipment for the personal use of university employees. The attractiveness of the university's buying power may motivate individuals to take advantage of the requisition system for personal purchases. Even though the individual involved may fully reimburse their department budget, this procedure is in violation of state law and university policy. Refer to section 4113.17 of the Revised Code. Those found in violation of this policy may be subject to disciplinary action.~~

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~~3344-65-11~~ ~~Contracts.~~

(B) Any and all contracts/~~agreements (including software licenses)~~ shall be reviewed and approved ~~by~~ as to legal form by the office of general counsel. Contracts executed without review may be deemed outside the employee's authority and result in personal liability for the contract.

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(C) For the purposes of this section contract is defined to include but not be limited to contracts, agreements, vendor terms & conditions and memorandums of understanding.

(D) Execution of contracts for purchases are governed by Rule 3344-8-03 of the Administrative Code.

3344-65-12—Reciprocity.

~~The university does not engage in or submit to the practice of reciprocity in any purchase transactions.~~

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3344-65-13 Gifts and gratuities.

Both state law and university policy prohibit the receipt of gifts or gratuities from vendors or others who do business with the university. State law forbids a public servant to “solicit or accept ... anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person’s duties,” division ~~€(E)~~ of section 102.03 of the Revised Code.

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3344-65-~~1413~~ Uniform policies regardless of fund source.

All funds deposited with the university, regardless of source, are university funds and shall be handled consistently in accordance with university policy. All funds shall be administered by ~~the office of~~ purchasing services in a uniform manner and in conformance with university procurement policies and procedure.

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3344-65-~~1514~~ Major purchases.

(A) The early involvement of purchasing services in the initial stages of a contemplated major purchase, defined as having an estimated value, ~~which exceeds above~~ the ~~formal bid dollar~~ threshold, ~~cannot be over-emphasized. is required.~~ When a major purchase is under consideration, ~~contact the~~ purchaser shall provide purchasing ~~department or the purchasing agent assigned to that commodity.~~ Indicates services the basic requirements and potential vendors and sources. Purchasing services staff shall research state ~~contract contracts~~ or ~~IUC price agreement~~ cooperative purchasing organization agreements vendors and suggest ~~them as first~~ contacts the use of any such available contracts. The purchasing agent shall work with the ~~requester~~ purchaser to further define needs and develop an evaluation process. ~~At this point, it will be determined~~ With input from purchasing services, the purchaser shall determine whether the acquisition will be made utilizing an existing contract or whether ~~the bid process~~ a formal solicitation must be initiated. ~~(For policies concerning construction, see rule 3344-65-26 of the Administrative Code, procurement policy for design and construction services).~~

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(B) ~~3344-65-16~~ Major purchases related to construction are governed by rules 3344-65-25 and 3344-65-26 of the Administrative Code.

3344-65-15 Conflict of interest and ethics.

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- (A) All employees of Cleveland state university, as public servants, shall observe the highest ethical standard in discharging their responsibilities. Employees shall avoid any activity or interest that might reflect unfavorably on an individual's, or the university's, stewardship of public resources, and shall observe those provisions of the Ohio ethics laws that apply to them including, but not limited to, its conflict of interest restrictions.
- (B) Any purchase transaction of the university is a public contract. ~~With few exceptions, section 2921.42 of the Revised Code prohibits any employee of the university from having an interest in the profits or benefits of a contract entered into by the university; and prohibits the use of one's position to secure authorization of any public contract in which the public official, a member of the public official's family, or any of the public official's business associates has an interest. Statute and CSU policies prohibit the university from buying goods or services from a university employee unless the cost is less than that of any other known source. In addition to the legal implications, it is important that as a public institution, we avoid transactions that might appear to be a conflict, even if technically no conflict exists.~~ Rule 3344-2-04 of the Administrative Code constitutes the university's conflict of interest statement. That statement sets forth ethical standards for purchasing, including the circumstances in which an employee or other university official may sell goods or services to the university.
- (C) The university also subscribes to the following ~~National~~national association of educational buyers code of ethics:
- (1) To decline personal gifts or gratuities.
 - (2) To give first consideration to the objectives and policies of our institution.

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- (3) To cooperate with trade and industrial associations, governmental and private agencies engaged in the promotion and development of sound business methods.
- (4) To demand honesty in sales representation whether offered through the medium of a verbal or written statement, an advertisement, or a sample of the products.
- (5) To grant all competitive bidders equal consideration; to regard each transaction on its own merits; to foster and promote fair, ethical, and legal trade practices.
- (6) To use only by consent original ideas and designs devised by one or more vendor for competitive purchasing purposes, or to pay them for services as a consultant.
- (7) To accord a prompt and courteous reception insofar as conditions permit to all who call on legitimate business missions.

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3344-65-17—Definitions for procurement terms:

- (A) ~~“Bid” is defined as a prospective vendor’s sealed submission to the public authority, including specifications of the product(s) (or construction project) to be delivered, and the cost for which the prospective vendor would agree to deliver it.~~
- (B) ~~“Proposal” is a prospective vendor’s description of the services it would provide in response to the public authority’s request, including supporting information such as the prospective vendor’s qualifications, previous experience, the ways in which the proposed solution would satisfy the public authority’s needs, and (for services other than professional design for construction) the proposed fee structure.~~
- (C) **“16 Competitive bidding”** is the process of obtaining sealed bids for contract award, either through adherence to the process defined in Chapter 153. of the Revised Code, or through the university’s department of purchasing bid process (invitation to bid), **and competitive selection.**
- (D) ~~“Competitive selection” is the process of selecting a service provider through advertising and receipt of proposals. This is normally done as part of the Chapter 153. of the Revised Code process for contracting with a design firm.~~
- (E)(A) **“Request for quotation” (RFQ)** is a formal request rule applies to vendors for specific items or a small project. Format typically covers defined item(s) to be purchased, number of items and per unit cost. Similar to bid terms, but applicable to all purchases belowover the bid threshold; except:

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~~The procurement of goods and services related to construction governed by rules 3344-65-18 — Bidding requirements, 25 and,~~

~~(A)(1) For policies concerning construction and related design services, see rule 3344-65-26 of the Administrative Code (procurement policy for facility planning, design, and construction services).~~

~~(2) Important: prior to making any purchasing initiative or vendor contact, users Sole source purchases governed by rule 3344-65-23; and~~

~~(3) Emergency procurement governed by rule 3344-65-24.~~

(B) ~~Prior to issuing an invitation to bid or request for proposal, purchasers are encouraged required to consult with the respective purchasing agents services to discuss the best method of handling specific needs. The purchasing agent is familiar with the various contracts, aware of the price practices and discount levels of various vendors. Faculty and staff are cautioned not Failure to solicit quotations or proceed through an evaluation/decision process on their own. These solicitations contact purchasing services, will almost certainly not eliminate the requirement for the formal bid process solicitation and may result in unnecessary delays.~~

~~(C) Purchase requisitions for goods and supplies (other than construction) of twenty five thousand dollars or more shall be by competitive bidding. Purchase requisitions for services of fifty thousand dollars or more shall be competitively selected. Purchases above the bid threshold require a formal solicitation process. Purchasing services may use competitive processes require a formal solicitation on any requisition when it considers it advantageous to the university. The breaking up of a purchase into individual requisitions to avoid the bid process a formal solicitation (pyramiding) is prohibited.~~

~~(C)(D) All formal bids invitations to bid and requests for proposals shall be publicly displayed on a bulletin board located directly outside of the purchasing department services office. Bids and on the~~

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purchasing services website. Invitation to bids and request for proposals shall be formally advertised at the discretion of the purchasing department services and/or departments concerned. If the items required are covered by state contracts, government services administration (GSA) price schedules, inter-university council (IUC) price agreements, or other cooperative purchase agreements of which the university is a part, the competitive bidding requirement. Invitations to bid and requests for proposals may be considered satisfied, although bids may be still be solicited at the purchasing department's discretion also be sent directly to prospective vendors.

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(E) With few exceptions, formal bids. Invitations to bid and requests for proposals require a minimum of at least fifteen days from the date the bid or proposal is solicited until the date of the bid-opening. Bids. Re-bids, if necessary, require a shorter time period. Invitations to bid and requests for proposals will be solicited from, if possible, at least three vendors. Responses

(F) Bids and proposals shall be in writing and received by the specified date and time in the specified location. set forth in the invitation to bid or request for proposal. Late bids/responses will not be accepted. Bids

(G) Unless the University elects to reject all bids or cancel the invitation to bid, a contract will be awarded to the lowest responsive and responsible bidder and in the best interest vendor. Purchases pursuant to an RFP will be awarded to the responsive and responsible vendor whose proposal, in the sole discretion of the university, represents the best value and is most advantageous to the university.

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(H) If purchases are made through a cooperative purchase agreement of which the university is a part or a state contract, the formal solicitation requirement is considered satisfied.

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3344-65-1917 Printing and printed materials.

- (A) All printed materials shall comply with the current university brand standard. This includes business stationery (letterhead), envelopes, business cards, brochures, pamphlets, bulletins, posters, programs, self-mailers and other direct mail pieces, invitations, news releases, promotional material, advertisements, etc. The university marketing department assists members of the university community by reviewing layouts and designs, and suggesting how the layout may need to be changed to reflect the desired brand standard. ~~This creates a favorable internal and external image for Cleveland state university.~~ Layouts can be hand-delivered, e-mailed, or sent through campus mail to the university marketing department for review. Design services are available free of charge. ~~In addition to normal procurement policy and regulation, contracts for printing are restricted by section 3345.10 of the Revised Code to contractors having manufacturing facilities in the state of Ohio. Please also consult the mail services users guide, available from the mail department, for guidelines on any printed material, which may need to comply with United States postal standards.~~
- (B) Contracts for printing must comply with section 3345.10 of the Revised Code, which requires the university to evaluate all bids received for all contracts for the purchase of printed materials in accordance with section 125.09 of the Revised Code for determining whether bidders will produce the printed material at manufacturing facilities within the state of Ohio or in accordance with the criteria and procedures established for determining whether bidders are otherwise qualified.
- (C) Printed material that will be mailed must comply with United States postal standards, as provided by the mail department.

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3344-65-2018 Minority business enterprise (MBE) set-aside.

(A) Under ~~current state of Ohio law~~, section 125.081 of the Revised Code and accompanying administrative regulations, fifteen per cent of the annual total aggregate purchases of goods and services are to be set aside for bidding only to ~~minority business enterprises (MBE) certified by the equal opportunity coordinator of the state of Ohio-MBEs~~. The cooperation of all departments is required and expected in support of ~~this affirmative action effort~~. ~~the university's supplier diversity initiative, when possible~~. A list of MBE vendors is available on purchasing services web page or by contacting ~~the purchasing department~~ services. A list of MBE certified contractors and vendors is available at: <http://eodreporting.oit.ohio.gov/searcheodreporting.aspx>

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(B) The senior vice president for business affairs and finance or designee (SVPBAF) may override the lowest cost quote or bid in favor of selecting the MBE vendor if the SVPBAF determines that the university is falling short of its fifteen percent MBE spend. The procedural override is allowed if selecting the MBE assists in the university meeting the state of Ohio set-aside requirement.

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3344-65-~~2119~~ Encouraging diversity, growth and equity (EDGE) target goals.

(A) Under ~~current state of Ohio law~~, section 123.152 of the Revised Code, five per cent of the annual total aggregate purchases of goods and services are to be targeted for EDGE certified vendors, certified by the equal opportunity department of the state of Ohio. The cooperation of all departments is required and expected in support of this **affirmative action** effort. ~~A list of EDGE certified contractors and vendors is available at:~~

~~<http://das.ohio.gov/divisions/equalopportunity/mbeedgecertification.aspx>~~

(B) A list of EDGE certified contractors and vendors is available at: <http://das.ohio.gov/divisions/equalopportunity/mbeedgecertification.aspx>.

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3344-65-~~2220~~ Affirmative action / equal opportunity statement.

~~Cleveland state university is an affirmative action, equal opportunity institution. No person will be denied opportunity for employment or education or be subject to discrimination in any project, program or activity because of race, color, religion, sexual orientation, national origin, age, handicap or disability, disabled veteran or Vietnam era veteran status.~~

All university contracts shall include a provision stating that the contractor will not discriminate on the basis of race, sex (including pregnancy), religion, color, age, national origin, veteran and/or military status, genetic information, sexual orientation, gender identity and/or expression, marital status, parental status, ancestry, or disability, against any citizen of this state in the employment of any person qualified and available to perform work and shall not, in any manner, discriminate against, intimidate, or retaliate against any employee hired on account of race, color, religion, sex (including pregnancy) sexual orientation, gender identity and/or expression, marital status, parental status, age, disability, veteran and/or military status, genetic information, national origin or ancestry or any other basis prohibited by law or university policy. Federal subcontracts and federally assisted construction contracts must include additional language pursuant to 41 CFR 60-1.4.

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3344-65-~~2321~~ Approval of purchase orders and change orders.

~~(A) Small order forms for purchases of two thousand five hundred dollars or less require the approval of the appropriate department head. Purchase orders are evaluated and approved by project, by vendor. Purchasing services retains authority to~~ Purchases over the bid threshold require a competitive bidding or selection as described in process pursuant to rule 3344-65-~~2716~~ of the Administrative Code ~~under "Bidding Requirements."~~

~~(B) Purchase orders, including modifications, require the following approvals:~~

~~(A) \$50,000.00 or less director of purchasing services~~

~~(B) \$50,001.00 - \$100,000.00 controller~~

~~(C) \$100,001.00 - \$349,999.00 vice president for business affairs and finance~~

~~(D) \$350,000.00 - \$499,999.00 university president~~

~~(E) \$500,000.00 or more board of trustees.~~

Signature

<u>\$50,000 or less</u>	<u>associate director of purchasing operations</u>
<u>\$50,001 - \$100,000</u>	<u>controller</u>
<u>\$100,001 - \$349,999</u>	<u>vice president for business affairs and finance</u>
<u>\$350,000 - \$499,999</u>	<u>university president</u>
<u>\$500,000 or more</u>	<u>board of trustees</u>

~~(F)~~ (C) Approval authority is based on the total purchase order value by project, including modifications.

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(D) Execution of contracts for purchases are governed by rule 3344-8-03 of the Administrative Code.

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3344-65-~~2422~~ Changes to purchase order.

If a department needs to increase an existing purchase order, the request for change order form shall be completed, ~~approved~~ and ~~sent~~ routed through Magnusmart to purchasing. ~~The services. Purchasing services shall provide the department shall then receive~~ a revised purchase order noting the change. ~~Requested~~ If a competitive bid or selection process under rule 3344-65-16 was not used, all requested increases ~~shall~~ may not result in a total purchase order value exceeding the ~~respective~~ bid thresholds.

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~~3344-65-25~~ **Waiver of competitive bidding** ~~23~~ **Sole source procurement.**

(A) Under unusual and infrequent circumstances, ~~the~~ purchasing ~~department~~ services is authorized to purchase goods without competitive bidding. ~~The following are justifications for granting as a waiver of the competitive bid process:~~ sole source purchase.

~~(1) (B)~~ “Sole source” ~~a single~~ /A sole source purchase is an order for a commodity that can only be purchased from one supplier, usually because of its technology or its proprietary and unique nature.

(C) “In the event that an item is considered for sole source purchase by the purchaser, a waiver of competitive bidding form must be completed in Magnusmart. A written explanation is required with the waiver of competitive bidding form stating the reasons that a sole source purchase is justified, including a list of all vendors who have been contacted in an effort to find a compatible item. Services are considered sole source purchases only under the rarest of circumstances and requests shall be subject to additional scrutiny by the office of general counsel.

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3344-65-24 Purchasing in emergency situations

- ~~(2)-(A) Emergency procurement is authorized when the goods and/or services to be purchased are required to correct or prevent an emergency health, environmental or safety hazard and/or enable the emergency repair or replacement of existing equipment essential for daily operations.~~
- ~~(B) Claims that a specific product is available from a sole source are not sufficient justification for a sole source purchase. The bid process will either serve to confirm the finding or uncover alternate solutions.~~
- ~~(C) In the event that an item is considered a sole source or emergency by the requisitioning department, see purchasing web page for the "Waiver of Competitive Bidding." Fill out and include a written explanation with the requisition stating the reasons for considering this a sole source or emergency item. Also, to be given consideration for sole source, a statement shall be included listing vendors who have been contacted in an effort to find a compatible item. Be advised that services are considered sole source purchases only under the rarest of circumstances and requests shall be subject to additional scrutiny by the office of general counsel.~~
- (B) In the event a purchase is needed in an emergency situation, purchasing services will authorize the purchase with approval of the following, based on area affected:
- (1) Director of facilities management
 - (2) Director of public safety
 - (3) Director of environmental, health & safety
 - (4) Associate director of purchasing services
- (C) Purchases of goods or services of fifty thousand dollars or more require the approval of the associate vice president for facilities and operations or designee, or the controller in the absence of the associate vice president or designee.

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3344-65-~~2625~~ Procurement policy for facility planning, design and construction services.

All university procurement of facility planning, design and construction services shall originate with the office of the university architect ~~or the director of capital planning-(OUA).~~

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(A) Definitions:

(1) “Public improvement” means any construction, reconstruction, improvement, enlargement, alteration, demolition, or repair of a building, highway and any other structure or work of any nature by a public authority, (section 1311.25 of the Revised Code). All projects requiring the services of a professional engineer and/or licensed architect, or requiring a building permit constitute a public improvement. Also included are painting, carpeting, signage and other changes to the building interior or exterior.

(2) “Estimated project cost” - in developing a project budget, be aware that budget costs are categorized into several cost groupings. The most basic of these shall include:

(a) “Soft” costs, which include items directly related to construction (e.g., all architect and engineering fees, permits, quality assurance testing, etc.).

(b) “Firm” costs, which include related expenses, but not necessarily actual construction (e.g., land, independent studies, furnishings, equipment, etc.).

(c) “Hard” costs, which include bricks and mortar (construction contracts, construction contingency, etc.).

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(B) Owner reserves, which include funds for the unexpected, shall also include a “bid reserve contingency” of not less than ten per cent of the construction budget, unless approved by the university architect.

- (C) Chapter 153~~7~~ of the Revised Code is the section of state law presiding over contracting for both design and construction services for public improvements. The statutory code ~~is~~may be found at the following website: <http://codes.ohio.gov/orc/153>. The application of this section is detailed in the state architect's office manual <http://das.ohio.gov/divisions/generalservices/statearchitectsoffice/aomManual.aspx>).

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3344-65-~~2726~~ Bidding requirements for public improvements.

- (A) The university's bid process for public improvements will follow the state of Ohio's process as described in the Ohio facilities construction commission manual. The ~~capital-planning department (CPD)~~OUA reserves the right to use Chapter 153- ~~of the~~ Revised Code, competitive bidding procedures, if there is reasonable concern as to whether the aggregate cost could exceed the threshold.
- (B) Estimated project cost below fifty thousand dollars: ~~the CPD~~The OUA project manager shall:
- (1) Obtain quotes from three contractors, when possible.
 - (2) Prepare a purchase requisition in Magnusmart for the contractor with the lowest cost.
 - (3) ~~Forward to purchasing~~Submit request along with the two unused quotes or non-responses.
- (C) Estimated project cost over fifty thousand dollars, but below two hundred thousand dollars: the ~~UA~~OUA project manager shall:
- (1) Prepare a work scope defined in ~~an RFQ~~a request for quotation.
 - ~~(2) End with a purchase requisition and a list of selected contractors to purchasing.~~
 - ~~(3)~~(2) ~~Purchasing will issue~~Issue the ~~RFQ~~request for quotation to the selected contractors and publically post the ~~invitation to bid~~request for quotation.
 - ~~(4) After fifteen days, the sealed bids shall be opened and sent to the user departments for final recommendation.~~
 - (3) Review responses to request for quotations and determine apparent lowest responsive and responsible party.
 - (4) Create a purchase requisition in MagnusMart.

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- (D) Estimated project cost over ~~\$200,000.00~~ two hundred thousand dollars shall be competitively bid per Chapter 153- of the Revised Code, and, as such, a public bid advertisement is required.
- (E) See the Ohio facilities construction commission manual for details on process: <http://ofcc.ohio.gov/>.

3344-65-27 Procurement of design services

- (A) Procurement of design services shall occur in one of two ways. It shall occur by selecting a design firm based on three alternative proposals (one of which shall be an MBE when available), or it shall occur by selecting a firm from the OUA's five-year pre-qualification pool. If selected from the pre-qualification pool, only one proposal is needed.

- (B) OUA shall oversee the creation of a five-year pre-qualification pool of design firms using the state of Ohio's process as described in the Ohio facilities construction commission manual. OUA will create two separate pools, one for architecture firms and another for engineering firms. No one firm can contract for more than fifty thousand dollars of work with CSU in any one fiscal year.

- (C) For design services over fifty thousand dollars, OUA will follow Chapter 153 of the Revised Code.

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3344-65-28 Purchasing Card

Purchasing services has the authority to use a university purchasing card or power card to pay vendors. Please refer to the Purchasing Card guidelines for more information.

3344-16-29 Debarment

- (A) Expectations of vendors. All vendors are expected to follow the university's purchasing policies, honor their bids and proposals, enter into any agreements in good faith, and perform their duties and obligations in accordance with any contract term.
- (B) Vendor non-compliance. If a vendor fails to comply with these expectations, the university will take necessary action to resolve the problem and protect the interests of the university. In addition to any available legal remedies, the university may debar a vendor from consideration for university purchases in accordance with this rule.
- (C) Causes for debarment. The senior vice president for business affairs and finance or designee (SVPBAF) may debar a vendor upon a finding based upon reasonable belief that the vendor has done any of the following:
- (1) Abused the selection process by repeatedly withdrawing bids or proposals before purchase orders or contracts are issued or failing to accept orders based upon firm bids or proposals;
 - (2) Failed to substantially perform a contract according to its terms, conditions and specifications within specified time limits;
 - (3) Failed to cooperate in monitoring contract performance by refusing to provide information or documents required in a contract, or failed to respond to complaints;
 - (4) Attempted to influence a university employee or official to breach ethical conduct standards;
 - (5) Colluded to restrain competition by any means;
 - (6) Been convicted of a criminal offense related to the application for or performance of any public or private contract; or

(7) Acted in such a manner as to be debarred from participating in a contract with any governmental agency.

(D) Procedures for debarment.

(1) If purchasing services becomes aware that a vendor may have engaged in conduct that justifies debarment, it will gather appropriate information and prepare a report to the SVPBAF including its findings and recommendations.

(2) After reviewing the report from purchasing services, if the SVPBAF reasonably believes that grounds for debarment exist, the SVPBAF will provide the vendor a notice of debarment. The notice shall be sent in accordance with the notice provision of any relevant contract, or by e-mail or U.S. mail. The notice will include at least the following:

(a) The reason for the proposed debarment;

(b) The proposed length of the debarment, which shall be based on the severity of the cause for debarment; and

(c) A statement that the vendor may submit a written response to the notice within ten business days of the date of the notice.

(3) If the vendor does not respond to the notice within ten business days of the date of the notice, the debarment shall become effective on the tenth business day from the date of the notice. The SVPBAF shall send a final written determination of debarment to the vendor and to purchasing services.

(4) If the vendor responds to the notice of debarment within ten business days of the date of the notice, the SVPBAF will review the response and determine whether grounds still exist for the debarment. If the SVPBAF determines that grounds still exist for debarment, the SVPBAF will send a final written determination of debarment to the vendor and purchasing services. If the SVPBAF determines that

grounds do not exist for debarment, the SVPBAF shall so notify the vendor and to purchasing services.

(E) Effect of debarment. During the period covered by the debarment any vendor, and any specifically named affiliate, officer, employee, or other individual or entity associated with the vendor who has been debarred shall be ineligible to do any of the following:

- (1) Be included on any vendor lists;
- (2) Receive and submit bids or proposals issued by the university for the procurement of supplies and services;
- (3) Be awarded a contract for supplies or services; and
- (4) Participate in any business activities with the university.

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