



Board of Governors Rule

Finance and Administration
Procurement
Responsible Unit: Strategic Initiatives/
Procurement, Contracting & Payment Services
Adopted: April 12, 2019
Effective: May 6, 2019
Revision History: Prior BOG Policy 42
(originally effective June 2, 2006)
Review Date: April 2024

BOG FINANCE AND ADMINISTRATION RULE 5.9 PROCUREMENT

SECTION 1: PURPOSE & SCOPE.

- 1.1 West Virginia University seeks to design and administer a fair and ethical procurement program for purchase of all goods and services by the University or individuals using University funds to ensure the highest quality products and services are procured at the best available price and in compliance with the State of West Virginia's applicable procurement statutes.
- 1.2 This Rule outlines the guiding principles for the Procurement Program at West Virginia University, including West Virginia University Institute of Technology and West Virginia University Potomac State College, (collectively the "University").

SECTION 2: OVERVIEW OF PHILOSOPHY AND RESPONSIBILITIES OF THE PROCUREMENT PROGRAM.

- 2.1 The President is delegated the authority to manage, approve or disapprove all University procurements. Exceptions to this rule must be approved by the President and in accordance with Board of Governors Finance & Administration Rule 5.1, certain procurements or amendments to procurements must be submitted to the Board of Governors for review.
- 2.2 The President shall design and administer a Procurement Program that aligns with the University's mission, vision, and values and meets the following objectives:
 - 2.2.1 Ensuring the University procures the highest quality goods and services at the best possible prices;
 - 2.2.2 Administering fair and ethical procurement practices that provide all potential vendors equal opportunity to work with the University;

- 2.2.3 Utilizing technology solutions to streamline the procurement process; and
- 2.2.4 Ensuring all applicable statutes of the State of West Virginia are followed throughout the procurement process.
- 2.3 The President shall analyze emerging trends in technology and methods that impact procurement to keep the Procurement Program consistent with best practices and make any appropriate changes to the Procurement Program. The President shall obtain the approval of the Board of Governors prior to implementing any change that would make fundamental, systemic changes to the overall Procurement Program.
- 2.4 The President shall develop and maintain procurement methods, utilizing technology to the greatest possible extent, and dictate the proper methods for individual procurements throughout the University.
- 2.5 A Procurement Manual shall be developed to provide more detailed guidance regarding procurement methods and processes based on the particular procurement need.
- 2.6 Violations of this Rule or the Procurement Program shall result in corrective actions.
 - 2.6.1 Any University Employee who fails to abide by the requirements within this Rule shall be subject to appropriate disciplinary action, including warning, suspension, termination, or other disciplinary action as may be appropriate.
 - 2.6.2 Furthermore, although conduct may not violate this Rule, it may still be prohibited by the University under a different rule, policy, or standard of behavior. Accordingly, in such cases, the University reserves the ability to take any necessary action.

SECTION 3: UNIVERSITY BID THRESHOLDS.

- 3.1 The University shall require a public bidding process when goods or services are over certain monetary limits.
- 3.2 These limits are:
 - 3.2.1 Equal to or exceeding \$50,000 for goods and services excluding construction.
 - 3.2.2 Equal to or exceeding \$100,000 for all construction procurements.
- 3.3 Under certain circumstances purchases that exceed these limits do not require public bidding. These circumstances and the procurement methods utilized in these situations are addressed in Section 5 of this Rule.

SECTION 4: UNIVERSITY PROCUREMENT SYSTEM AND METHODS.

- 4.1 The University utilizes an Electronic Procurement System for all purchases.
- 4.2 The University provides various procurement methods for purchase amounts that do not exceed the bid threshold.
 - 4.2.1 Catalog purchases shall be made utilizing the catalogs available as part of the Electronic Procurement System for all possible purchases. These catalogs are subject to a competitive public bidding system.
 - 4.2.2 Non-catalog purchases are purchases of items not available through the catalogs in the Electronic Procurement System and may be made using a non-catalog purchase requisition. In these situations, multiple quotations for these purchases are highly encouraged. A responsible university procurement official can assist with this process.
 - 4.2.3 Direct payments for utilities, subscriptions and other essential services do not require a purchase order.
 - 4.2.4 An Emergency may create situations where time is of the essence and conditions warrant prompt action to address the condition. In these instances, pre-approval of such purchases is not required when acting in a responsible and prudent manner.
 - 4.2.5 PCards may be used for certain purchases under the bid threshold including:
 - 4.2.5.1 Travel, in accordance with the University's Travel Manual and PCard Manual.
 - 4.2.5.2 Hospitality as articulated in the PCard Manual.
 - 4.2.5.3 Other vendor purchases allowable as articulated in the PCard Manual.
 - 4.2.6 The University is not obligated to pay any invoice resulting from an order, either verbal or written, not authorized by a responsible procurement official.
- 4.3 Two procurement methods are available when the purchase amount exceeds the bid threshold. They both require involvement of a responsible university procurement official to be valid.

- 4.3.1 The Request for Bid method is used when detailed specifications are available. Under this method the lowest bidder providing all required information is awarded the business.
- 4.3.2 The Request for Proposal method is used when detailed specifications are not available, or more than price is a purchase driver. Under this method, vendors are invited through public solicitation to submit detailed proposals meeting specific criteria developed by the University. Such criteria usually include: price, company profile, information about their goods/services, and other value-added factors. These sealed proposals are evaluated and scored by a selection committee. Under this method, the vendor proposal with the highest score is awarded the business.
- 4.4 Procurements can be amended (term extensions, adding products and services) by an appropriate procurement official following the guidance set forth in the Procurement Manual and Board of Governors Finance & Administration Rule 5.1 where applicable.
-

SECTION 5: EXCEPTIONS TO THE BID THRESHOLD.

- 5.1 Each procurement that exceeds the bid threshold but is not subject to public bidding requires the involvement, guidance and approval of a responsible University procurement official unless otherwise noted within this section. It is the responsibility of the procuring department to provide sufficient documentation to support the utilization of the procurement methods described in this section unless otherwise noted.
- 5.2 The Sole Source Procurement method is used when there is only one supplier of the product or service.
- 5.3 The Single Source Procurement method is used when there are multiple suppliers but purchasing from a particular provider is in the best interest of the University for strategic reasons.
- 5.4 Essential Services purchases are routine, non-competitive, repetitive, and essential to the everyday operation of the University.
- 5.5 An Emergency may create situations where time is of the essence and conditions warrant prompt action to address the condition. In these instances, pre-approval of such purchases is not required when acting in a responsible and prudent manner.
- 5.6 The University Procurement Manual provides examples of each of these procurement types and additional information regarding each.
-

SECTION 6: DELEGATION.

- 6.1 The Board of Governors delegates to the President the authority to adopt additional facilities plan internal policies and procedures to effectuate the implementation of this Board of Governors Rule or in furtherance of any other authority that the Board of Governors has specifically delegated to the President pursuant to this Rule. Any actions taken pursuant to this delegation must be consistent with the guidelines provided by this Rule.
-

SECTION 7: DEFINITIONS.

- 7.1 “Electronic Procurement System” means procurement system in which all business is done electronically from order transmittal to invoicing.
- 7.2 “Emergency” means an occurrence of a serious or urgent nature that may harm or destroy the preservation of public health, welfare or safety of persons, or the protection of State property or programs; and, demands immediate action.
- 7.3 “Essential Services” means those services critical to ongoing operations as defined in the Procurement Manual.
- 7.4 “PCard Manual” means the document outlining the detailed policies and procedures of the University’s Procurement Card program.
- 7.5 “President” means President of West Virginia University or his or her designee.
- 7.6 “Procurement Manual” means the set of guidelines and instructions governing the processes employed by West Virginia University to procure goods and services.
- 7.7 “Procurement Program” means a collection of procedures used by the university to purchase goods and services outlined in the Procurement Manual.
- 7.8 “Travel Manual” means the document outlining the detailed policies and procedures of the University’s travel program.
-

SECTION 8: AUTHORITY.

- 8.1 W. Va. Code § 18B-5-4 through § 18B-5-9. For purchases funded by federal funds, federal acquisition regulations apply. For federal grant funding, the provisions of OMB Circular A-110 apply.

SECTION 9: SUPERSEDING PROVISIONS.

- 9.1 This rule replaces Board of Governors Policy 42: Procurement and Purchasing which was effective on June 2, 2006, Higher Education Policy Commission (“HEPC”) Series 30 (W. Va. Code R. 133-30-1 to 16), which was adopted August 23, 2016; and any other Rule of HEPC which relates to the subject matter contained within this Rule. This Rule also repeals and supersedes and replaces any internal University policy or procedure which relates to the subject matter contained within this Rule.