

3358:11-4-12 Purchasing policy.

- (A) Purpose. The board of trustees of Owens community college desires to obtain the maximum value of each dollar of expenditure, and to obtain quality goods and services from the lowest responsive and responsible vendor or bidder. This rule does not apply to purchases related to works of improvement/construction, which are addressed in rule 3358:11-4-24 of the Administrative Code (construction purchasing). This rule does not apply to purchases related to grant funding, which are addressed in rule 3358:11-4-28 of the Administrative Code (procurement for federal awards).

- (B) Policy. The college shall conduct procurement activities in an efficient and cost-effective manner that supports the mission of the college while maintaining compliance with applicable state and federal laws and regulations.
 - (1) Determination of lowest, responsive and responsible bid. A bidder shall be considered responsive if their proposal meets or exceeds specifications. The bidder shall be considered responsible for proper execution of contract or purchase order by demonstrating acceptable proof of proper experience, financial condition, insurance, conduct and performance on previous contracts, which shall include compliance with regulatory agencies, history of accidents and illness rates, safety training, references, licensing, and facilities and personnel. Wherever possible, consideration will be given to bidders utilizing a local workforce. All bidders are encouraged to participate in quality of life programs for their employees to enhance the greater wellbeing of the local community.

Owens community college, however, reserves the right to reject any and all bids or parts thereof or items therein and to waive any informality in bids received whenever such rejection or waiver is in the interest of the college. Owens community college also reserves the right not to award a contract to the low bidder if the college determines that the low bid is not in the best interest of the college.

Owens community college shall follow the statutory requirements of the Revised Code for the purchase or the award of a contract for goods and services, including but not limited to section 9.24 of the Revised Code for findings for recovery; section 3517.13 of the Revised Code for campaign financing.

- (2) Authority. The authority to obligate the college for any expenditure of funds shall be limited to the approval of either the board, the president/chief executive officer, the treasurer/chief financial officer, or to an employee who has been delegated that responsibility of budget authority by the president or treasurer/chief financial officer. Employees making an unauthorized purchase may be held personally liable for that purchase.
- (3) Competitive bidding. For the purpose of this rule, competitive bidding refers to requirements for the solicitation of a request for proposals, a request for quotes, or a request for information from multiple suppliers of a good or service being considered. Competitive bidding will be required for the following circumstances:
 - (a) The purchase or lease of any equipment, material or supplies when the cost per unit price is twenty-five thousand dollars or greater.
 - (b) The procurement of a service when the cost per unit price is fifty thousand dollars or greater.
 - (c) Construction and works of improvement contract when the estimated cost per unit price is two hundred thousand dollars or greater.
 - (d) Competitive quotations may be solicited for a purchase below the established competitive bidding limit whenever it would be in the best interest of the college.
 - (e) Any circumstance subject to competitive bidding shall be advertised in a way that is determined to be in the college's best interest.

- (4) Waiver of competitive bidding. The controller has the authority to waive competitive bidding when any of the following requirements are met:
- (a) A sole source vendor, as determined by the controller, and approved by the treasurer/chief financial officer; or in the absence of the treasurer/chief financial officer, by the college president.
 - (b) An emergency situation requiring such action, as determined by the president, treasurer/chief financial officer or a designee.
 - (c) A need to utilize an existing vendor or to maintain consistency of a good/product where changing a vendor or utilizing a different brand would result in an additional cost or result in incurring an unnecessary or excess cost to facilitate a change, as approved by the controller based on satisfactory supporting documentation.
 - (d) An existing contract, or other educational/institutional cooperative or membership extending pricing to the college are utilized as a source for the established price. (For an example, Owens community college, or the state of Ohio department of administrative services, interuniversity council, general services administration, educational and institutional cooperative, national joint powers alliance (sourcewell), national intergovernmental purchasing alliance, United States communities, provista, sourcing office, or Ohio association of community colleges).
 - (e) When the Revised Code allows for the exemption of professional service providers (i.e., auditors, attorneys, architects, consultants, etc.) from competitive bidding requirements.
 - (f) When distribution is authorized by the college for whom the college is the fiscal agent or custodian of funds.

- (5) Encumbering of funds. The college requires a purchase order when procuring a good or a service for the college.
 - (a) There are exceptions to the purchase order requirement, when the college can make a direct payment of a vendor/supplier invoice, under the following circumstances: referee, college night (hosted at various schools) for less than two hundred dollars, scholarship and other financial aid money returned to donor/source, club account, athlete medical bill, plant operation emergency, state and federal aid funds returned to respective governmental agency and reimbursement of an employee.
 - (b) A purchase card cannot be used for meals when traveling or for liquor. An exception for the use of a purchase card for food is limited to an athletic team, campus event, or a club account, or for the president or a vice president for a college-related meeting, event or special circumstance.
 - (c) The threshold for approvals for purchases or leases of equipment, furniture, vehicle or other goods with an aggregate value of:
 - (i) Ten thousand dollars or more, requires prior authorization by the treasurer/chief financial officer;
 - (ii) Fifty thousand dollars or more, for a non-routine or non-recurring purchase or lease, also requires prior authorization by the president;
 - (iii) One hundred thousand dollars or more, for a non-routine or non-recurring purchase or lease, also requires prior authorization by the board of trustees.
- (6) Board notification. The board of trustees will be notified of all real property purchases.
- (7) Conflict of interest.
 - (a) No public employee, officer or agent can participate in the selection, award or administration of a public contract, if the individual has a real or apparent conflict of interest.

Such a conflict of interest would arise when the employee, officer or agent, any member of his or her immediate family, his or her partner, or organization, which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The employees, officers or agents of the college cannot solicit or cannot accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

- (b) A conflict of interest would arise when the public employee, officer, or agent, any member of the immediate family, partner, or organization, which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from such contract. An officer, employee, or agent of the college cannot solicit or accept a gratuity, favor, or anything of monetary value from a contractor or a party to a subcontract.
 - (c) A potential or a conflict of interest shall be reported to the treasurer/chief financial officer or to the general counsel/vice president, administration and human resources.
 - (d) Depending on the circumstance, non-compliance may be subject to the Owens community college rule 3358:11-5-52 of the Administrative Code (standards of conduct and disciplinary process policy and corresponding procedures) or to rule 3358:11-4-11 of the Administrative Code (model ethics policy).
- (8) Vendors and related ethical/legal issues. The college recognizes the importance of having strong, mutually rewarding relationships with the vendors with whom it does business. The college seeks to maintain and improve these relationships by treating vendors in a fair and equitable manner. Individuals authorized to place purchase orders with vendors on behalf of the college shall do so in accordance with the rule 3358:11-4-11 of the Administrative Code (model ethics policy) and shall not allow relationships with these vendors and/or their employees to influence the award.

- (9) Buy Ohio and buy America. The college shall give preference in its purchasing activities to products that are produced, mined or manufactured in the United States, as well as to bidders that qualify as having a significant Ohio economic presence in accordance with section 125.04 of the Revised Code; section 125.11 of the Revised Code; and, section 3345.10 of the Revised Code. This requirement may be waived when compliance would result in the College paying an excessive price for the product or acquiring a disproportionately inferior product.
 - (10) Prohibition of personal purchases. No personal purchases are permitted to be made, via the purchase order system, a payment request, a purchasing card or other institutional purchasing methodology. No employee may use the college's name or present themselves as an agent of the college when making personal purchases.
- (C) This rule supplements and supports the Owens community college rule 3358:11-1-12 of the Administrative Code (financial standards); rule 3358:11-4-24 of the Administrative Code (construction purchasing); rule 3358:11-4-28 of the Administrative Code (procurement for federal award procedures). College administration shall adhere to the contracting manual provided through the legal services office.
- (D) The treasurer/chief financial officer has the authority to promulgate procedures consistent with this rule.

Effective date: 02/19/2023

Promulgated under: 111.15

Statutory authority: 3358.08

Rule amplifies: 3358.08

Prior effective dates: 7/15/2005, 2/13/2016, 11/24/2017, 2/16/2019, 11/17/2019