

3359-3-07 Office of university purchasing.

(A) President of the university. As specified in rule 3359-1-05 of the Administrative Code, the president is executive head of all university colleges, branches, schools, and departments, possessing duties, responsibilities and powers as delineated in the rules of the university.

(B) Director of purchasing.

(1) The director of purchasing shall be appointed by the board or the board's designee(s) upon the recommendation of the president; shall hold office at the discretion of the president; and shall report to the president consistent with the administrative reporting line then in effect.

(2) The director of purchasing shall be responsible for the oversight and management of the department of purchasing as it conducts routine purchasing, accounting and budget control transactions, consistent with good business practice and applicable federal, state, and local laws.

(3) The director of purchasing shall have the responsibility and the requisite authority to execute contracts for the purchase of equipment, materials, supplies, and services for the university.

(C) Competitive procurement process.

(1) Unless otherwise provided in this rule 3359-3-07 of the Administrative Code, all equipment, materials, supplies, and services shall be purchased through solicitation of competitive bids or proposals except in the following instances:

(a) Where such equipment, materials, supplies, or services are purchased pursuant to sections 4115.31 to 4115.35 and section 5147.07 of the Revised Code; or

(b) Where the amount of such purchase of equipment, materials, and/or supplies is less than seventy-five thousand dollars; or

(c) Where the purchase of services, or any combination of services, equipment, materials, and supplies, is less than one hundred thousand dollars; or

(d) Where the purchase is for the construction, addition, alteration, structural, or other improvements of a university building or structure and the purchase is for an amount less than the bidding threshold established in rule 153:1-9-01 of the Administrative Code.

(2) The limitations provided in this authority shall not be avoided through multiple purchases of goods or services under the limits authorized or through aggregations or purchases at the same or different times.

(3) The threshold amounts notwithstanding, the university may require competitive bidding for purchases below these threshold amounts if it determines that such

bidding is in the best interest of the university.

- (4) Contracts shall be awarded to the lowest responsible and responsive bidder that best meets the needs of the university. The university may accept or reject any or all bids or proposals in whole or by item. For any contract authorized by the university's policy on purchasing, the university is authorized to make multiple awards as provided for in the university's request for bids or proposals.

(D) Exemptions from the competitive procurement process.

- (1) The purchase of goods or services through non-profit or governmental agencies or consortia, including but not limited to the inter-university council of Ohio, whose contracts meet the competitive bidding requirements, as determined by the university, and upon terms and conditions that are in the best interest of the university.
- (2) In accordance with division (B) of section 5513.01 of the Revised Code, purchases through Ohio department of transportation agreements, for machinery, materials, supplies, or other articles upon such terms and conditions that are in the best interest of the university.
- (3) The purchase of books, periodicals, and other learning resources for the university libraries' collections.
- (4) The contracting for entertainment acts, performers, and artists, and their selected, required, or contractually mandated promoters or associated vendors.
- (5) The purchase of stock merchandise for purposes of resale in campus retail locations.
- (6) The negotiation of a contract following a request for proposals that by its nature solicits a response that includes multiple options or variable terms.

(E) Waiver of competitive bidding.

- (1) Except where prohibited by law, competitive bidding requirements of the university may be waived under limited and exceptional circumstances. Exceptional circumstances which warrant the waiver of competitive bidding include, but are not limited to:
 - (a) The need for certain professional, technical, and specialized services, where such services are temporary in nature, there are sufficient economic interests to support such a waiver, and where such terms and conditions are in the best interest of the university;
 - (b) Emergencies resulting from fire, flood, freezing, or other acts of God or force majeure situations in which it may reasonably be determined by a prudent person standard that there is substantial financial or other risk, or substantial financial or other opportunity to the university, such that the risk or opportunity warrants waiver, as well as emergencies necessitated by the immediate need to comply with laws or regulations affecting persons or property owned, leased, or

operated by the university; or

(c) Equipment, materials, supplies, or services can be purchased only from a single supplier ("sole source.")

(2) In order to implement the procedure to waive competitive bidding, the appropriate supervisor must provide such request for waiver to the director of purchasing with a written certification by the supervisor as to the rationale supporting the need to waive competitive bidding. The director of purchasing shall review all requests for waiver with the office of general counsel, and the director of purchasing shall make the final decision as to whether the waiver shall be authorized based on the information provided and the guidelines in this rule. Purchases resulting from the waiver of competitive bidding shall be separately identified in the vendor reports provided to the board of trustees at the next regularly scheduled meeting of the board of trustees. In no event shall the director of purchasing waive competitive bidding for any purchase in excess of five hundred thousand dollars.

(F) Contract signature authority.

(1) Subject to the scope of their authority and consistent with applicable budgetary limitations and the requirements of university rules, policies, and procedures, the following university titles are authorized to enter into contracts on behalf of the university:

(a) Contracts involving the expenditures of money may be entered into by the president, the executive vice president and provost, the senior vice president and chief financial officer, and the director of purchasing;

(b) The dean of the university libraries and the law librarian may enter into contracts for library books, periodicals, and other learning resources, subject to the budgets for the respective libraries;

(c) The director of theater operations may enter into contracts for entertainment acts, performers, and artists, and their selected, required, or contractually mandated promoters or associated vendors; and

(d) The director of athletics may execute contracts with other colleges and universities for intercollegiate athletic events and competitions.

(2) Contracts entered into by the university should be upon terms and conditions as are in the best interest of the university and are subject to review for legal form and sufficiency by the office of general counsel.

(G) Any purchase of goods or services in excess of five hundred thousand dollars, except for subcontracts issued through externally funded research grants and contracts for which the university is the grantee, shall be submitted to the board of trustees for prior approval. All purchases of goods in excess of seventy-five thousand dollars and services in excess of one hundred thousand dollars, but less than five hundred thousand dollars, including all subcontracts through externally funded grants, shall be reported to the

board as an information item.

- (H) The director of purchasing shall take into consideration potential opportunities for new vendors and contractors, especially minority business enterprises certified by the state of Ohio equal employment opportunity coordinator, and enterprises operated by historically disadvantaged owners. The university shall honor state laws concerning purchasing set aside rules and shall communicate to others on campus the desirability of using a variety of vendors.
- (I) The purchase of insurance occasionally can be more economical and efficient through direct placement rather than competitive bid. In such instances, the board of trustees must be notified of action taken and the senior vice president and chief financial officer shall report the rationale for a purchase of insurance through direct placement rather than competitive bid.

Effective: ~~05/07/2022~~ 10/14/2023

Certification:

M. Celeste Cook
Secretary
Board of Trustees

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