



## Ohio Administrative Code

### Rule 3341-6-38 Purchasing, sales, and disposal of university property and asset control.

Effective: August 31, 2021

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#### (A) Policy statement and purpose

The purpose of this policy is to ensure the proper administration of the university's purchasing and inventory disposal activities.

#### (B) Policy

##### (1) Opening statement

Bowling Green state university shall conduct its procurement activities in an efficient and cost-effective manner to support the mission of the university while maintaining compliance with applicable university, state, and federal laws and regulations. All university procurement activities shall be administered through the division of finance and administration.

(2) Competitive bidding procedures apply to all departments and individuals at Bowling Green state university. For purposes of this policy, "competitive bidding" refers to competitive selection procedures that require the solicitation of proposals (RFP), quotes (RFQ), and or information (RFI) from multiple suppliers of the good or service being considered. Bowling Green state university reserves the right to award none, all, some or part of any competitive bidding event. The purchasing department shall be the only point of contact for prospective vendors during any competitive bidding event until an award is made. Competitive bidding will be required in the following circumstances:

(a) The purchase or lease of any good when the cost is twenty-five thousand dollars or greater; the procurement of services when the cost is fifty thousand dollars or greater; construction projects when the estimated cost is two hundred fifteen thousand dollars or greater; architect and engineer design projects when the cost is fifty thousand dollars or greater.

Competitive bidding events may also be conducted for purchases below the established competitive



bidding limits whenever it best serves the interests of the university.

(b) Any purchase or lease of any good or service subject to competitive bidding shall be communicated in a way that is in the university's best interest and as required by university, state or federal regulations.

(3) Waiver of competitive bidding

The purchasing department has the authority to waive competitive bidding when any of the following requirements are met:

(a) Sole source vendor as determined by the responsible purchasing officer, and approved by the vice president of finance and administration (VPFA) or in the absence of the VPFA, by the university's president.

(b) Emergency situation requiring such action as determined by the president, or the vice president of finance and administration, or the designee of either of them.

(c) Need to utilize an existing vendor or to maintain consistency of good/product where changing vendors or utilizing different brands would result in additional cost or unnecessary or excess costs to facilitate a change as approved by the responsible purchasing officer based on satisfactory supporting documentation.

(d) Existing state of Ohio contracts, inter-university council contracts, Bowling Green state university contracts or other institutional memberships utilized as a source for the established price and terms and conditions.

(4) Contract requirements

Bowling Green state university requires purchase orders or vendor contracts when procuring goods or services for the university, except for purchases made through the BGSU purchasing card (PCard) program. An independent contractor agreement is required of all contractors working on behalf of BGSU. The defined signatory per the delegation of contract and signatory policy rule 3341-1-07 of



the Administrative Code must approve all contracts and independent contractor agreements.

(5) Grants procurement

(a) All grant expenditures with a cost exceeding ten thousand dollars requires supporting documentation demonstrating that at least two price quotes were obtained for cost comparison. This documentation can be in the form of formal vendor quotes or screenshots of online vendor pricing.

(b) Grants procurement outline of requirements

Amount	Procurement type	Description
\$0 - \$10,000	Micro-purchases	No competitive quotes required if the price is considered reasonable
		Distribute purchases equitably among qualified suppliers as practical
\$10,001- \$250,000	Small purchases	Price quotations must be obtained from at least two qualified sources
		Quotes can be obtained directly from suppliers or through screenshots of online prices
\$250,001+	Sealed bids	Publicly advertised and solicited from adequate suppliers
		Lowest responsive and responsible bidder wins
		Contract is a firm fixed price
\$250,001+	Competitive proposals	Publicly advertised and solicited from adequate suppliers
		Most advantageous bid (price and other factors considered) wins
		Contract can be either a fixed price or cost reimbursement type
Any	Non-competitive proposals (sole source)	Good/service is only available from a single source; or



		Only one source can provide good/service in the time frame required; or
		After solicitation of a number of sources, competition is determined inadequate.
		Written pre-approval from the Federal awarding agency is required

(6) Conflict of interest

No employee, trustee, officer or agent of BGSU may participate in the selection, award or administration of a contract if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, trustee, officer or agent; any member of their immediate family; their partner; or any organization that 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, except as allowed by Ohio ethics law. The employees, trustees, officers or agents of BGSU may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

(7) Vendors and related ethical/legal issues

(a) Bowling Green state university recognizes the importance of having strong, mutually rewarding relationships with the vendors with whom it does business. The university 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 university shall do so in accordance with the BGSU code of ethics and conduct policy and shall not allow relationships with these vendors and/or their employees to influence the award.

(b) Ohio Ethics Law (Chapter 102. of the Revised Code) and related statutes (sections 2921.42 and 2921.43 of the Revised Code) also apply to all employees, trustees, officers or agents of BGSU and no employee, trustee, officer or agent of BGSU shall use their position to secure a contract for themselves, their family member or their business associates.

(8) Buy Ohio



The university shall give preference in its purchasing activities to products that are produced or mined in Ohio and to bidders that qualify as having a significant Ohio economic presence in accordance with division (B) of sections 125.04 and 125.11 of the Revised Code. This requirement may be waived when compliance would result in the university paying an excessive price for the product or acquiring a disproportionately inferior product.

(9) Buy America

Division (B) of sections 125.04 and 125.11 of the Revised Code stipulate that state agencies and public colleges or universities shall give preference in their purchasing activities to products produced, mined, or manufactured in the United States.

(10) Equal employment opportunity requirement

Bowling Green state university requires that a supplier in bidding and/or filling a purchase order agrees not to discriminate against any employee or applicant for employment with respect to tenure, terms, conditions, or privileges of employment, or any matter directly related to employment, because of ethnicity/race, religion, color, gender, sexual orientation, age, veterans and persons with disabilities, or national origin. The supplier also must agree that every subcontract shall contain a provision requiring nondiscrimination in employment.

(11) Minority business

The university shall seek to set aside a specified percentage of its estimated value of all purchases per year for competition by certified minority business enterprises in accordance with section 125.081 of the Revised Code.

(12) Purchases from employees

(a) A university employee would provide the goods or services;

(b) A university employee has, or could be perceived as having, an interest in the vendors profits or



benefits from the contract;

(c) A university employee has, or could be perceived as having, a position of profit in the vendors performance of the contract;

(d) A university employee has, or could be perceived as having, authority or influence to secure authorization of a contract in which the employee, the employees family member, or the employees business associate has an interest; or

(e) A university employee would have a definite and direct pecuniary interest in the contract.

No contract involving any of the foregoing factors may be signed or otherwise authorized on behalf of the university unless it has first been approved in writing as to legal form by the office of general counsel.

(13) Asset control and the sale or disposal of university equipment

(a) Equipment purchased with university funds or held and identified as an asset of the university shall be subject to university inventory control procedures. All equipment purchased with university funds and having a value more than ten thousand dollars (or grant funds with a value more than five thousand dollars) with a life expectancy of more than one year, will be capitalized and must be tagged and assigned an inventory control number. Each year the controllers office will issue an asset summary report to all department asset custodians. All university fixed assets are subject to internal audit review.

(b) The business operations department, working with the controllers office, has responsibility for the sale or disposal of property by one of the following methods:

(i) Redistribution within the university community;

(ii) An advertised public auction with the property being sold to the highest bidder;

(iii) Pursuant to competitive bidding procedures with the award being made to the highest bidder;



(iv) An advertised public sale with the property having a price assigned to each item and sold to the public at a stipulated time and place; or

(v) Property may be disposed of in ways determined to be the most economical for the university.

(c) No employee of the university who has participated in the following:

(i) Determination to dispose of property, preparation of property for sale, determination of the method of sale, or who has acquired information not otherwise available to the general public regarding usage, condition, quality or value of property may then bid on or purchase any property offered for sale by the university.

(ii) To qualify as a purchaser of such property, an employee of the university may be asked to certify in writing that he/she has not participated in any of the activities or acquired information as specified herein above.

(14) Personal purchases

No personal purchases are permitted to be made, either via the purchase order system, a payment request, the universitys purchasing card or other institutional purchasing methodology. In addition, no employee may use the universitys name or present him/herself as an agent of the university when making personal purchases.