

UP 25.07.03.H0.01 Acquisition of Goods and/or Services



Approved: October 30, 2015
Revision: November 11, 2019
Next Scheduled Review: November, 2024

Procedure Statement

This procedure is required to comply with [System Regulation 25.07.03, Acquisition of Goods and/or Services](#), as well as applicable state laws. [Texas Education Code §51.9335](#) provides a general description of the requirements for the acquisition of goods and services by institutions of higher education and this procedure provides guidelines to minimize risks associated with the procurement of goods and services and allow the university to carry out its fiduciary responsibilities.

Reason for Procedure

This procedure establishes the intention and scope for Texas A&M University-Texarkana to procure goods and/or services according to sound business practices and best value.

Procedures and Responsibilities

1. GENERAL

- 1.1. All acquisitions must comply with the university's purchasing procedures. Each acquisition must be fully documented, with all documents retained in accordance with the university's records retention schedule. There are two types of purchasing authority: (1) acquisitions processed directly through and by the Purchasing Department; and (2) acquisitions delegated to all departments with a stated dollar limit of \$5,000.00 dollars. Acquisitions requiring a written contract, other than the university standard purchase order, must be in compliance with the provisions of [System Policy 25.07, Contract Administration](#) and [System Regulation 25.07.01, Contract Administration Procedures, Delegations, and Reporting](#).
- 1.2. Unless specifically exempted (see Section 5), the following procurement methods must be utilized: competitive bidding; competitive sealed proposals; catalogue acquisition procedures; group purchasing; and alternate methods relevant to the specific application of goods or services purchased.
- 1.3. All acquisitions shall be based on a "best value" and shall encompass the following as outlined in [Texas Education Code §51.9335 – Acquisition of Goods and Services](#), acquisition price; reputation of the vendor and of the vendor's goods or services; quality of the vendor's goods or services; extent to which the goods or services meet the

university's needs; the vendor's past performance with the university; impact on the ability of the university to comply with laws and rules relating to Historically Underutilized Businesses (HUBs) and to the procurement of goods and services from persons with disabilities; total cost of ownership to the university of acquiring vendor's goods and services; use of material in construction or repair to real property that is not proprietary to a single vendor unless the university provides a written justification in the request for bids of the unique material specified; and any other relevant factor that a private business entity would consider in selecting a vendor.

- 1.4. Proprietary acquisition requisitions, those that can only be purchased from a single source, must be properly justified, in writing, before the Purchasing Department may process the requisition. All proprietary acquisition requisitions are reviewed for appropriate justification by the assigned buyer and then reviewed by the Director of Purchasing. At any point in the proprietary acquisition review process, the reviewer may forward the request to the next level supervisor for their review and approval regardless of the dollar value.
- 1.5. The Director of Purchasing retains authority over all Acquisitions of Goods and Services for the University. The Director reserves the right to make the final decision in the award of any contract, deemed the "Best Value" for the University.

2. ACQUISITION OF GOODS OR COMMODITIES

- 2.1. The Purchasing Department has delegated authority to departments to make acquisitions of goods and commodities without competitive bid for \$5,000 or less (including freight and/or postage); however departments are encouraged to obtain multiple bids whenever possible. For additional information, access [A&M-Texarkana's Purchasing](http://www.tamut.edu/About/Administration/Purchasing/index.html) webpage at <http://www.tamut.edu/About/Administration/Purchasing/index.html>.
 - 2.1.1. All employees making acquisitions under delegated purchasing authority shall adhere to the [System Policy 07.01, Ethics](#)
 - 2.1.2. Acquisitions within these dollar limits require proper documentation on the acquisition screens in the purchasing module or as provided in the university guidelines for procurement card acquisitions.
 - 2.1.3. Acquisitions may not be separated into smaller dollar acquisitions in order to remain within the authorized dollar limit of authority.
 - 2.1.4. In the event an acquisition or series of acquisitions (that appropriately should have been combined into a single acquisition) are made exceeding the \$5,000 delegated authority, the department shall submit a non-compliant purchase requisition statement. The statement shall be from the department head and should explain the circumstances surrounding the non-compliant purchase and actions to be taken to avoid a reoccurrence. This statement shall be addressed to the Director of Purchasing. The director has the authority to approve non-compliant payments to vendors that do not exceed \$100,000. All non-compliant payment requests greater than \$100,000 must be reviewed and approved by the Vice President of Finance and Administration and Chief Financial Officer or designee.

Any employee responsible for multiple non-compliant acquisitions may be subject to disciplinary action up to and including loss of purchasing privileges.

- 2.1.5. Departments shall provide equal opportunity and access to all vendors for the acquisition of goods and commodities. The Purchasing Department will assist in identifying Historically Underutilized Businesses for such acquisitions. Assistance in identifying HUBs may be found at [State of Texas Centralized Master Bidders List \(CMBL\)/HUB Directory](#) or accessed via A&M-Texarkana's Purchasing Links webpage at <http://www.tamut.edu/About/Administration/Purchasing/Purchasing-Links/index.html> by clicking Centralized Master Bidders List (CMBL).
- 2.1.6. Departments shall purchase goods, whenever possible, from persons with disabilities: [Texas Industries for the Blind and Handicapped \(TIBH\)](#). The Purchasing Department will assist in identifying TIBH contracts via the TIBH catalog or they may be accessed via A&M-Texarkana's Purchasing Links webpage at <http://www.tamut.edu/About/Administration/Purchasing/Purchasing-Links/index.html> by clicking Texas Industries for the Blind and Handicapped.
- 2.1.7. The State of Texas has awarded contracts that are available for use by all state agencies and institutions of higher education. Departments are highly encouraged to review and utilize the state contracts whenever possible. The Purchasing Department administers many university and system-wide blanket-pricing contracts. For detailed information of the available university contracts, contact a buyer in the Purchasing Department.
- 2.2. All acquisitions in excess of the authorized departmental purchase limit, excluding Section 5.5, Exempt Acquisitions, shall be submitted as a requisition to the Purchasing Department. Upon receipt of the acquisition requisition, Purchasing will determine the appropriate method of procurement and process accordingly.

3. ACQUISITION OF SERVICES

- 3.1. Acquisition of services is defined as the furnishing of skilled or unskilled labor or professional work, but does not include: (1) professional services as defined by Subchapter A, Chapter 2254, Texas Government Code; (2) service of a state agency employee; (3) consulting service as defined by Subchapter B, Chapter 2254, Texas Government Code; or (4) service of a public utility.
 - 3.1.1. Requisitions must be submitted for the acquisition of services and the award issued before the service begins.
 - 3.1.2. If the service can only be provided by a sole source provider, the requisition must indicate that the desired acquisition is a sole source purchase and complete the online justification provided in Financial Accounting Management Information System (FAMIS) purchasing module.
- 3.2. If a service will be required and rendered throughout the fiscal year, with an estimated cumulative value that exceeds \$5,000, a requisition must be forwarded to the Purchasing Department.

- 3.3. The Purchasing Department may delegate authority, to certain departments, for the acquisition of services. This may be for one-time acquisitions or continual service acquisitions within the departmental purchasing threshold of \$5,000.

4. EMERGENCY ACQUISITIONS

- 4.1. An emergency acquisition is defined as an acquisition of goods or services that if not secured immediately, the university will suffer financial or operational damage. In the case of an emergency, departments must notify the Purchasing Department immediately. If the emergency happens after normal business hours, the department shall notify Purchasing on the next business work day.

4.1.1. A written emergency justification is required.

4.1.2. Three informal bids must be obtained except when securing bids would significantly impede the process of completing the acquisition.

5. ACQUISITION OF SPECIFIC GOODS OR SERVICES

- 5.1. Computer Software: All software with a cost in excess of \$5,000 is classified as capital equipment and must be inventoried. All purchase requisitions for software shall be sent to the Purchasing Department for processing. Software acquisitions are not allowed on the procurement card, without prior approval from the Purchasing Department.

- 5.2. Rental of Machines and Equipment: Rental of machines and equipment that do not include an operator are considered goods. Rentals that include an operator provided by the supplier are considered services. All rentals must be processed through the Purchasing Department prior to the date of required use.

5.3. Printing Services

All business cards, letterhead and brochures, regardless of the dollar amount, shall be printed in-house by the Marketing Department. The originating department must contact the Marketing Department and follow their established ordering procedures. If Marketing is unable to provide the service, they will assist the originating department with specifications and obtaining pricing in order for the project to be completed in a timely manner.

- 5.3.1. University Procedures for Procuring Printing and Copying: All printing procured from an outside vendor for projects waived by the Marketing department, regardless of dollar value, must be secured by the originating department and/or Purchasing (when applicable) in accordance with best practices via the competitive bid process with the Purchasing, Marketing and originating department working together to provide the following:

- 5.3.1.1. A detailed statement of work (SOW) and/or specifications to cover all aspects of the job delivered to Purchasing and Marketing for approval, when applicable,
- 5.3.1.2. An estimate of the acquisition price based on specifications,
- 5.3.1.3. An acceptable delivery date,
- 5.3.1.4. Project award to outside vendor,

- 5.3.1.5. Development of accurate purchasing documents (**Note: Procurement Card may only be used if prior authorization has been received from Purchasing.**)
- 5.3.1.6. Typesetting and/or acceptance of camera-ready artwork, proofing, and upload of files to outside vendor by Marketing department, and
- 5.3.1.7. Proof check and/or Blueline check; press check if required by Purchasing or Marketing department.

Printing will then be delivered via Central Receiving or to the originating department when applicable.

- 5.3.2. **Incidental Copying:** Incidental copying is copying and document productions within a quantity limit and job specification that does not reasonably require high-volume duplication equipment or services and/or does not exceed the delegated departmental threshold of \$5,000. In other words, incidental copying is the day-to-day production and copying of documents using available printers and office copy machines. Incidental copying may be purchased from an outside source, only if an employee is in a situation that limits them from using university copiers.
- 5.4. **Use of Consulting Services:** Consulting services shall be submitted to the Purchasing Department for processing. Consulting services requisitions will be processed in accordance with Texas Government Code, Chapter 2254, Subchapter B.
- 5.5. **Exempt Acquisitions:** The following services are exempt from competitive bidding requirements, regardless of dollar amount:
 - 5.5.1. **Advertising:** expenses such as newspaper, magazine, radio, television, billboards, classifieds, yellow page ads, and all other printed advertisements. This exemption only covers advertisements and does not extend to fees paid to public relations or advertising firms for their services in developing or executing coordinated campaigns or programs. The Marketing Department must approve artwork and specifications in writing for all University advertising expenses.
 - 5.5.2. **Conference Expense:** expenses related to conference room services such as audio/visual/network and food services (does not include goods purchased for attendees or transportation services).
 - 5.5.3. **Hotels and Conference Rooms:** expenses related to the rental of hotel rooms and conference rooms (does not include hotel rooms for programs and conferences that are regularly scheduled throughout the year). For example, a department that hosts seminars/workshops throughout the year and is responsible for making lodging accommodations for the participants is not exempt if the projected costs of the rooms exceed \$5,000.
 - 5.5.4. **Moving Expenses:** (employee) institutional funds only
 - 5.5.5. **Lecturers/Guest Speakers/Entertainers:** fees for speakers/lecturers/entertainers hired on a one-time basis (does not include fees for speakers on a continuous basis)

- 5.5.6. Student Travel: expenses related to student travel with the exception of air and bus charter
- 5.5.7. Library materials: specific for Texas A&M University-Texarkana Libraries
- 5.5.8. Legislative information services: bill analysis services
- 5.5.9. Membership fees and dues
- 5.5.10. Newspaper and magazine subscriptions direct from the publisher
- 5.5.11. Freight
- 5.5.12. Postage
- 5.5.13. Services provided by other State of Texas agencies, System members, or by other local governments (inter-agency and inter-local agreements must be reviewed by Purchasing and/or Contract Administration)
- 5.5.14. Registration fees and associated books and materials
- 5.5.15. Rental of exhibit space (booths for display purposes)
- 5.5.16. Goods and services provided by the Texas Department of Criminal Justice
- 5.5.17. Goods and services provided by the Texas Industries for the Blind and Handicapped
- 5.5.18. Internal repairs
- 5.5.19. Insurance premiums
- 5.5.20. Acquisitions from federal agencies
- 5.5.21. Utilities
- 5.5.22. Acquisition of livestock
- 5.5.23. Catering services (on-campus food services vendor)
- 5.5.24. Group Purchasing Programs (Co-Op)
- 5.5.25. Medical Doctor Services
- 5.5.26. Acquisitions from the GSA Contracts
- 5.5.27. Copyrighted material purchased directly from the Publisher (including Software)
- 5.5.28. Artists (Painters, Sculptors, Composers, Performers)
- 5.5.29. Works of Art

5.5.30. Employee & Prospective Employee Travel

5.6. Lease of Space

All lease-of-space requests for the University, regardless of the amount, must be submitted to the Purchasing Department for processing. Requests must include an acquisition requisition and specific lease information.

5.7. Lease/Acquisition or Installment Payment Acquisition

Requests for all lease-acquisitions or installment payment acquisitions, regardless of the amount, shall be submitted to the Purchasing Department for processing.

5.8. Professional Services

5.7.1. Professional Services are those services directly related to the professional practices as defined by the Professional Services Procurement Act (Texas Governmental Code, Chapter 2254, Subchapter A). These services include:

- 5.7.1.1. Accounting – a certified public accountant (CPA)
- 5.7.1.2. Architecture – an architect
- 5.7.1.3. Landscape Architecture
- 5.7.1.4. Land Surveying – a land surveyor
- 5.7.1.5. Medical – a physician, including a surgeon
- 5.7.1.6. Optometry – an optometrist
- 5.7.1.7. Professional Engineering – a professional engineer
- 5.7.1.8. Real Estate Appraising – a state certified/licensed real estate appraiser
- 5.7.1.9. Professional Nursing – registered nurse

5.7.2. However, services provided by professionals outside the scope of their profession, e.g., management consulting service provided by accounting firms, are not considered professional services.

5.7.3. Professional services are exempt from the competitive bid process. Instead, professionals compete based upon their qualifications and the ability to perform the scope of work as described in the Request for Qualifications (RFQ).

5.7.4. Before entering into an agreement or developing a scope of work for Professional Services, contact the Purchasing Department for guidance. However, this general rule applies: Contracts for professional services where the estimated cost of the contract is less than \$25,000 do not have to be bid by RFQ.

5.7.5. The transaction should be completed by the Purchasing Department to ensure legislative requirements are satisfied.

5.9. Consulting Services

5.8.1. A sometimes confusing aspect of dealing with a consultant contract is recognizing one. A contract with someone who calls himself or herself a consultant is not necessarily a “consultant contract” within the meaning of Texas Government Code.

- 5.8.2. Texas Government Code, Chapter 2254, Subchapter B, defines “consulting service” as the service of studying or advising a state agency under a contract that does not involve the traditional relationship of employer and employee.
- 5.8.3. Studying or advising is the core of a true consultant contract and should be construed broadly. To “study” a state agency typically would mean to consider some aspect of the agency in detail, such as its financial status or its method of performing an administrative function, and to present that information to the agency. To “advise” a state agency typically would mean to provide a recommendation or identify options with respect to some course of action. The service of studying or advising also would include certain direct activities, such as “to assist” or “to coordinate” unless those activities are performed with respect to an exempted service.
- 5.8.4. One way to recognize whether a would-be consultant is “studying or advising” as opposed to doing something else, is to look at the deliverable involved. Generally speaking, a true “consultant” delivers information or provides assistance that enables the state agency to take some course of action. On the other hand, if the information simply enables the would-be consultant to take some course of action on the agency’s behalf which is itself not a consulting service (such as developing software), then one is likely not dealing with a true “consultant contract” within the meaning of the code.
- 5.8.5. However, the State recognizes that sometimes true consultant contracts will necessarily involve a mixture of consulting (studying or advising) and other services. Such contracts are referred to as “mixed” contracts. According to Texas Government Code, Section 2254.038, “A mixed contract is still a true consultant contract when the primary objective is to study or advise.”
- 5.8.6. Consulting services contracts will be processed by the Purchasing Department. However, as a general rule, the following limits apply:
- 5.8.6.1. For consulting services less than \$25,000, no bids are required. The Department will be required to submit a “Best Value” letter stating why the particular consultant was chosen.
- 5.8.6.2. For consulting services greater than \$25,000, formal bidding through either a Request for Qualification (RFQ) or Request for Proposal (RFP) is required.
- 5.8.7. The transaction must be completed by the Purchasing Department.

Related Statutes, Policies, or Requirements

[Texas Education Code § 51.9335 – Acquisition of Goods and Services](#)

[Texas Government Code Chapter 2161 – Historically Underutilized Businesses](#)

[Texas Human Resources Code § 122 – Purchasing from People with Disabilities](#)

[System Policy 07.01, Ethics](#)

[System Policy 25.06, Historically Underutilized Business](#)

[System Policy 25.07, Contract Administration](#)

[System Policy 29.01, Information Resources](#)

[System Policy 51.04, Delegations of Authority on Construction Projects](#)

[System Regulation 25.07.03, Acquisition of Goods and/or Services](#)

[System Regulation 29.01.01, Information Resources Governance](#)

[System Regulation 41.01.01, Real Property](#)

Definitions

Best Value – the means/methods that goods and/or services are procured as defined by Education Code 51.9335.

Historically Underutilized Business - a historically underutilized business is a for-profit entity that has not exceeded the size standards prescribed by [34 TAC §20.23](#) and has its principle place of business in Texas and is at least 51% owned by an Asian Pacific American, Black American, Hispanic American, Native American, American woman and/or Service Disabled Veteran, who reside in Texas and actively participate in the control, operations and management of the entity's affairs.

Contact Office

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Approved:


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Date