



Lamar State College Port Arthur Purchasing Guidelines

Purchasing Department Mission Statement

The LSCPA Purchasing Office is committed to maximizing customer service by assisting all departments with the procurement of goods and services that support the educational mission of the college. We strive to provide the most efficient operations while adhering to all Federal, State and LSCPA laws, rules and procedures.

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PURCHASING POLICIES

A. Ethics

It is important that the people of Texas have complete confidence in the integrity of public servants. This need is especially critical in the area of state-supported higher education. The responsibility for educating and training the future leaders of the state and nation carries with it the duty to adhere to the highest ethical standards and principles.

Purchasing agents, their staff and others authorized by or under these regulations to make purchases shall not accept or solicit any personal gifts, gratuities or favors that might in any way result in an obligation to individuals or firms seeking business with Lamar State College Port Arthur and might in action or reaction influence the employee in the discharge of his or her official duties. All employees must comply with the Texas State University System Ethics Policy, Chapter VIII of the System Rules and Regulations.

1. Every effort shall be made to obtain the best value for all purchases.
2. No employee shall intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised his or her official powers or performed his or her official duties in favor of another.
3. No employee shall accept employment or engage in any business or professional activity which the employee might reasonable expect would require or induce the employee to disclose confidential information acquired by reason of his or her official position.
4. No employee shall disclose confidential information gained by reason of his or her official position.
5. No employee shall make personal investments which could reasonably be expected to create a substantial conflict between the employee's private interest and the public's interest.
6. No bidder or proposer shall receive special consideration.
7. Any violations of these policies shall be reported promptly to the Executive Vice President of Finance and Operations. Violation of these policies may result in disciplinary action, which may include termination of employment.
8. Conflict of Interest. It shall be a breach of ethical standards for any employee to participate directly or indirectly in a procurement when the employee knows that:
 - a. The employee, or any member of the employee's immediate family, has a financial interest pertaining to the procurement
 - b. The employee, or any member of the employee's immediate family, has a financial interest in a business or organization pertaining to the procurement; or
 - c. Any other person, business or organization with whom the employee or any of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.

- d. Discovery of Actual or Potential Conflict of Interest and Disqualification. Upon discovery of an actual or potential conflict of interest, an employee shall promptly file a written statement of disqualification and shall withdraw from further participation in the transaction.
- e. Gratuities. It shall be a breach of ethical standards for any employee or former employee to solicit, demand, accept or agree to accept from another person any economic opportunity future employment, gift, loan, gratuity, special discount, trip, favor or service in connection with any purchasing activity.
- f. Kickbacks. It shall be a breach of ethical standards for any person to offer, give or agree to give any employee or former employee a gratuity or an offer of employment in connection with influencing a purchasing activity.
- g. For the purpose of interpreting e. and f., above, purchasing activity includes
- Approvals, disapproval or recommendations concerning a purchasing transaction
 - Preparation of any part of a program requirement or a purchase request
 - Influencing the content of any specification or procurement standard
- h. Acting in any advisory capacity including rendering of advice, investigation or auditing in any purchasing proceedings.
- i. Contingent Fees. It shall be a breach of ethical standards for a person to be retained or to retain a person to solicit or secure a State of Texas contract upon agreement or understanding for a commission, percentage brokerage or contingent fee except for retention of a bona fide employees or bona fide established commercial selling agencies for the purpose of securing business.
- j. Representation of Contractor. At the option of Statewide Procurement Division (SPD) or the user agency, a person before being awarded a State of Texas contract, may be required to represent in writing, that such person has not retained anyone in violation of Paragraph h, above. Failure to do so constitutes a breach of ethical standards.
- k. Contemporaneous Employment Prohibited. It shall be a breach of ethical standards for any employee who is participating directly or indirectly in the procurement process to become or be, while such an employee, the employee or any person contracting with the State of Texas.
- l. Disqualification of Business When an Employee Has a Financial Interest. It shall be a breach of ethical standards for a business in which an employee has a financial interest knowingly to act as a principal or as an agent for anyone other than the State of Texas in connection with any
- Judicial or other proceeding, application, request for a ruling, or other determination
 - Contract
 - Claim
 - Charge or controversy
- in which the employee either participates personally and substantially through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise or which is the subject of the employee's official responsibility, where the State of Texas is party or has a direct and substantial interest.

m. Use of Confidential Information. It shall be a breach of ethical standards for any employee or former employee knowingly to use confidential information for actual or anticipated person gain, or for the actual or anticipated.

9. Nepotism Disclosure: HB 2932 from the 7th Legislative Session created Texas Government Code 2262.004, Required Nepotism Disclosure. Section B of this statute states the following:

Before a state agency may award a major contract for the purchase of goods or services to a business entity, each of the state agency's purchasing personnel working on the contract must disclose in writing to the administrative head of the state agency any relationship to the purchasing personnel it is aware about that the employee has with an employee, a partner, a major stakeholder, a paid consultant with a contract with the business entity, the value of which exceeds \$25,000, or other owner of the business entity that is within a degree described by Section 573.002.

Any person who makes decisions or recommendations at any point throughout the process of major contract development, evaluation, award, monitoring and re-award are required to disclose in writing to the Administrative Head (AH) or AH's designee any relationship the prescribed person has with the respondent or potential respondent(s) with pecuniary interest value of \$25,000 or higher who directly or indirectly controls more than 10% interest in the respondent's company.

Before awarding or re-awarding any major contract any person as described above must comply with the following:

- Disclosure must be provided by signing the State Auditor's Office (SAO) Nepotism Disclosure form (ND Form). The ND Form may be located at <http://www.sao.texas.gov/Documents/Forms/NepotismDisclosureForm.pdf>
- If conflicts of interest exist, the ND Form must be signed by the person making decisions and or recommendations regarding the major contract. A copy of the signed ND form must be forwarded to the agency head or designee for evaluation.
- This Act took effect on September 1, 2005.
- Applies only to a contract awarded or extended on or after the effective date of Texas Government Code 2262.004.

10. Training

Lamar State College Port Arthur employees authorized to execute contracts for the institution or to exercise discretion in awarding contracts, are required to receiving training, continuing education, and certification. This requirement includes training on the selection of the appropriate procurement method by project type and training conducted by the Department of Information Resources on procurement of technology goods or services. The training also includes required ethics training. (Texas Education Code §51.9337(b)(5) and Texas Government Code §2155.078(a),(a-1) and (b)).

B. Conflicts of Interest

1. To avoid conflicts of interest, LSCPA shall request all potential contractors and respondents to disclose, in their response to solicitations and during the term of any resulting contract, any actual or potential conflicts of interest in their proposed provision of goods or services or other performance under any contracts resulting from solicitations. In accordance with Texas Government Code §2252.908 and the TSUS Rules and Regulations, Chapter VIII, Paragraph 12, an institution may not enter into a contract with a business entity that requires an action or vote by the Board or that has a value of at least \$1 million, unless the business entity submits a Disclosure of Interested Parties at the time the business entity submits the signed contract by the institution. The Board will not approve any contract that is not accompanied by such disclosure statement and a representation by the component that such statement was timely submitted to the Texas Ethics Commission as required by law.

(a) This provision does not apply to a sponsored research contract, an interagency contract, or a contract related to health and human services if the value of the contract cannot be determined at the time the contract is executed and any qualified vendor is eligible for the contract.

(b) The disclosure of interested parties must be submitted on a form prescribed by the Texas Ethics Commission and include a list of each interested party for the contract of which the contracting business entity is aware and the signature of the authorized agent of the contracting business entity acknowledging that the disclosure is made under oath and under penalty of perjury.

LSCPA shall submit a copy of the disclosure to the Texas Ethics Commission not later than the 30th day following the date LSCPA receives a Disclosure of Interested Parties.

Potential contractors and respondents shall submit a Disclosure of Interested Parties certificate on the form prescribed by the Texas Ethics Commission, and institutions shall acknowledge receipt of the certificate, both of which shall be accomplished through the website available at: https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm.

LSCPA shall not enter into a contract that requires TSUS Board approval prior to execution or has a value of at least \$1 million without the requisite disclosures by potential contractors or bidders. [Texas Government Code § 2252.908](#). This requirement does not apply to the following contracts:

a) where the governing body has properly delegated authority to execute the contract and the governing body does not participate in selecting the contractor ([Texas Ethics Commission, Chapter 46](#));

b) a sponsored research contract of an institution; an interagency contract of an institution; or a contract related to health and human services if the value cannot be determined at time of execution and any qualified contractor is eligible for the contract ([Texas Government Code §2252.908 \(c\)](#)).

In responses, potential contractors and respondents are required to:

- (a) Represent and warrant that contractor's or respondent's provision of services or other performance under the contract will not constitute an actual or potential conflict of interest and represent and warrant that it will not reasonably create even the appearance of impropriety.
- (b) Disclose any current or former employees who are current or former employees of the institution.
- (c) Disclose any proposed personnel who are, or are related to, current or former employees of the institution.
- (d) Represent and warrant that contractor or respondent has not given and will not give, at any time hereafter, any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor or service to a public servant or employee or representative of the institution in connection with the solicitation or any resulting contract.
- (e) Verify that it or any of its principals (including, but not limited to, an owner, proprietor, sole or majority shareholder, director, president, or managing partner) are not debarred, suspended, or otherwise excluded from doing business with the TSUS. Institutions may also verify that an entity or principals are not debarred, suspended or otherwise excluded to confirm that no contracts are awarded, extended or renewed.

C. Purchasing Authority

Lamar State College Port Arthur receives its authority to purchase goods and services from the State of Texas.

The Purchasing Department, under the supervision of the Director of Purchasing, has sole authority for the negotiation and purchase of all goods and services for the College with the exception of contracts negotiated and awarded by the System Office, items requiring approval by the President, Chancellor or Board of Regents, and the following specific delegations that exist under proper administrative approval.

- a. Agency and club account purchases can be made directly utilizing the check request process if desired.
- b. Approved employees are authorized to make purchasing card purchases of items costing less than **\$2,000** through the Purchasing Card process.

All other purchases are to be submitted as a formal request in the form of a purchase requisition to the Purchasing Department to secure a good or service following the procedures listed and outlined in this policy. The following people are authorized to enter into contracts (including purchase orders) on behalf of the College: the President, the Vice President for Finance and Operations, and the Director of Purchasing. LSCPA departments must follow the purchasing rules and regulations of the State of Texas and the procedures approved by the Board of Regents of the Texas State University System. Any employee ordering goods or service without following the procedures outlined in this policy **may be held personally liable for payment.**

Only the Purchasing Director has the authority to issue sales tax certificates of exemption.

D. Best Value Procurement

In accordance with section 51.9335(a)-(e) of the Texas Education Code, LSCPA purchases goods and services on a best value basis. An award is made to the bidder offering the best value while conforming to the specifications required. Complying with the specified time limit for submission of written data, samples, or models on or before bid opening time is essential to the acceptability of a bid. Best value procurement allows the College to utilize any of the following methods of procurement:

1. competitive bidding;
2. competitive sealed proposals;
3. catalogue purchase;
4. group purchasing program; or
5. an open market contract.

Typical criteria that should be used in determining the bid offering the best value, in addition to price is:

1. Installation costs;
2. The long-term cost to the College of acquiring the contractor's goods or services;
3. The quality and reliability of the goods or services;
4. Delivery terms;
5. Contractor's past performances;
6. The reputation of the contractor and of the contractor's goods or services;
7. The extent to which the goods or services meet the College's needs;
8. The contractor's past relationship with the College;
9. The impact on the ability of the institution to comply with laws and rules relating to historically underutilized businesses (HUB) and to the procurement of goods and services from persons with disabilities;
10. The cost of employee training;
11. The effect of the purchase on the institution;
12. The contractor's anticipated economic impact to the region;
13. Other factors relevant to determining the best value for the institution; and
14. Any relevant factor that a private business entity would consider in selecting a contractor.

In some instances in determining the best value, the safety record of the bidder may be considered. If considered, an adopted written definition and criteria for accurately determining the safety record of a bidder must be provided to prospective bidders in the bid specifications.

E. Bid Guidelines

All LSCPA purchases are considered open to competition. However, the following bid guidelines are established for procurements. The Purchasing Department will refer to any applicable laws and TSUS Rules and Regulations that may direct the use of a specific procurement method. If applicable laws or rules do not direct a specific method, the Purchasing Department has set limits not to exceed the following contract value thresholds to determine whether direct/open market, informal or formal procurement methods should be used.

Note: Requisitions must not be divided in an attempt to circumvent the limits established below:

Estimated Spend	Procurement Activities
<\$15,000	. Direct/Open Market Purchase: No competitive procurement required.
\$15,000.01 to \$50,000	Informal Bid: Requires informal written quotes from three or more potential vendors. Two HUB quotes are strongly encouraged within this dollar range.
> \$50,000	Formal Bid: Requires a formal procurement to be conducted by the Institution's Procurement Staff, another state agency, or a Group Purchasing Organization.

F. Tie Bids – In breaking tie bids, LSCPA will use the preference claimed by the bidder on the bidding documents/invitation for bids. In accordance with current statutes, **priority** is given in the following sequence:

1. Texas Agricultural Products
2. Texas Produced Supplies, Materials, or Equipment
3. Texas Resident Bidder
4. U.S. Produced Supplies, Materials, or Equipment
5. Offered by a Historically Underutilized Business (HUB)

If two or more bidders offer the same bid price and preferences, the bid is awarded by tossing a coin, or drawing names with two witnesses to oversee actual occurrence and initial the bid tabulation. If two bidders offer the same bid price and the preferences checked are different, then the award is based on the priority listed above.

G.Exempt Purchases: Some procurement transactions may be exempt from competitive procurement requirements. The following purchases are exempt from competitive bidding when they represent the best value to the College. Submission of a purchase requisition and other rules may apply:

1. Newspaper/Television advertising
2. Hotels and Conference Rooms
3. Library materials for the John W. Gates Memorial Library
4. Membership fees and dues
5. Newspaper and magazine subscriptions, books, videos, and software purchased directly from the publisher
6. Freight
7. Intra-agency payments
8. Goods and services provided by the Texas Department of Criminal Justice or the Texas Industries for the Blind and Handicapped.
9. Equipment Internal Repairs (when extent of repairs cannot be determined until equipment is disassembled.)
10. Utilities
11. Purchases from State Agency or group purchasing program contracts.

Other statutory exemptions may be utilized on certain purchases according to State Law if it is determined to be in the best interests of the College.

H. Approval and Fund Verification Requirements: All requests for the purchase of goods or services must be approved by the appropriate account manager. Awards of \$500,000 or more require the Chancellor's approval. Awards of \$1,000,000 or more require Board of Regents approval.

I. Emergency Purchases occur as the result of unforeseeable circumstances and may require an immediate response to avert an actual or potential public threat. If a situation arises in which compliance with normal procurement practice is impracticable or contrary to the public interest, an emergency purchase may be warranted to prevent a hazard to life or health. Emergency purchases are rare and should be based on extraordinary and unforeseeable circumstances. A written justification of the emergency must be submitted with the requisition and should state the reason for the emergency, the financial or operational damage that would occur and why the purchase could not be anticipated.

J. Proprietary Purchases - Also known as "Sole Source Purchases" are purchases where no equivalent product or service competition is available. The use of specifications which limit competition to one manufacturer, one product or one vendor require a written justification to be provided with the requisition. Personal preference is not an acceptable justification for non-competitive specifications.

K. Information Technology Purchases - All technology requests, including but not limited to software, hardware, and/or peripherals must be submitted to the Department of Information Technology for review and approval prior to the requisition being submitted to Purchasing.

L. Reimbursements for goods and services acquired with personal funds is strongly discouraged. Faculty, staff, and students using the reimbursement procedure repeatedly in order to circumvent the College's purchasing policies, will be denied reimbursement. Tax paid with personal funds will not be reimbursed. Reimbursements must clearly state the reason for reimbursement. All requests for reimbursement must be submitted on the College's paper requisition, along with the receipts for the purchase.

M. Unauthorized Purchases are made in violation of LSCPA's policies and procedures. Employees obligating the College in violation of these policies and procedures may be held personally responsible for payment of any unauthorized purchases. Purchases made by individuals without the prior approval of Purchasing may redirect the individual to personal financial responsibility for such purchase.

N. Prepayment & Advance Payments - Generally, prepayment is not authorized for any purchase of supplies, materials, equipment, or services. There are certain exceptions. The exceptions are listed as follows:

1. Texas Government Code, Title 10, Subtitle D, Section 2155.386

"An institution of higher education may pay for library material before receiving them if reasonably necessary to the efficient operations of the institution's library."

2. Texas Government Code, Title 10, Subtitle D, Section 2155.383

“All state agencies are authorized to make advance payments to federal or another state agencies for merchandise purchased from such agencies when advanced payments will expedite the delivery of the merchandise.”

3. A state agency may pay for goods and services before their delivery to the agency if there is a legitimate public purpose. Purchase of library materials may require a down payment and percentage deposits during the life of the purchase if in accordance with the items listed above.

4. A state agency may pay a subscription up to six weeks in advance of the renewal date;

5. A state agency may pay a rental fee for a meeting room or exhibit booth or a registration fee in advance if there is a legitimate public purpose for making the payment in advance (e.g. significant cost savings of reserving a space when there is limited enrollment);

6. A state agency may pay an annual maintenance agreement in advance. A state agency may not charge a fiscal year for the purchase of service if the services were rendered during a different fiscal year.

O. Used Equipment - As a rule, a state agency should procure new equipment, but sometimes it is necessary or advantageous to purchase used or demonstrator equipment and supplies. The most common reasons are:

1. The inability to secure new equipment;
2. The lack of adequate funds for new equipment; or
3. Used equipment will satisfy the agency's need at a substantial savings.

P. Historically Underutilized Businesses (HUB) - LSCPA encourages the active participation of minority and female-owned businesses in the competitive bidding process for the College's purchase of goods, services, and/or contracts. To ensure this continued participation, LSCPA efforts shall include, but are not limited to:

1. Maintaining an updated list of minority and female-owned businesses and vendors through communications with the Texas Comptroller of Public Accounts.
2. Identifying potential local minority and female-owned business enterprises from vendors presently doing business with LSCPA and assisting with registration process.
3. Assisting minority and female-owned businesses, as well as other vendors, whenever possible, with the bidding process.
4. Increasing the number of minority or female-owned vendors included in the bidding process through the use of the lists mentioned above.
5. Awarding purchase orders to qualified minority and female-owned businesses, to the extent possible in instances where competitive bidding is not required and product quality and specifications are not compromised.

Q.Procurement Card - The College's Procurement Card can be utilized to procure goods and services in the event a purchase order is not an acceptable method of payment. This program enables the user to make purchases directly from vendors without the issuance of a purchase order. The program is not designed to replace the current purchasing process but is a supplement to that process and a delegation of purchasing authority and responsibility to the cardholder. Cardholders accept the responsibility of adhering to all State, TSUS Board of Regents and Lamar State College Port Arthur purchasing statutes, rules, policies and procedures and the maintenance of required records. Cards will not be issued to any employee until the Account Manager/Supervisor and Cardholder have received training provided by the Purchasing Department. Any purchasing card issued must be approved by the cardholder's supervisor. This includes approval of the transaction and monthly limits, as well as any changes to the limits thereafter. Credit cards used with foreign companies is strongly discouraged.

1. Program Contacts/Responsibilities - The following positions have certain responsibilities regarding the College's purchasing card program.

a. Program Administrator: The Purchasing Director is assigned the responsibility of administering the overall program through designation as Program Administrator. The Administrator is responsible for approving credit limits within the established policy and enforcing College policies related to the program, as well as issuing cards and monitoring the use of those cards.

b. Account Manager: Person who is responsible for designating cardholders for the accounts under their control. The Account Manager maintains all responsibility for the account.

c. Cardholder: Person designated by the Account Manager to utilize the purchasing card. The cardholder is responsible for adhering to all State, Board of Regents and Lamar State College Port Arthur purchasing policies and procedures, for maintaining required records, for verifying all transactions listed on their billing statement, and for maintaining the security of their individual purchasing card. The cardholder is responsible for notification of lost cards and initiating the dispute process for a questionable charge.

2. Penalties - Any abuse of the card, including but not limited to purchasing prohibited items, splitting orders to avoid purchasing rules, inadequate record keeping or not responding to billing inquiries promptly will result in disciplinary action. The card is to be used for LSCPA official business only. Personal purchases, other than an error that is immediately corrected, will be considered misappropriation of state funds and may result in discharge, criminal charges, or both.

3. Card Use - The card may be used for single purchases of less than **\$1,000** and total purchases per month of **\$2,000**. Higher or lower limits per month may be requested. Permitted purchases are all allowable categories of purchases **except** those listed below.

- a. A purchase of a personal nature or any other purchase not connected with official state business
- b. Consulting, Personal or Professional Services

- c. Insurance
- d. Temporary Personnel
- e. Travel (including hotel, and hotel reservations)
- f. Lease or Rental of Space
- g. Alcoholic Beverages
- h. Food and Entertainment (State Accounts)
- i. Flowers/Plants (State Accounts)
- k. Animals
- l. Controlled Items (guns, fax machines, stereo systems, cameras, camcorders, laserdisc players, balances, centrifuges, incubators and accessories, microscopes and accessories, computers, printers, servers)
- m. Fuel
- n. Cell Phones
- o. Postage
- p. Chemicals or Hazardous Materials
- q. Moving Expenses
- r. Purchases with equipment trade-ins
- s. Time or Installment purchases.
- t. Gifts or stipends
- u. Purchases of furnishings, equipment, and/or software with a total price of \$1,000, unless the purchase has been pre-approved, in writing, by the vice president in the requestor's reporting line.
- v. HEF purchases, unless the purchase has been pre-approved, in writing, by the vice president in the requestor's reporting line or the Purchasing Director.

4. Record Keeping - The cardholder must retain all credit card slips, itemized invoices, sales receipts, packing slips or other information or correspondence related to the purchase. Each receipt must contain a description of the good or service that is sufficient to support the purchase. All documents should be retained for the current fiscal year plus the three previous fiscal years. The file retention period also applies to the purchasing card records of terminated employees. Copies of all P-card related documents must be sent to the Business Office for reconciliation.

5. Reconciliation - A detailed statement of purchases is mailed by the bank to the College monthly. The statement represents the cardholder's charges that have been paid by the issuing bank during the billing cycle.

6. Billing/Payment - The Business Office will be billed monthly by the issuing bank for all charges made by LSCPA cardholders. The Business Office will pay the summary billing in full and charge the account designated for each card.

7. Auditing - All records pertaining to purchasing card use will be subject to post-payment audit by the Purchasing Department, Internal Auditor's Office and State Auditor's office. The objective of the audit is to determine compliance with the purchasing and record keeping requirements of this policy. A report of audit findings will be prepared at the conclusion of each audit and a copy submitted to the account manager and appropriate administrative officers.

8. Lost or Stolen Cards - Cardholders must notify the issuing bank immediately if a card is lost or stolen. Bank representatives must be informed that the lost/stolen card is a purchasing card. Cardholders must also notify the account manager and Purchasing Card Coordinator or Administrator as soon as possible. If a P-Card is lost or stolen, the Cardholder must immediately contact Citi Customer Service at 1-800-248-4553. Prompt, immediate action will reduce the possibility of fraudulent activity. The department may be subject to suspension or revocation of the procurement card for failure to report the lost or stolen card.

9. Card Cancellation - When a cardholder transfers to another department or terminates employment, the account manager must notify the Purchasing Department so the purchasing card can be cancelled. Non-compliance with State and University purchasing policies/procedures will also be grounds for cancellation of a cardholder's purchasing card.

R. Group Purchasing Organizations

Institutions may use contracts created by or through Group Purchasing Organizations (GPOs). Staff should analyze the particular requirements of a proposed purchase or contract and determine whether a GPO contract is the best method for completing the procurement. For one-time purchases of small dollar amount, use of GPO contracts without modification may be reasonable. However, for large procurements, or where a master contract will be created, staff may need to renegotiate the terms of the GPO contract, complete a contract amendment, or may determine that a separate competitive process is needed.

Group Purchasing Organizations (GPOs) are entities that have been developed to aggregate and leverage the purchasing power of groups of businesses, government agencies, or other members to obtain steeper discounts from suppliers, based on its collective bargaining power. Many, but not all, GPOs are funded by administrative fees, either in the form of annual membership fees, or contract administration fees assessed on each purchase under the contract.

All requisitions utilizing a Group Purchasing Organization must be processed through the Purchasing Department. Organizations that the College is currently a member of are:

- Choice Partners: <https://www.choicepartners.org/>
- Educational & Institutional Cooperative (E&I): <https://www.eandi.org/>
- OMNIA Partners, formerly National IPA/U.S. Communities: <http://www.nationalipa.org/Pages/default.aspx>
- Sourcewell, formerly National Joint Powers Alliance: <http://www.njpacoop.org>
- Southeast Texas Purchasing Cooperative: http://www.esc5.net/page/SETPC_Home
- Texas Association of School Boards ("TASB")/BuyBoard: <http://www.buyboard.com>
- UT System Supply Chain Alliance ("Alliance"): [Supply Chain Alliance | University of Texas System \(utsystem.edu\)](http://www.utsystem.edu)
- The Interlocal Purchasing System ("TIPS"): [TIPS-USA \(tips-usa.com\)](http://www.tips-usa.com)

S. Procurement Accessibility TAC 213.38 Texas government statute and rules require that Electronic and Information Resources (EIR) used, developed, procured, or distributed by Texas agencies and institutions of higher education are accessible to people with disabilities.

As part of Lamar State College's procurement process for products and services that meet the definition of Electronic and Information Resources, EIR accessibility-related documentation must be submitted by vendors for each offering, or family of similar offerings.

1. For commercial off-the-shelf (COTS) software and online services, EIR Accessibility is determined by vendor evaluations of each offering or family of similar offerings against a set of accessibility standards as defined in [Texas Administrative Code 1TAC 206 State Websites](#) and [1TAC 213 Electronic and Information Resources Accessibility](#). Vendors should document the results of these evaluations by completing a Voluntary Product Accessibility Template® (VPAT®).

Note: Completed VPATs®, or links to them, must be included as part of responses to Lamar State College Port Arthur's solicitations.

2. For Lamar State College Port Arthur's solicitations related to development services for software, websites, web applications, etc., VPAT® documentation is not applicable; however, in accordance with 1 TAC 213, vendors will be asked to provide credible evidence of their capability or ability to produce accessible EIR products and services. Such evidence may include, but is not limited to, internal accessibility policy documents, contractual warranties for accessibility, accessibility testing documents, and examples of prior work results.

LAMAR STATE COLLEGE PORT ARTHUR PURCHASING PROCEDURES

Purchase of all supplies, services and goods is accomplished through the requisition, or purchasing card purchase process.

A. Requisition Process - Specific requests to purchase goods or services are to begin with the submission of a purchase requisition. The requisition must include the budget to be charged, a complete and thorough description of the items to be purchased, suggested vendor's name and address, quantity, unit of measure, unit price, total price per item, freight instructions and charges, total price for the requisition, originator's name, and any special processing instructions. The requisition must be approved and fund verified by the account manager before submission to the Purchasing Department.

1. Purchase Requisition – A purchase requisition may be generated by creating an on-line requisition through the Banner System following the guidelines outlined in the On-line Requisition Training Manual. Contact the Purchasing Department for additional training on the process if needed.

Once the approved requisition is received by the Purchasing Department, it will be processed for ordering in accordance with the guidelines stated above. Upon completion of processing, a purchase order will be printed, signed and forwarded to the requesting department unless other instructions are stated in the requisition. All purchase orders over \$5,000 must be signed by the President prior to issuance to the requesting department. Once received, the requesting department may forward the completed purchase order to the vendor to process the order.

2. Receipt of Goods - Goods are delivered to the department by Central Receiving or directly from the vendor. While Central Receiving will verify that the number of boxes shipped matches the freight bill, the department has the responsibility of verifying the contents of any shipment. Upon receipt of goods, the department should immediately verify the contents of the shipment and that they are in good condition. The department must sign and date the delivery log, complete a Receiving Report and return it to the Business Office.

- a. Damages - All goods are ordered F.O.B. Destination. Vendors hold the responsibility of filing any freight claim. Freight companies give a limited time to make claims so it is crucial that vendors are notified as quickly as possible about damaged goods. Any packages showing external damage should be refused and returned to the vendor and noted on shipping documents. If internal damage is discovered, contact the Purchasing Department and the vendor to notify them of damaged merchandise. Vendors should be contacted to get a Return Authorization and credit for the damaged goods.
- b. Return of Merchandise - If merchandise received needs to be returned, Departments will contact the vendor to obtain a Return Authorization and credit for the return of the new, un-used merchandise. If assistance is needed from the Purchasing Department for this process, the Department must request.

3. Receipt of Services - Upon satisfactory completion of services, the department should complete a Receiving Report, sign and date and submit to the Business Office for processing.

4. Payment - Payments to vendors are initiated by the submission of an invoice to the Business Office. Any invoice received at the departmental level should be immediately forwarded to the Accounts Payable Office. Once the invoiced items have been verified as received and in good condition and a Receiving Report completed, payment to the vendor can be processed.

B. Purchasing Card Process - Acceptable goods/services can be purchased through the purchasing card process if the end-user is an authorized P-Card holder. Funds must be available and verified prior to using the P-card.

1. To make a purchase of goods or services using the purchasing card, determine if the transaction is an acceptable use of the card and within the cardholder's spending limit. A transaction includes the purchase price, freight and installation.

- a. Call or fax the order, visit the vendor, or place the order over the internet if there is reasonable certainty that the site is secure. Confirm pricing including shipping and installation.
- b. Secure a receipt or invoice for all purchases.
- c. Purchases for LSCPA are tax exempt. Stress to the vendor that LSCPA is tax exempt. If required, a tax exemption form can be obtained from the Purchasing office and forwarded to the vendor.
- d. Provide detailed shipping instructions to the vendor. All boxes and packing lists should be labeled with the words P-CARD, the cardholder's name and department. P- Card holder should notify Physical Plant when having a package delivered to the Physical Plant Office. This is important as a purchase order number is not associated with a P-Card purchase to assist with the identification of the package.

2. Receipt of Goods/Services - Upon receipt of goods/services, the cardholder should immediately verify the contents of the shipment and that they are in good condition or that the services have been satisfactorily completed. It is the cardholder's responsibility for ensuring receipt of goods and follow up with vendors to resolve any delivery problems, discrepancies, and/or damaged goods.

- a. Returns, Credits and Disputed Charges - The cardholder should attempt to resolve any disputed item directly with the vendor. If this is not successful, cardholder should contact the credit card company's customer service department for resolution.

3. Record Keeping/Reconciliation - It is the cardholder's responsibility to always obtain an itemized receipt when using the purchasing card.

4. Payment - The Accounting Services Office will be billed monthly by the issuing bank for all charges made by LSCPA cardholders. Payment will be made through the Business Office.

C. Used Equipment - Purchases of used and demonstrator equipment are to be processed as follows:

1. State agencies must obtain a minimum of three (3) signed bids which have been properly prepared whenever possible;
2. If only one bid is received, prepare a statement explaining why no competition exists;
3. Provide a letter from an authorized person that;
 - a. States that the equipment or supplies have been personally examined, and
 - b. Describes the condition and value of the equipment or supplies;

VENDOR PROTESTS

Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation, evaluation, or award of a contract may formally protest to the Director of Purchasing of the College. Such protests must be made in writing and received in the Director's office within ten (10) working days after such aggrieved person knows, or should have known, of the occurrence of the action which is protested. Formal protests must conform to the requirements as set forth below:

A. In the event of a timely protest or appeal under this section, and if an award has not been made, the College shall not proceed further with the solicitation or with the award of the contract unless the Director of Purchasing makes a written determination that the award of contract without delay is necessary to protect substantial interests of the College.

B. A formal written protest must contain:

1. A specific identification of the statutory or regulatory provision(s) that the action complained of is alleged to have violated;
2. A specific description of each act alleged to have violated the statutory or regulatory provision(s) identified above;
3. A precise statement of the relevant facts;
4. An identification of the issue or issues to be resolved; and
5. Argument and authorities in support of the protest.

C. The Director of Purchasing shall have the authority, prior to any appeals, to settle and resolve the dispute concerning the solicitation or award of a contract.

D. If the protest is not resolved by mutual agreement, the Director will issue a written determination on the protest.

1. If the Director determines that no violation of rules or statutes has occurred, he/she shall so inform the protesting party by letter which sets forth the reasons for the determination.

2. If the Director determines that a violation of the rules or statutes has occurred in a case where a contract has not been awarded, he/she shall so inform the protesting party by letter which sets forth the reasons for the determination and the appropriate remedial action.
3. If the Director determines that a violation of the rules or statutes has occurred in a case where a contract has been awarded, he/she shall so inform the protesting party by letter which sets forth the reasons for the determination and the appropriate remedial action, which may include ordering the contract void.

E. The Director's determination on a protest may be appealed by the protesting party to the Vice President for Finance and Operations of the College. An appeal of the Director's determination must be in writing and must be received in the Vice President's office no later than five (5) working days after the date of the Purchasing Director's determination.

F. A decision in writing by the Vice President for Finance and Operations shall be final; however, the Vice President for Finance and Operations may refer the matter to the President for consideration. The President, or his or her designee, may confer with the TSUS office of General Counsel in reviewing the matter appealed.

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