

**STATE OF MISSOURI
DIVISION OF PURCHASING AND MATERIALS MANAGEMENT
UNIVERSITY PROCUREMENT AUTHORITY DELEGATION AND PROCEDURES**

**EFFECTIVE JANUARY 1, 2011
LAST REVISION EFFECTIVE DECEMBER 9, 2014**

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I. PROCUREMENT AUTHORITY DELEGATED

A. Pursuant to section 34.100, RSMo, local procurement authority is hereby granted by the Commissioner of Administration to those State of Missouri universities that are governed by chapter 34, RSMo, <http://www.moga.mo.gov/mostatutes/chapters/chapText034.html>. This delegation applies to the following:

- ❖ Harris-Stowe State University - St. Louis
- ❖ Missouri Southern State University - Joplin
- ❖ Missouri Western State University - St. Joseph
- ❖ Northwest Missouri State University - Maryville
- ❖ Southeast Missouri State University - Cape Girardeau

This delegation does not apply to the following that are exempt from the requirement of chapter 34, RSMo:

- ❖ University of Central Missouri - Warrensburg
- ❖ Lincoln University - Jefferson City
- ❖ State Technical College of Missouri - Linn
- ❖ Missouri State University - Springfield
- ❖ Truman State University - Kirksville
- ❖ University of Missouri - all locations

B. By accepting this delegation, the university acknowledges its ability and agreement to fulfill the requirements of chapter 34, RSMo, as well as the rules and regulations that are delineated in 1 CSR 40-1.010 through 1 CSR 40.1.090 (<http://www.sos.mo.gov/adrules/csr/current/1csr/1c40-1.pdf>).

C. Acceptance of this delegation of local procurement authority shall not preclude the university from submitting any procurement to the Office of Administration, Division of Purchasing and Materials Management (DPMM) for processing.

D. The authority delegated herein shall be applied to the procurement of supplies in accordance with the requirements of chapter 34, RSMo, and the procedures described in this document.

As defined in section 34.010, RSMo, the term "supplies" means: "supplies, materials, equipment, contractual services, and any and all articles or things, except for utility services regulated under chapter 393, RSMo..."

E. The university may delegate all or part of its local procurement authority to its departments. However, any department or employee assigned responsibility to conduct procurement activities must be furnished with a copy of this document or a university procedure that stipulates the same requirements. Universities may set forth a more restrictive procedure.

F. This delegation is subject to random compliance reviews by representatives of the DPMM. The authority granted may be rescinded at any time, in whole or in part, for any individual university that fails to correct deficiencies noted during the compliance review.

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- G.** This delegation and procedures may be amended or rescinded, as a whole or in part, by the DPMM at any time. When conditions and circumstance permit, the universities shall be provided with a 30-day advance written notice of any change in this delegation and procedures.
- H.** Nothing stated in this delegation and procedures shall be construed to confer authority for any purpose or reason contrary to any state law, appropriation, or executive order.
- I.** This delegation and procedures do not apply to specific capital improvement projects at state facilities. Such public works/capital improvement (design, construction, renovation and repair of state facilities) procurements must be reviewed by the Office of Administration, Division of Facilities Management, Design and Construction per chapter 8, RSMo (<http://www.moga.mo.gov/mostatutes/chapters/chapText008.html>). All other public works project bids for construction, maintenance and repair must comply with the requirements for Annual Wage Orders as stipulated in chapter 290, RSMo. A copy of the Annual Wage Order must be attached to the solicitation document. Annual Wage Orders may be obtained from the Department of Labor and Industrial Relations, Division of Labor Standards at 573-751-3403. Pursuant to section 107.170, RSMo, all public works with a cost estimated to exceed \$25,000 require a surety bond.

Reference DPMM website for the guidelines and text: [http://oa.mo.gov/purchasing-materials-management/agency-information/guidelines-solicitation-language-procedures-and-Prevailing Wage Requirement Guidelines and Text link](http://oa.mo.gov/purchasing-materials-management/agency-information/guidelines-solicitation-language-procedures-and-Prevailing-Wage-Requirement-Guidelines-and-Text-link)

Note: Section 8.110, RSMo, exempts higher education institutions from the Office of Administration, Division of Facilities Management, Design and Construction's purview.

This delegation and procedures effective January 1, 2011 are hereby amended pursuant to the UPAD History document revisions effective January 27, 2011 through August 28, 2012. This amended delegation and procedures shall remain in effect until rescinded or amended in writing.

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II. REQUIREMENTS and PROCEDURES

In application of the local procurement authority granted in Section I of this document, the university must comply with the requirements and procedures outlined in this section.

A. Advertisements

Pursuant to section 34.040, RSMo, any procurement including single feasible source procurements, valued at \$25,000 or more must be posted in a public access area and advertised in at least two daily newspapers at least five days before the bids are to be opened.

1. Newspapers selected should be in places most likely to reach prospective bidders.
2. Universities may advertise in at least two minority newspapers.
3. Universities may provide bid information through an electronic medium.

B. Americans with Disabilities Act

The university must ensure that all procurements require compliance with all applicable requirements and provisions of the Americans with Disabilities Act (ADA).

C. Awards

Pursuant to section 34.040, RSMo, all procurements must be awarded to the lowest and best bid. As defined in section 34.010, RSMo, in determining the “lowest and best”, cost and other factors (i.e., value, performance, quality, etc.) are to be considered in the evaluation process. “Value” includes, but is not limited to, price, performance, and quality. In assessing value, the university may consider the economic impact to the State of Missouri for Missouri products versus the economic impact of out of state products. Economic impact may include the revenues returned to the state through tax revenue obligations.

1. For any procurement containing a value that exceeds **\$3,000**, the university must establish a purchase order unless the procurement qualifies for payment under governmental entity purchases. Reference F. Contracting with a Governmental Entity.
2. Local purchase orders must not be split by issuing two or more orders to the same vendor or to multiple vendors in order to circumvent dollar limitations as stipulated by statute.
3. For the procurement of items classified as commodities (such as consumable supplies, maintenance materials, parts, and other miscellaneous purchases), in which a single transaction is less than **\$1,000 or card transaction limit**, including shipping and handling, the university may procure the commodities using the state purchasing card. Universities should refer to the State of Missouri Purchasing Card Policy & Procedure Manual issued by the Office of Administration, Division of

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Accounting for the procurement card procedures, responsibilities, billing payment and account distribution process, and lists of allowable and unallowable/excluded purchases. The manual is located online at <http://oa.mo.gov/sites/default/files/001014.pdf>.

D. Competition

Pursuant to section 34.040, RSMo, the university must solicit competitive bids for each local procurement requirement valued over \$3,000. The university must solicit competitive bids for supplies for which a series of periodic local procurements will have an aggregate value over \$3,000 within the same fiscal year or a period not to exceed 12 months. The university is prohibited from splitting a local procurement among multiple purchase orders to avoid the competitive bid process. The university must, when possible, obtain a minimum of three (3) competitive bids:

1. The phrase "solicit competitive bids" means that the university must provide legitimate opportunity for prospective vendors to compete.
2. The act of only identifying prospective vendors for documentation purposes without actually providing those vendors the opportunity to compete by soliciting prices and bid information does not constitute a solicitation of competitive bids.
3. A "no bid" response from a vendor may be counted towards the requirement for three (3) competitive bids provided that all "no bid" vendors could have reasonably been expected to submit a bid.
4. For procurements valued at \$25,000 or more, the university must comply with requirements for public notice, solicitation and advertising as stipulated in section 34.040 or section 34.042, RSMo.

E. Confidentiality of Bids

1. The university must not reveal the price(s) or data quoted by any bidder to any other bidder or to any other person until after all quotations are received. Bidders are prohibited from changing quotations or submitting quotations once prices are revealed.
2. For procurements involving negotiations, the records shall not be available for review by the public until after the award of the contract.

F. Contracting with a Governmental Entity

1. Pursuant to section 34.046, RSMo, universities may contract directly with other state universities, state agencies, or governmental entities for supplies or services **provided directly** by such entity without conducting a competitive bid process.
2. Governmental entities are those who derive their funding from a public tax base; i.e., federal agencies, cities, counties, public school districts, colleges, etc. Quasi-

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public governmental bodies as defined in subdivision (f) of subsection 4 of section 610.010, RSMo, are **not included** in this definition.

G. Cooperative Purchasing, Using Other Governmental Entities' Contracts

The university may participate in a cooperative purchasing agreement to procure supplies or services in accordance with a contract established by another governmental entity including the General Services Administration of the Federal Government.

H. Disposal of Surplus Property

Disposal of surplus property is within the authority and responsibility of the DPMM. Surplus property shall be disposed in accordance with Surplus Property's Policies and Procedures. Any exceptions require specific prior approval.

Contact Surplus Property at surplusmail@oa.mo.gov or (573) 751-3415. Reference the DPMM website for the Surplus Property Policies and Procedures for State Agencies' Surplus Property: <http://oa.mo.gov/purchasing-materials-management/surplus-property/state-surplus-property-program>.

I. Documentation Required

All documentation related to each procurement must be maintained in a centralized manner so that there is a clear audit path linking the solicitation process, evaluation, award, and payment. The university must maintain a current copy of the signed university procurement authority delegation and procedures within its location.

1. Pursuant to section 34.120, RSMo, the documentation must be preserved as an official public record for a period of five years unless directed otherwise by the DPMM, whichever is longer. The documentation should include the following:
 - a. Copy of signed purchase order.
 - b. Copy of solicitation document.
 - c. Copy of advertisements.
 - d. List of vendors solicited.
 - e. Original or copy of each written bid received.
 - f. Bid record/tabulation summary sheet.
 - g. Correspondence concerning the procurement.
 - h. Evaluation report.
 - i. A written explanation if the order is awarded to anyone other than the low bidder in the evaluation report.

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- j. Written justification for the use of a restrictive, proprietary, brand name, or no substitution specification.
- k. Written documentation describing the emergency condition that existed if bids are not obtained due to emergency conditions.
- l. Written documentation (hard or soft copy) describing the single feasible source procurement that existed.
- m. Documentation verifying the **tax compliance status** and **work authorization** of each bidder must be maintained. The "Vendor No Tax Due" letter may be kept in the bid or contract file. Letters sent to bidders requesting a copy of their "Vendor No Tax Due" letter and any other correspondence pertaining to the tax compliance status of a bidder cannot be maintained in an open record such as the bid or contract folder unless the bidder authorizes the university to do so. Such documentation must be maintained in a separate file within the university.
- n. A written explanation if the order is awarded to a non-Missouri manufacturer or service provider in the evaluation report.
- o. If federal funds are included in solicitation, then documentation, showing that the intended awardee(s) is not on the debarment list on the System for Award Management (SAM) website <https://www.sam.gov>, must be maintained in the file (i.e., screen print documenting the search results for the particular vendor).

J. Emergency Procurement

- 1. Although an emergency procurement requires immediate action, in accordance with section 34.045, RSMo, emergency procurements must be made with as much competition as is practicable under the circumstances.
- 2. An emergency condition is statutorily defined as a situation in which "there exists a threat to life, property, public health or public safety or when immediate expenditure is necessary for repairs to state property in order to protect against further loss of, or damage to, state property, to prevent or minimize serious disruption in state services or to ensure the integrity of state records".
- 3. A situation shall not warrant an emergency procurement unless the resolution of the condition receives priority over routine operations of the university. Lack of planning does not constitute an emergency condition.

K. Employee Bidding/Conflict of Interest

The university must ensure any offerors who are employees of the State of Missouri, a member of the General Assembly or a statewide elected official must comply with sections 105.450 to 105.458, RSMo, regarding conflict of interest.

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L. Energy Star Program

Section 8.305, RSMo, pertaining to appliance purchases and the Energy Star Program has expired. However, the university is encouraged when purchasing any appliance with state moneys or a portion of state moneys that the appliance has earned the Energy Star under the Energy Star program. The term “appliance” shall have the same meaning as in section 144.526, RSMo.

M. Evaluation of Bids

1. The university must specify the criteria and the relative weight of each criterion in the solicitation document if subjective evaluation is to be used.
2. The university should include minority representation on every committee utilized for evaluating bids. Minority representation is met by including an individual(s) who is a United States citizen and member of one of the following racial minority groups: Black, American Indian, Hispanic, Asian American, or other similar racial minority group. Committees of two but no more than five people should have at least one minority member. Committees of more than five people should have at least two minority members. Assistance in recruiting minorities for the role of evaluator may be obtained by contacting the Office of Administration, Office of Equal Opportunity at (573) 751-8130.

N. Federal Funds

When establishing a contract that will utilize federal funds, the university must check to see that the awardee has not been debarred or suspended by the Federal Government which would exclude the awardee from participating in procurements where federal funds are used (5 CFR Section 970.200). A list of parties excluded from federal procurement and non-procurement programs can be found at: <https://www.sam.gov>.

O. Gratuities

University procurement personnel, evaluators, and any other persons involved in procurement decisions are prohibited from accepting for personal benefit: gifts, meals, trips, or any other item of significant value of a monetary advantage from a vendor.

P. HIPAA

The university and its contractors are both subject to and must comply with provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Q. Information Technology and Telecommunication Equipment and Services

The OA, Information Technology Services Division (573-751-3290) is available for consultation with the university concerning their needs in the area of information technology and telecommunications.

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R. Liability for Violations

Pursuant to section 34.150, RSMo, certain university employees may be personally liable for the cost of any supplies, materials, equipment, or contractual services purchased contrary to the provisions of chapter 34, RSMo, or the rules and regulations made there under.

S. Methods of Solicitation

1. The university may utilize any procurement method allowed by chapter 34, RSMo, such as:
 - ❖ Request for Proposal (RFP)
 - ❖ Invitation for Bid (IFB)
 - ❖ Request for Quotation (RFQ)
 - ❖ Single Feasible Source (SFS) – Reference AA. Single Feasible Source Procurement
 - ❖ Fax bids
 - ❖ Telephone bids
 - ❖ Catalog/Internet comparison
 - ❖ E-mail bids

RFP - When competitive bidding is either not practicable or not advantageous, the university may procure supplies through the use of competitive proposals (RFP) and negotiation in accordance with section 34.042, RSMo. The RFP is considered a formal solicitation method that contains written specifications and provides the potential for competitive negotiation with offerors. RFP specifications are normally performance-oriented that describe a desired outcome rather than a specific manner in which that outcome must be achieved. The RFP usually requires that the offeror propose a creative solution to achieve the outcome described in the RFP. The RFP must contain a description of the weighted criteria that will be utilized in the evaluation of the proposals. Proposals submitted in response to an RFP must be written, sealed, and delivered to the procurement office or the procurement office's secured electronic database by the date and time specified in the RFP. When the responses to an RFP are opened, only the name of the offeror is revealed. The contents of the proposal itself is not disclosed at the public opening or published through an electronic medium due to the potential for competitive negotiation. All proposals are available for public review after a contract is awarded or after all the proposals have been rejected and the RFP is canceled. After the evaluation of the proposals as submitted, competitive negotiations may be conducted with those offerors who submitted potentially acceptable proposals. After completion of the competitive negotiations, best and final offers may be submitted and evaluated. Awards shall be made to the offeror whose proposal (1) complies with all mandatory specifications and requirements of the RFP and (2) is the lowest and best proposal, considering price, responsibility of the offeror, and all other evaluation criteria specified in the RFP and any subsequent negotiations.

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IFB - The IFB is a formal request for sealed bids and should be utilized any time weighted subjective criteria will be used in the evaluation of the bids. A description of and the relative weighing of the criteria (cost and subjective categories) must be stated in the IFB. IFB specifications are detailed, specific, and provide for very limited flexibility on the part of the bidders. Bids submitted in response to an IFB must be written, sealed, and delivered to the procurement office or the procurement office's secured electronic database by the date and time specified in the IFB. The name of the bidder as well as the price and other information (e.g., brand names, etc.) are read at a public bid opening or published through an electronic medium. Bids are available for public review immediately after opening. Awards shall be made to the bidder whose bid (1) complies with mandatory specifications and requirements of the IFB and (2) is the lowest and best bid, considering price, responsibility of the bidder, and all other evaluation criteria specified in the IFB. If all bids obtained by the university are unacceptable and time or other circumstances prevent re-bidding, the university may negotiate in accordance with section 34.040, RSMo.

RFQ - The RFQ is an informal request for prices that includes specifications that are detailed and do not provide flexibility or creativity on the part of the bidders. Bids submitted in response to an RFQ may be written, faxed, electronically submitted, or verbally submitted to the buyer and should be delivered to the procurement office by the target date and time stated in the RFQ. The method of response is identified in the RFQ. Bids may but are not normally opened at a public event. Evaluation of the bids is typically based on objective rather than subjective criteria. Low bid meeting specification requirements is the typical determining criterion. Awards shall be made to the bidder whose bid (1) complies with all mandatory specifications and requirements of the RFQ and (2) is the lowest and best bid, considering price, responsibility of the bidder, and all other evaluation criteria specified in the RFQ. At the option of the buyer, an award may be made immediately upon the expiration of the target date/time or the buyer may continue soliciting and receiving quotations for a reasonable time thereafter. The university may utilize the Request for Quotation Form, #MO 300-1224 available as a downloadable form at <http://oa.mo.gov/general-services/state-printing-center/forms-services/downloadable-forms>.

2. The university may utilize the Bid Record, #MO300-0162, for the recording of bids and no-bids solicited and received. The Bid Record form is available as a downloadable form at <http://oa.mo.gov/general-services/state-printing-center/forms-services/downloadable-forms>.

T. Minority-Owned Business and Women-Owned Business Participation

The university must comply with all applicable laws, regulations, and executive orders affecting equal opportunity and nondiscrimination in the selection of contractors.

1. Affirmative action must be taken by the university to assure that minority-owned and women-owned businesses that are certified by the Office of Administration, Office of Equal Opportunity (OEO) are provided an equitable and fair opportunity to submit bids and proposals and to receive an award. Executive Order 05-30 states

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that all state agencies shall continue to make every feasible effort to target the percentage of goods and services procured from certified MBEs and WBEs to 10% and 5%, respectively. These efforts shall include participation in an Executive Branch Contract Compliance Council, which shall in cooperation with the OEO, review procurement efforts to assist in meeting the requirements of this Executive Order.

2. A minority-owned business must be at least fifty-one percent (51%) owned and controlled by one or more persons who are United States citizens and members of one of the following racial minority groups: Black, American Indian, Hispanic, Asian American, or other similar racial minority group.
3. A women-owned business must be at least fifty-one percent (51%) owned and controlled by women who are United States citizens.
4. The university must utilize the Missouri Minority/Women Business Enterprise Program Directory as a source for identification of potential bidders. The directory is available on the Internet at <http://o eo.mo.gov>.
5. Universities should document that bids were sent to or awarded to minority (MBE) and women-owned (WBE) businesses. This information may be requested by DPMM during a Quality Assurance Review of the university. Documenting the resources used to locate MBEs/WBEs and identifying those product/service areas where MBEs/WBEs are not available is beneficial for the OEO. The university may utilize the services and assistance of the OEO (573-751-8130) to further identify and quality prospective minority and women-owned businesses.
6. Certified minority and women-owned businesses should be utilized for a portion of non-bid business whenever economically feasible.
7. The university must ensure proper dissemination of the requirements for minority and women vendor participation to all sub-department locations that exercise a procurement responsibility pursuant to this delegation of authority.

U. Non-Discrimination and Affirmative Action

Pursuant to Executive Order No. 94-03, the following statement must appear on all contracts or purchase orders:

"In connection with the furnishing of equipment, supplies, and/or services under the contract, the contractor and all subcontractors shall agree not to discriminate against recipients of services or employees or applicants for employment on the basis of race, color, religion, national origin, sex, age, disability, or veteran status. If the contractor or subcontractor employs at least 50 persons, they shall have and maintain an affirmative action program that shall include:

- a. A written policy statement committing the organization to affirmative action and assigning management responsibilities and procedures for evaluation and dissemination;

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- b. The identification of a person designated to handle affirmative action;
- c. The establishment of non-discriminatory selection standards, objective measures to analyze recruitment, an upward mobility system, a wage and salary structure, and standards applicable to layoff, recall, discharge, demotion, and discipline;
- d. The exclusion of discrimination from all collective bargaining agreements; and
- e. Performance of an internal audit of the reporting system to monitor execution and to provide for future planning.

If discrimination by a contractor is found to exist, the state shall take appropriate enforcement action which may include, but not necessarily be limited to, cancellation of the contract, removal from all bidders lists until corrective action is made and ensured, and referral to the Attorney General's Office, whichever enforcement action may be deemed most appropriate."

V. Offshore Services

- 1. Pursuant to Executive Order 04-09, each vendor submitting a bid to the State of Missouri shall be required to provide certification of the location where the contracted services are to be performed, and whether the vendor contemplates any of the work necessary to provide the contracted services being performed offshore.
- 2. The university shall require all current contractors to disclose whether any work pursuant to existing contracts is being performed offshore.
- 3. If during the term of a contract, the contractor or subcontractor has certified that work will be performed in the United States and proceeds to shift work outside of the United States, the contractor shall be deemed in breach of contract, unless the university has determined in writing that extraordinary circumstances require the shift of work or that a failure to shift the work would result in economic hardship to the State of Missouri.
- 4. No university shall award a contract to a vendor who contemplates performing work (or having a subcontractor perform work) pursuant to the contract at a site outside the United States, or does not provide disclosures as required above, unless one of the following conditions is met:
 - a. The vendor or its subcontractor provides a unique good or service; the particular good or service is deemed mandatory for the purposes of the purchasing university; and no comparable domestically-provided good or service can adequately duplicate the unique features of the good or service provided by the vendor or its subcontractor; or
 - b. The vendor or its subcontractor is a foreign firm hired to market Missouri services or products to a foreign country; or

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- c. A significant and substantial economic cost factor exists that outweighs the economic impact of providing the function or professional services within the United States, such that a failure to use the vendor or subcontractor's services would result in economic hardship to the State of Missouri; or
- d. The vendor or its subcontractor maintains a significant business presence in the United States and only performs a trivial portion of work under the contract outside of the United States.

NOTE: Universities do not have to take Executive Order 04-09 in consideration for commodity purchases under \$25,000.

W. Open Records Requests

When requested, the university must provide access to its public procurement records in accordance with section 610.021 and section 610.23, RSMo. The university may charge the requester as set forth in section 610.026, RSMo.
<http://www.moga.mo.gov/mostatutes/chapters/chapText610.html>).

X. Procurement Authority

The delegation of authority and procedures for departments and universities, executive orders, rules and regulations, and state revised statutes pertaining to procurement are posted on DPMM's website at <http://oa.mo.gov/purchasing-materials-management/procurement-authority>. The university should reference this website for the current version of these documents as well as any revisions to the current delegation of authority and procedures for universities.

Y. Protests

The university may use the following procedures for handling bid protests. A bid or proposal award protest must be submitted in writing and must be received by the university within ten (10) business days after the date of award. If the tenth day falls on a Saturday, Sunday, or state holiday, the period shall extend to the next state business day. A protest submitted after the ten (10) business day period shall not be considered.

The written protest should include the following information:

- ❖ Name, address, and phone number of the protester;
- ❖ Signature of the protester or the protester's representative;
- ❖ Solicitation number;
- ❖ Detailed statement describing the grounds for the protest; and
- ❖ Supporting exhibits, evidence, or documents to substantiate claims.

Z. Recycled and CFC Products

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Pursuant to section 34.031 to 34.032, RSMo, the university must seek to increase recycling and the utilization of products made from recovered materials, and to eliminate the purchase of products made with halogenated chlorofluorocarbon (CFC).

Specific attainment goals are stipulated in section 34.031, RSMo, and section 34.032, RSMo: “Products that utilize recovered materials of a price equal to and quality comparable to products made from virgin materials must be sought and purchased, with particular emphasis on recycled oil, retread tires, compost materials and recycled paper products”.

AA. Single Feasible Source Procurement

1. As defined in section 34.044, RSMo, a single feasible source procurement exists when:
 - a. Supplies are proprietary and only available from the manufacturer or a single distributor; or
 - b. Based on past procurement experience, it is determined that only one distributor services the region in which the supplies are needed; or
 - c. Supplies are available at a discount from a single distributor for a limited period of time.
2. Single feasible source procurements may be processed by the university in accordance with the following:
 - a. All single feasible source procurements valued at \$5,000 or more must be posted in the public access area that other procurement notices are posted. The posting should include: title, description, contract period, renewal options, supplier, buyer, phone number, and posting date. The university shall maintain documentation as proof of the posting. DPMM recommends the posting should be done five days before contract award.
 - b. A single feasible source procurement contract may be established for an initial contract period not-to-exceed 12 months. The university may include renewal options not to exceed 12 months per option in the contract provided that the renewal option(s) were included in the posting of the single feasible source procurement. Prior to exercising a renewal option, the university must determine if the procurement still meets the definition of a single feasible source procurement. If circumstances have changed and the procurement can no longer be defined as a single feasible source procurement, the university must competitively bid the procurement and not exercise the renewal option.
 - c. Any single feasible source procurement valued at \$25,000 or more must also be advertised in at least two daily newspapers at least five days before the contract is let.

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- d. The file must be documented to explain how the procurement meets the legal definition of a single feasible source, the functionality of the supply that makes it a single feasible source, and why the functionality is the only one that will meet the needs of the university. If necessary, documentation from the vendor noting the single feasible source nature of the specific supplies should be included. For single feasible source procurement contracts that include renewal options, documentation must be included in the file for each renewal option exercised.

BB. Special Approvals Required

Certain supplies, as indicated below, require review and resource manager approval **prior** to procurement. The approval number must be included in the university's documentation for all procurements.

1. Insurance: Procurements for insurance and surety bond premiums, except health and life policies, will be post audited by the Office of Administration, Risk Management Unit (573) 751-4044.
2. Missouri Vocational Enterprises: All supplies and services provided by MVE must be obtained from them unless MVE certified, in advance of the purchase, that such items are not currently available. Universities must also obtain approval from MVE prior to purchasing from another source supplies and services that are like or similar to supplies and services provided by MVE. Purchases from MVE, no matter the dollar value, are exempt from the bid process. Contact MVE at (573) 751-6663 to determine availability or fax a request for waiver to (573) 751-9197. (section 34.090, RSMo and section 217.575, RSMo)
3. Printing and Copying Equipment: Requirements for the purchase, lease, or rental of any equipment that falls within the types listed below requires approval from the Office of Administration, State Printing Center (573) 751-3307 prior to initiation of the procurement process. (section 37.350, RSMo)
 - * All printing equipment
 - * Copiers capable of full four-color reproduction
 - * Copiers producing in excess of 60 copies per minute
 - * Special application copiers

Copiers available from a statewide contract do **not** require pre-approval unless otherwise noted on the notice of statewide contract.

CC. Special Delegations, Grant Acknowledgments, and Expenditure Registrations

If the university believes that special circumstances exist that require the use of a different process than those identified herein, the university may request through the DPMM a special delegation of authority (SDA), an acknowledgment of grant authority (PGA), or the establishment of an expenditure registration (ERS). The university must not enter into a contract or agreement with the vendor prior to receiving approval from the DPMM.

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1. **Special Delegation of Authority (SDA)** - The SDA allows the university to competitively bid and award contracts and purchase orders for predefined goods or services for a specific program in excess of \$24,999.99 per year. In order to obtain this authority the university must submit a request in accordance with the following procedures to the DPMM.

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SPECIAL DELEGATION OF AUTHORITY (SDA) REQUEST PROCEDURES

Universities must officially request and justify a new SDA to the DPMM. DPMM no longer automatically renews a SDA. Instead, universities must officially request and justify the continuation of the SDA each year; however, the prior granting of SDA authority does not guarantee future granting of SDA authority.

In submitting a request for a new SDA or continuation of an existing SDA, the university should provide the following information. NOTE: These factors will be considered by DPMM in determining whether to allow the requested SDA(s).

- **DESCRIPTION:** For each SDA being requested, please identify (1) the current SDA number, if applicable, (2) the description of the product/service area for which the SDA is being requested, and (3) the period for which the SDA is being requested (e.g., July 1, 2006 through June 30, 2007).
- **JUSTIFICATION:** Is there a compelling reason(s) why your university should be delegated the purchasing authority rather than DPMM handling as a normal procurement?
- **UTILIZATION:** What total dollars were expended by your university under each SDA for FY2006 (i.e., does last year's usage support re-issuance of the SDA)?
- **COMPLIANCE:** Did your university follow SDA procedures, including the requirement for soliciting competitive bids and advertisement requirements, when it has previously been given special delegations of authority?
- **ONE-TIME OR ONE YEAR:** Is your university requesting a one-time SDA for a single acquisition or are you requesting an SDA for the entire year?
- **SINGLE FEASIBLE SOURCE:** Does the requirement meet the statutory definition of a "single feasible source" (see section 34.044, RSMo) and therefore need to be established as a single feasible source rather than as an SDA?

Upon receipt of a SDA request, DPMM management reviews the request and a recommendation is made to the Commissioner of Administration. If the SDA request is approved, DPMM will prepare a formal SDA document which contains a number of mandatory provisions. DPMM's granting of any special delegation of authority shall be contingent upon the university's agreement to comply with these provisions. Some, but not all of the SDA provisions, are outlined below. The university's agreement to comply with the provisions of the SDA must be indicated on the signature page of the SDA document prior to returning it to DPMM for final approval.

Sampling of Mandatory SDA Provisions:

- All procurements must be bid in accordance with chapter 34, RSMo.
- Negotiations will not be allowed in any delegated procurement unless the SDA expressly allows.
- Special Delegation of Authority Request Procedures must be followed (see State of Missouri, Division of Purchasing and Materials Management, University Procurement Authority Delegation and Procedures).
- All orders/payments (regardless of dollar value) MUST reference the applicable master SDA number assigned by DPMM. Payments for purchases made pursuant to the SDA shall be processed in the same manner as payments for other purchases. Additionally, all correspondence related to an SDA must reference the master SDA number assigned by DPMM.
- If requested by DPMM, the university must be able to provide a listing of all purchase orders listed under the SDA.

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- Contracts awarded under the SDA do not have to be submitted to DPMM for acknowledgement unless specifically requested by DPMM, but they must include the master SDA number as the prefix for the contracts awarded under the SDA.
- If the university's request to continue with the SDA is approved for another year, DPMM will reissue the entire SDA, rather than only issuing a notification of renewal.
- For all one-time delegations, upon award of the contract(s), the university is required to provide DPMM with a summary of awardees.
- All one-time delegations of authority issued by DPMM shall stipulate a maximum dollar authority limitation that is being granted under the one-time SDA which the university must not exceed with their contract award(s).

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2. **Program Grant Authority (PGA)** - A university may have statutory authority to issue grants to persons or organizations (grantee) to accomplish a specific public purpose of support or program stimulation. In such situations the grantee is only obligated to use the funds for the legal purpose defined in the grant. The university (grantor) receives no direct benefit from the expenditure.

In order to provide a means for payment and for monitoring grant expenditures, the university must submit a request for Program Grant Authority (PGA) in accordance with the following procedures to the DPMM.

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PROGRAM GRANT AUTHORITY (PGA) REQUEST PROCEDURES

Universities must officially request and justify a new PGA to the DPMM. DPMM no longer automatically renews a PGA. Instead, universities must officially request and justify the continuation of the PGA prior to expiration; however, the prior granting of PGA authority does not guarantee future granting of PGA authority.

In submitting a request for a new PGA or continuation of an existing PGA, the university should provide the following information. NOTE: These factors will be considered by DPMM in determining whether to allow the requested PGA(s).

- **DESCRIPTION:** For each PGA being requested, please identify (1) the current PGA number, if applicable, (2) the description of the product/service area for which the PGA is being requested, and (3) the period for which the PGA is being requested (e.g., July 1, 2004 through June 30, 2007). Universities may request a maximum three-year period for a PGA request, however, should your authority provided under statute, regulation, etc. restrict your authority for making payments to a shorter time period, please identify the period being requested.
- **JUSTIFICATION:** Please identify and attach a copy of the statute, regulation, etc. that gives your university specific granting authority. Please also explain whether the granting authority allows or precludes conducting a competitive procurement process(es) for the available grant funds.
- **UTILIZATION:** What total dollars were expended by your university under each PGA for FY2004?
- **COMPLIANCE:** Did your university follow PGA procedures, including the requirement for soliciting competitive bids and advertisement requirements, when it has previously been given PGA authority?

Upon receipt of a PGA request, DPMM management reviews the request and a recommendation is made to the Commissioner of Administration. If the PGA request is approved, DPMM will prepare a formal PGA document which contains a number of mandatory provisions. DPMM's granting of any PGA shall be contingent upon the university's agreement to comply with these provisions. Some, but not all of the PGA provisions, are outlined below. The university's agreement to comply with the provision of the PGA must be indicated on the signature page of the PGA document prior to returning it to DPMM for final approval.

Sampling of Mandatory PGA Provisions:

- Program Grant Authority Request Procedures must be followed (see State of Missouri, Division of Purchasing and Materials Management, University Procurement Authority Delegation and Procedures).
- All orders/payments (regardless of dollar value) MUST be processed with a "P" or "PGA" and the three-digit PGA number as the document number prefix (e.g., P123).
- Be sure to use the Master PGA number in all related correspondence.
- You do not have to submit sub-contracts to the DPMM for acknowledgement, unless specifically requested by DPMM.
- If requested by DPMM, the university must be able to provide a listing of all purchase orders and/or payments issued under the PGA.
- Should there be a change to the statute or federal regulation, which negates the authority for this PGA, please notify DPMM in writing immediately so that DPMM may cancel the PGA.

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Since it is sometimes difficult to determine whether or not a specific expenditure meets the parameters of a grant, guidelines follow that provide assistance in making the determination.

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GUIDELINES FOR MAKING A GRANT VS. CONTRACT DETERMINATION

Grant - Principal Purpose

For the university (grantor) to provide voluntary assistance, whether financial or otherwise, and which is authorized by state law, to a specific person or organization (grantee), to accomplish a public purpose of support or program stimulation; in return for which the grantee is only obligated to use the funds for the legal purposes defined in the grant agreement - the grantor receives no direct benefit from the expenditure.

Contract - Principal Purpose

For the university to procure a product or service which directly benefits the university and/or which aids in accomplishing the statutory mission of the university - payment for goods or services rendered where each party [university and contractor] receives something of value in return for their investment in the agreement.

**Checklist for Determining Whether a Grant or a Contract is the
Appropriate Type of Agreement to Execute**

1. Is the money coming from federal, state, or private funds?

This DOES NOT MATTER. The university MUST always make a grant vs. contract determination, regardless of the source of the money. Additionally, the receipt of federal grant money, funds from a not-for-profit foundation, or funding from other private concerns does not automatically give that university the authority to award grants or sub-grants.

Continue to next question.

2. Does the university have authority, per state statutes or federal regulations, to award grants, or to provide financial assistance (or other aid) directly to individuals or organizations?

NO - Not a grant.

YES - Possibly a grant. Continue to next question

3. Can the intended expenditure be considered as a “gift”, “financial assistance”, or “subsidy”, which is authorized by state statute or federal regulation?

In these situations, the university seeks nothing in return for its investment, except (1) that the recipient will use the funds/aid in accordance with the terms of the written, legal agreement, and (2) perhaps be required to submit financial status reports or other reports.

NO - Not a grant.

YES - Possibly a grant. Continue to next question.

4. Can the intended expenditure be considered a payment made in return for the receipt of goods and/or services?

YES - Not a grant.

NO - Possibly a grant. Continue to next question.

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5. Will the university be receiving invoices from the recipient of the funds?
- YES - Determine the purpose of the intended invoices:
- * A grant is not appropriate, if the recipient would be requesting payment for goods or services rendered to the university.
 - * A grant may be appropriate, if the intended “invoices” are provided to the university as proof that a particular required “milestone” was met, and these “invoices” only request the release of the next phase of grant money.
- NO - Possibly a grant. Continue to next question.
6. Will the university receive a deliverable product or service for the direct benefit of that university, in return for the expenditure?
- YES - Not a grant.
NO - Possibly a grant. Continue to next question.
7. Is the purpose of the agreement to fulfill a statutory mandate of the university?
- YES - Not a grant.
NO - Possibly a grant. Continue to next question.
8. Will the recipient be required to justify the need for the funding?
- NO - Likely not a grant. Review situation for other indicators.
YES - Possibly a grant. Continue to next question.
9. Will the recipient be required to provide “in-kind” contributions, matching funds, or cost-sharing?
- NO - Likely not a grant. Review situation for other indicators.
YES - Possibly a grant. Continue to next question.
10. Will the recipient be required to submit financial status reports or other reports to the university providing the funding?
- NO - Likely not a grant. Review situation for other indicators.
YES - Possibly a grant. Continue to next question.
11. Will the recipient of the funds be encouraged to generate program income?
- NO - May or may not be a grant. Review situation for other indicators.
YES - Possibly a grant. Continue to next question.
12. Is the funding in an appropriation which allows “program specific” expenditures?
- NO - Likely not a grant. Review situation for other indicators.
YES - Possibly a grant. Continue to next question.
13. Are payments based on unit prices?

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YES - Probably not a grant.

NO - If this and other questions were answered in such a way that did not exclude a grant, request Program Grant Authority (PGA) from OA/DPMM.

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MISCELLANEOUS GRANT GUIDELINES

1. Universities are encouraged to include competition in the granting process whenever possible.
2. If the determination is made that a grant is NOT appropriate, competitively bid and award a contract in accordance with chapter 34, RSMo.
3. A federal grant might require competitive bidding to determine the sub-grantees. This does not give the university automatic authority to conduct its own bid process. The university must obtain a PGA from the DPMM.
4. Federal grants sometimes require that grant funds given to a university be paid to a particular sub-grantee, as a condition of acceptance. In these cases, the federal grant document must specifically state, in writing, the names of the sub-grantee(s) which are to be paid and for which portions of the program they are to receive this assistance/funding. A situation such as this is considered a mandatory pass-through grant; it is not considered a “procurement” falling under chapter 34, RSMo.
5. Federal grants sometimes require that the federal grant funds be given to a university to be used for that university’s operational or administrative purposes. In this situation, the expenditure of these federal funds falls under the authority of chapter 34, RSMo.
6. If the funds are provided by a private funding source such as a not-for-profit foundation and the expenditure of the funds by the university meets the criteria for a contract rather than a grant, the funding provider may not stipulate the award of a grant or contract to a specific third party as a condition of the grant to the university. If the university does not have granting authority, any expenditure of moneys received from private funding sources is subject to the requirements of competitive bidding.

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3. **Expenditure Registration System (ERS)** - The Expenditure Registration System (ERS) has been established to recognize those situations in which the requirements of chapter 34, RSMo, for competitive bidding are negated by another state statute, federal regulation or court order.

While the goods or services being purchased would normally be subject to bid, the nature of the program precludes the use of competitive procurement methods. An example of this type of expenditure is payments that are ordered by a court.

In order to establish an ERS, the university submits a request in accordance with the following procedures to the DPMM.

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EXPENDITURE REGISTRATION SYSTEM (ERS) REQUEST PROCEDURES

Universities must officially request and justify a new ERS to the DPMM. DPMM no longer automatically renews an ERS. Instead, universities must officially request and justify the continuation of the ERS prior to expiration; however, the prior granting of ERS authority does not guarantee future granting of ERS authority.

In submitting a request for a new ERS or continuation of an existing ERS, the university should provide the following information. NOTE: These factors will be considered by DPMM in determining whether to allow the requested ERS(s).

- **DESCRIPTION:** For each ERS being requested, please identify (1) the current ERS number, if applicable, (2) the description of the product/service area for which the ERS is being requested, and (3) the period for which the ERS is being requested (e.g., July 1, 2004 through June 30, 2007). Universities may request a maximum three-year period for an ERS request, however, should your authority provided under statute, regulation, etc. restrict your authority for making payments to a shorter time period, please identify the period being requested.
- **JUSTIFICATION:** Please identify and attach a copy of the statute, regulation, etc. that mandates your university to make payments for specified expenditures rather than DPMM handling as a normal procurement under chapter 34, RSMo. Please also identify the approximate number of annual payments required for each ERS being requested.
- **UTILIZATION:** What total dollars were expended by your university under each ERS for FY2006 (i.e., does last year's usage support re-issuance of the ERS)?
- **COMPLIANCE:** Did your university follow ERS procedures, including the requirement for soliciting competitive bids and advertisement requirements, when it has previously been given ERS authority?

Upon receipt of an ERS request, DPMM management reviews the request and a recommendation is made to the Commissioner of Administration. If the ERS request is approved, DPMM will prepare a formal ERS document which contains a number of mandatory provisions. DPMM's granting of any ERS shall be contingent upon the university's agreement to comply with these provisions. Some, but not all of the ERS provisions, are outlined below. The university's agreement to comply with the provisions of the ERS must be indicated on the signature page of the ERS document prior to returning it to DPMM for final approval.

Sampling of Mandatory ERS Provisions:

- Expenditure Registration System Request Procedures must be followed (see State of Missouri, Division of Purchasing and Materials Management, University Procurement Authority Delegation and Procedures).
- All orders/payments (regardless of dollar value) MUST be processed with an "E" or "ERS" and the three-digit ERS number as the document number prefix (e.g., E123).
- Be sure to use the Master ERS number in all related correspondence.
- You do not have to submit sub-contracts to the DPMM for acknowledgement.
- If requested by DPMM, the university must be able to provide a listing of all purchase orders and/or payments issued under the ERS.
- Should there be a change to the statute, federal regulation, or court order which negates the authority for this ERS, please notify DPMM in writing immediately so that DPMM may cancel the ERS.

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DD. Specifications

Pursuant to section 34.060, RSMo, specifications must be described with generic or functional terminology.

1. Specifications may be based upon brand name descriptions if generic or functional specifications are not possible provided that the phrase "or functional equivalent" is added as an inherent part of the description. If possible, the university must identify two or more brands equal to the specifications.
2. Specifications, delivery dates, vendor location, etc., shall not be manipulated in order to restrict competition.

In the event the evaluation of bids will be based on subjective criteria in conjunction with price, the subjective criteria and relative weights must be stipulated in the solicitation document.

EE. Submission of Requisitions

The university must submit a requisition to the DPMM to request the procurement of supplies that exceeds their local procurement authority. The university must submit a requisition to the DPMM to request the renewal or amendment of an existing contract established by the DPMM. The university may utilize the following electronic requisition forms available for downloading on the Office of Administration, Division of General Services' website (<http://oa.mo.gov/general-services/state-printing-center/forms-services/downloadable-forms>) under **SAM II Forms - Purchasing**: Non Pre-Encumbering Requisition (NR) and Non Pre-Encumbering Requisition (NR) Commodity Details/Text Continuation.

1. A single requisition should only include supplies of a similar nature.
2. A requisition should only contain one commodity line.
3. If using the Non Pre-Encumbering Requisition (NR) form, the following fields should be completed (remaining fields do not require input):
 - a. Agency – Enter name of university.
 - b. Document - Enter university requisition number.
 - c. Vendor - If available, enter SAM II vendor code of recommended vendor.
 - d. Name – Enter vendor name.
 - e. Vendor Phone – Enter phone number (*nnn-nnn-nnnn*) of vendor.
 - f. Contact – Enter vendor's contact name.

Other Attributes section

- a. Address – Enter vendor's mailing address and e-mail address.
- b. Phone – Enter phone number of contact that questions concerning the requisition should be directed.

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- c. Responsible Person - Enter name of contact that questions concerning the requisition should be directed.

Commodity Details section

- a. Line – Enter a three-digit number (001) for the commodity line on the requisition.
- b. Unit of Meas – Enter the unit of measure of the commodity line.
- c. Quantity Amount- Enter the quantity of goods or services to be purchased on the commodity line.
- d. Unit Cost Amount – Enter the estimated cost per unit of the goods or services requisitioned on the commodity line.

Requisition Text (Additional Description) section

- a. Text – Enter specifications for the commodity line.

Bottom of Form

- a. Contact Person/Phone Number/Authorized Signature/Date – Complete all four fields.
4. General information regarding the procurement (contract period, number of renewal options, list of recommended vendors, ship to location, etc.) should be stated in a separate document and this document as well as supporting materials (lengthy specifications, samples, diskettes, etc.) should be attached to the original requisition form(s) and mailed/e-mailed directly to the DPMM.

FF. Technical Assistance

- 1. The DPMM will provide technical assistance and additional information, if requested, to the university, such as: names of potential bidders, managerial review, and consultation on procurement and evaluation methods, procedures, and records maintenance.
- 2. Technical assistance may be obtained by contacting the DPMM buyer assigned to a particular type of procurement, as well as from the university procurement staff.

GG. Training

- 1. The university must ensure that professionalism is obtained and maintained by its procurement staff through an ongoing training program. A training plan must be developed for each member of the university's procurement staff to keep them knowledgeable of current procurement standards and requirements.
- 2. Upon request, the DPMM may provide training to satisfy the individual needs of the university. To obtain information or request training, contact the DPMM Program Review Coordinator at (573) 751-1108.

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3. Training seminars are also available through various organizations, such as the Missouri Association of Public Purchasing, Inc. (MAPP). MAPP, a chapter of the National Institute of Governmental Purchasing, Inc. (NIGP), sponsors NIGP professional development seminars for MAPP members. Information on MAPP can be found at <http://www.mappi.org/>.
4. Individuals interested in becoming a Certified Professional Public Buyer (CPPB) or Certified Public Purchasing Officer (CPPO) through the Universal Public Purchasing Certification Council (UPPC) may find information on the experience and education requirements on NIGP's website (<http://www.nigp.org>).

HH. Used Equipment Purchases

For procurements in which a university will accept used equipment, the university should state in the solicitation document that new or used equipment may be proposed. The solicitation document should include specification requirements that allow for the proposal of used equipment and include any limitations, such as age, mileage, maximum usage, etc. that the used equipment must meet. The solicitation document should state that the university reserves the right to award to the bidder whose bid complies with all mandatory specifications and requirements and is the lowest and best bid for new equipment or to the bidder whose bid complies with all mandatory specifications and requirements and is the lowest and best bid for used equipment.

II. Vendor Tax Compliance

1. Pursuant to section 3 4.040.6, RSMo, and the vendor compliance guidelines for Section 34.040.6, RSMo, Vendor Compliance - Bids-Proposals/Contract Renewals/Single Feasible Source-Cooperative Purchase-Contract Assignment, the university shall not contract for goods or services with a vendor if the vendor or an affiliate of the vendor makes sales at retail of tangible personal property or for the purpose of storage, use, or consumption in Missouri but fails to collect and properly pay the tax as provided in chapter 144, RSMo. An "affiliate of the vendor" shall mean any person or entity that is controlled by or is under common control with the vendor, whether stock ownership or otherwise.

JJ. Work Authorization

1. Pursuant to section 285.530, RSMo, the university as a condition for the award of any contract or grant in excess of five thousand dollars by the state or by any political subdivision of the state to a business entity, or for any business entity receiving a state-administered or subsidized tax credit, tax abatement, or loan from the state, the business entity shall, by sworn affidavit and provision of documentation, affirm its enrollment and participation in a federal work authorization program with respect to the employees working in connection with the contracted services. Every such business entity shall sign an affidavit affirming that it does not knowingly employ any person who is an unauthorized alien in connection with the contracted services [subsection 2 of section 285.530, RSMo] **Effective September 1, 2009**, any entity contracting with the state or any political

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subdivision of the state shall only be required to provide the referenced affidavit on an annual basis.

2. **Executive Order 07-13** - All state contracts shall include a provision that allows the state to declare a breach and to cancel the contract immediately, with no penalty if the state had reasonable cause to believe that the contractor has knowingly employed individuals who are not eligible to work in the United States in violation of federal law.

The following clause, used by the DPMM, may be used by the university:

“The contractor shall only utilize personnel authorized to work in the United States in accordance with applicable federal and state laws and Executive Order 07-13 for work performed in the United States”.

III. PREFERENCES

KK. Buy American Preference

1. In accordance with section 34.353, RSMo, all procurements with a value of \$25,000 or more for the purchase or lease of manufactured goods or commodities, or for construction, alteration, repair, or maintenance shall contain a provision that any manufactured goods or commodities used or supplied shall be manufactured or produced in the United States.
2. The bidder must certify that the goods or commodities are manufactured or produced in the United States, in order to receive a preference for such products. The Domestic Products Procurement Act (Buy American) form may be utilized for such certification. The form is available as a downloadable form at <http://oa.mo.gov/general-services/state-printing-center/forms-services/downloadable-forms> under PURCHASING FORMS - UNIVERSAL.
3. Buy American preference will not be required for any procurement estimated to be less than \$25,000. Buy American preference is also not required for services or software procurements regardless of dollar value.
4. The Buy American Act shall not apply when an exception to the Buy American Act is met per section 34.353, RSMo. The exceptions include the following:
 - a. Only one line of a particular good or product is manufactured or produced in the United States.
 - b. When the executive head of the university certifies in writing that the specified products are not manufactured or produced in the United States in sufficient quantities to meet the university’s requirements or cannot be manufactured or produced in the United States within the necessary time in sufficient quantities to meet the university’s requirements.

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- c. Obtaining the specified products manufactured or produced in the United States would increase the cost of the contract by more than ten percent.
 - d. The specified products are to be purchased or leased by a state-supported four-year institute of higher education/publicly supported institution and such certification as required by subsection b or c has been made within the last three years.
 - e. The political subdivision has adopted a formal written policy to encourage the purchase of products manufactured or produced in the United States.
5. The certificate required by section 34.353, RSMo, shall specify the nature of the contract, the product being purchased or leased, the names and addresses of the United States manufacturers and producers contacted by the university or the project architect or engineer, and an indication that such manufacturers or producers could not supply sufficient quantities or that the price of the products would increase the cost of the contract by more than ten percent. The certificate shall be maintained by the university for a period of three years.

LL. Buy Missouri Preferences

- 1. Pursuant to section 34.070, RSMo, and section 34.073, RSMo, preferences must be given to all commodities and tangible personal property manufactured, mined, produced, processed, or grown within the state of Missouri, to all new generation processing entities defined in section 348.432, RSMo, except new generation processing entities that own or operate a renewable fuel production facility or that produce renewable fuel, and to all firms, corporations or individuals doing business as Missouri firms, corporations, or individuals, when quality is equal or better and delivered price is the same or less or whenever competing bids, in their entirety, are comparable.. For purposes of this section “commodities” shall include forest products and bricks or any agricultural product that has been processed or otherwise had value added to it in this state.
- 2. Pursuant to subsection 3 of section 34.010, RSMo, “a Missouri product refers to goods or commodities, which are manufactured, mined, produced, or grown by companies in Missouri, or services provided by such companies in Missouri”.
- 3. Pursuant to section 34.363, RSMo, the university shall make a good faith search of Missouri companies that provide Missouri manufactured products or services.
- 4. Pursuant to subsection 3 of section 34.363, RSMo, upon request of the Missouri company who applied for but was not awarded a state contract, the university for which the contract was awarded shall prepare a written explanation within 20 days of the award explaining why the Missouri manufacturer or service provider did not receive the award.
- 5. Pursuant to section 34.060, RSMo, all bid requests must contain the following language:

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"By virtue of statutory authority, a preference will be given to materials, products, supplies, provisions and all other articles produced, manufactured, made or grown within the State of Missouri."

6. **Reciprocity** - Pursuant to section 34.076, RSMo, the university shall observe reciprocity when a contractor or bidder domiciled outside the State of Missouri shall be required, in order to be successful, to submit a bid the same percent less than the lowest bid submitted by a responsible Missouri contractor or bidder for products or services valued at \$5,000 or more as would be the same for a Missouri contractor or bidder to succeed over the bidding contractor or bidder in a like contract or bid in the bidding contractor's or bidder's domiciliary state. The contractor or bidder domiciled outside the State of Missouri must submit an audited financial statement as would be required of a Missouri contractor or bidder on a like contract in the contractor's or bidder's domiciliary state.

Refer to the following website for the reciprocity law of each state: http://www.oregon.gov/DAS/EGS/ps/Pages/detail_a_main_page.aspx. The university confirms if the state from which any out-of-state bids are submitted as an in-state preference; if so, since Missouri is a reciprocal preference state, the university applies same penalty against that vendor as a Missouri vendor would encounter if bidding in that state.

7. Pursuant to section 34.080, RSMo, a preference must be given to coal mined in the State of Missouri or an adjoining state if the cost is not greater than the delivered cost of coal mined in any other state or states.

MM. Missouri Calcium Initiative

Pursuant to section 34.375, RSMo, a university purchasing food or beverages to be processed or served in a state-owned or operated building or room shall give a preference to foods and beverages that contain a higher level of calcium than products of the same type and nutritional quality and are equal to or lower in price than products of the same type and nutritional quality. If the purchase of the high calcium food or beverage would interfere with the proper treatment and care of a patient, the university is not required to purchase the high calcium food or beverage.

NN. Missouri Service-Disabled Veteran Business

Pursuant to section 34.074, RSMo, a three-point bonus preference shall be given to service-disabled veteran businesses doing business as Missouri firms, corporations, or individuals, or which maintain Missouri offices or places of business.

OO. Organizations for the Blind and Sheltered Workshops

1. A bidding preference consisting of a ten-point bonus, as identified in section 34.165, RSMo, must be applied to bids for those supplies manufactured, produced or assembled in qualified nonprofit organizations for the blind established pursuant to the provisions of 41 U.S.C. Sections 46 to 48c, as amended and in sheltered workshops holding a certificate of approval from the department of elementary and

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secondary education pursuant to section 178.920, RSMo, if the participating nonprofit organization provides the greater of two percent or five thousand dollars of the total contract value of bids for purchase not exceeding ten million dollars.

This preference applies to qualified organizations both within and outside the State of Missouri. Also, an affidavit signed by the director or manager and the board president of a participating nonprofit organization shall be provided to the purchasing agency by the contractor at the completion of the contract or within thirty days of the first anniversary of the contract, whichever first occurs, verifying compliance with the statute.

2. A listing of certified sheltered workshops can be found on the Internet at: <http://dese.mo.gov/special-education/sheltered-workshops/directories>.
3. The websites for The Lighthouse for the Blind-St. Louis and the Alphapointe Association for the Blind can be found at the following Internet addresses: <http://www.lhbindustries.com> and <http://www.alphapointe.org>

IV. PROGRAMS

PP. Recycling Program

Obtain information on the recycling program at <http://oa.mo.gov/purchasing-materials-management/missouri-state-recycling-program> or contact the DPMM State Recycling Coordinator at recycling@oa.mo.gov or (573) 751-3384.

QQ. Surplus Property Program

Obtain information on the surplus property program at <http://oa.mo.gov/purchasing-materials-management/state-agency-surplus-property>. Contact the program at surplusmail@oa.mo.gov or (573) 751-3415.