

Purchasing, Contracts, & Agreements

University Operations

EWU Policy 204-07

Authority: EWU Board of Trustees

Effective: ~~May 19, 2023~~

Proponent: Vice President for Business & Finance

Purpose: This policy prescribes university standards and regulations for purchasing, contracts, agreements, and surplus of items at the University.

History: This policy replaces a previous version of the policy dated ~~May 19, 2023~~~~December 6, 2019~~. It was approved by the Board of Trustees on ~~[INSERT]~~~~May 19, 2023~~. ~~The delegation of authority appendix was updated on May 1, 2024.~~

1. INTRODUCTION

1.1 Authority

Eastern Washington University's process for purchasing goods and services is governed by Washington State laws, Uniform Guidance, and the regulations of the Department of Enterprise Services (DES). The university has purchase and contract authority independent of DES pursuant to RCW 28B.10.029.

~~The Vice President for Business and Finance, upon consultation with the President, may delegate purchasing and contract authority to certain personnel, and the Chief Financial Officer have the ultimate authority to enter into contracts on behalf of the university and purchase goods and services. The Vice President and Chief Financial Officer may delegate purchasing and contract authority to certain personnel.~~ Such delegations must be in writing.

~~The Provost and Vice President for Academic Affairs has primary responsibility for research agreements, grants, and intellectual property agreements. The Provost, upon consultation with the President, may delegate contract authority for research, grant, and intellectual property agreements to certain personnel. Such delegations must be in writing.~~

No university employee is permitted to sign a contract or make a purchase on behalf of the university unless authorized to do so under the terms of this policy or in a written delegation of authority. A current list of positions who have delegated authority to contract and purchase on behalf of the university is contained in Appendix A. Failure to follow university procedures and this policy may result in restrictions on future purchasing activities, non-reimbursement for a purchase, and/or discipline. All

~~delegated authority personnel are required to complete any training required by the Department of Enterprise Services pursuant to RCW 39.26.110. Employees must provide a certification of completion of all required state-level training to Procurement before they are authorized to sign contracts. Completion of all required training, including future required trainings or refreshers, is subject to audit by Procurement.~~

~~Additionally, all employees who have delegated contract authority must receive annual training on purchasing and contracts provided by the Vice President for Business & Finance or their designee.~~

1.2 Definitions

"Public work" means all work, construction, alteration, repair, or improvement other than ordinary maintenance, executed at the cost of the university, or which is by law, a lien or charge against the university's property.

2. PURCHASING

2.1 Procurement Laws- Competitive Solicitation

All purchases of goods, services, and public works must be made in accordance with the state procurement laws and, when applicable, federal law. DES requires all employees who make purchases on the university's behalf to successfully complete State Procurement and Ethics training.

As set forth in the applicable state laws (chapter 39.04 for public works and chapter 39.26 for goods and services), all purchases must be based on a competitive solicitation process unless specifically exempted by law and approved by Procurement & Contracts.

2.2 Procurement & Public Works Goals-Diversity

1. The university values diversity in its procurement processes and strives to increase opportunities for small, diverse, and veteran-owned businesses. The university will take action to remove unnecessary barriers that prevent small, diverse, and veteran-owned businesses from receiving equitable access to the procurement of goods and services for the university.

2. The university shall develop a plan to afford maximum practicable opportunity for small, diverse, and veteran owned- businesses to directly and meaningfully participate in the execution of university contracts for public works, goods, and services. This plan will include, at a minimum:

- Outreach to small, diverse, and veteran-owned businesses;
- Inviting small, diverse, and/or veteran owned businesses to provide quotations for goods and services when the university knows the business offers such services;
- Removing barriers from solicitation/contract language, where appropriate, to encourage the participation of small, diverse, and/or veteran owned businesses;
- Increasing transparency by publicly posting bids and bid award documents for each formal solicitation.

3. The Director of Procurement and Contracts or designee shall be responsible for preparing an annual Office of Minority & Women's Business Enterprises (OMWBE) spend report in accordance with OMWBE guidelines.

4. The Associate Vice President for Facilities and/or designees shall be responsible for tracking and preparing all state reports related to public works.

5. All university personnel who are responsible for procurement activities must complete a mandatory supplier diversity training provided by DES.

2.3 Purchasing Procedures

Procedures for purchasing and guides on the purchasing process are available on the university's website for Procurement & Contracts at

<https://inside.ewu.edu/procurement/>. Failure to follow university procedures may result in restrictions on future purchasing activities and/or discipline.

3. CONTRACTS & AGREEMENTS

3.1 Service Contracts

a. When permitted: when specialized skills, knowledge, resources, and experience are needed which cannot be provided reasonably by existing university employees, such services may be obtained from firms or individuals outside the university on a fee for service or contract basis. **All** Requests for outside services contracts, regardless of sources of funding, must be reviewed and approved by the Director of Procurement & Contracts and/or Associate Vice President for **Business Services Facilities**. The university will only enter into a service contract with an individual or firm when the individual or firm is determined to be an independent contractor or excluded from state and federal definitions of an employee. If an individual does not meet the standards to qualify as an independent contractor, a department may work with Human Resources to see if the individual may be hired as a temporary employee.

b. Contracting out: if the type of work involved in a services contract includes work typically performed by an employee within a bargaining unit, the department must consult with the Labor Relations Manager to ascertain whether or not there are labor restrictions on contracting out such work.

3.2 Data Sharing Agreements

All agreements to share "protected data" with an outside person or entity must be reviewed and approved by the individual identified in Appendix A. "Protected data" includes, but is not limited to: education records covered by the Family Educational Rights and Privacy Act, social security numbers, driver's license numbers, bank account numbers, debit or credit card numbers, security codes, birth dates, home addresses, protected health information, and medical or mental health records. Consistent with RCW 39.26.340, a data sharing agreement is required any time EWU is sharing Category 3 or 4- level data (as defined by the Washington Office of the Chief Information Officer) with an outside contractor.

3.3 Information Technology, Software, and Cloud-Based Software

Any information technology, software or software-as-a-service agreement (i.e. cloud-based services), including 'scroll and click' software, subscription, and license agreements, must be reviewed and approved by Information Technology regardless of whether there is a cost associated with it. Software or software-as-a-service cannot be purchased on a p-card or purchase order unless approved in advance by the Chief Information Officer and Director of Procurement & Contracts. In addition, the procurement of such technology and services must comply with EWU Policy 203-05 (Accessible Technology).

3.4 Non-Disclosure Agreements

There are many situations when an employee may be asked to sign a non-disclosure agreement. Any non-disclosure agreement pertaining to an employee's work at the university or information stored at the university must be reviewed by the Provost's Office or Procurement and Contracts. When the university is asked to sign a non-disclosure agreement, such agreements can only be signed by someone with delegated authority as set forth in Appendix A.

~~3.5 Construction~~

~~Construction contracts are handled exclusively through the Associate Vice President for Facilities and/or designee. Any requests for construction must be directed to the facilities team.~~

3.56 Grant-Related Purchases

Any purchase related to or funded by a federal grant must comply with the Federal Uniform Guidance procurement and contracting requirements, and any other applicable federal laws, ~~and be reviewed by the Grants Office.~~

3.67 Intellectual Property/Technology Transfer

Agreements wherein the university seeks to transfer intellectual property or technology developments to an outside person or entity must be coordinated through the Provost's Office.

3.78 Affiliation Agreements, Memoranda of Understanding, and Agreements Establishing Relationships

Any cooperative agreement between EWU and an outside organization, agency, or government entity for academic, educational, or business-related goals and objectives, must be reviewed, approved, and executed by an individual with signature authority as identified in Appendix A or by the President. This section does not apply to any agreements related to curriculum or articulation agreements, which may be approved by the Provost.

~~3.810 Real Estate~~

Any agreement for the rental, lease, sale, or purchase of real property must be coordinated and approved through the Associate Vice President for Business Services~~Real Estate services office.~~

3.944 Material Transfer Agreements

Agreements regarding the transfer of materials to or from EWU may be reviewed and approved by the individual identified in Appendix A.

4. PURCHASING & CONTRACTS ETHICS

All employees involved in the procurement and contracting process must comply with the Ethics in Public Service Act, chapter 42.52 RCW and EWU Policy 901-01 (Ethical Standards). The University may require employees in such positions to fill out a disclosure of any potential conflicts of interest before being permitted to participate in the procurement process.

5. DISPOSAL OF PROPERTY

In accordance with state law, any property purchased by the university or with university funds can only be sold or gifted through the surplus process. Excess and/or surplus property is handled exclusively through EWU's Surplus Store. Employees outside of the Surplus Store cannot sell or donate surplus property. If equipment or supplies are purchased using grant money, the department must check with the Office of Grants and Research before beginning the surplus process to confirm that no additional requirements apply.

The Surplus Store can sell surplus to the general public by auction, sealed bid, or negotiation. Surplus property cannot be sold to university employees except at a public sale. Finally, the Surplus Store can

destroy property when it is determined the item does not have sale value.

APPENDIX A: DELEGATION OF UNIVERSITY AUTHORITY FOR PURCHASING & CONTRACTS

Contract Type	Description	Level of Authority	Signatory Title
<u>Affiliation Agreements</u>	<u>Affiliation agreements with sites for practicums, internships, clinicals</u>	<u>No fiscal Obligation</u>	<u>Academic personnel who have received training and a written delegation of authority from Procurement & Contracts</u>
<u>Purchasing Contracts</u>	<u>Contracts for Speaker/Artist/ Performer Goods and Services</u>	<u>\$9,999</u>	<u>Director of Finance & Administrative Services- Academic Affairs</u> <u>Director of Operations- Student Affairs</u>
Purchasing Contracts	Dining Services Contracts for Goods and Services	\$300,000	Procurement Supply Specialist 3
Purchasing Contracts	Contracts for Goods and Services	\$300,000	<u>Procurement & Supply Specialist 4</u> Contracts Specialist 2
Purchasing Contracts	Contracts for Goods and Services	\$500,000	Chief Purchasing Officer <u>Technology & Public Works Contract Administrator</u> <u>Procurement & Data Privacy Officer</u>
<u>Purchasing Contracts</u>	<u>Contracts for Goods and Services</u>	<u>\$1,000,000</u>	<u>AVP, Civil Rights, Compliance, and Business Services</u>
Purchasing Contracts	Contracts for Goods and Services	Any amount	VP, Business & Finance AVP, Chief Financial Officer <u>AVP, Business Services</u>
Cooperation Agreements	Affiliation Agreements, MOUS, Cooperation Agreements, Interagency Agreements	No fiscal obligation	VP, Business & Finance AVP, Chief Financial Officer Chief Purchasing Officer Contracts Specialists <u>Technology & Public Works Contract Administrator</u> <u>Procurement & Data Privacy Officer</u> AVP, Civil Rights, Compliance and Business Services <u>Provost</u>
Research & Grants	Grants and sponsored research related contracts	Any amount	AVP, Chief Financial Officer <u>Provost</u> <u>Vice Provost</u> <u>Special Assistant to the Provost for Research and Grants</u> <u>AVP, Business Services</u>

Non-Disclosure Agreements	Any agreement requiring the non-disclosure of confidential information	No fiscal obligation	AVP, Civil Rights, Compliance and Business Services Provost or designee
Articulation and Affiliation Academic and Curriculum Agreements	Any agreement related to curriculum and instruction, articulation agreements that does not involve a fiscal obligation, Articulation and affiliation agreements for academic programming	Any amount No fiscal obligation	Provost Dean of the College of Professional Programs Dean of the College of Arts, Humanities and Social Sciences Dean of the College of Health Sciences and Public Health Dean of the College of Science, Technology, Engineering, and Math
Service Agreements	Contracts where EWU is being paid to perform services	Any Amount	VP, Business & Finance AVP, Facilities AVP, Chief Financial Officer AVP, Civil Rights, Compliance & Business Services
Material Transfer Agreements	Agreements to transfer materials to or from EWU	Any Amount	AVP, Business Services Civil Rights, Compliance & Risk Management Dean of CSTEM
Public Works	Construction, planning, engineering or related contracts	\$1 million	AVP, Facilities
Public Works	Construction, planning, engineering or related contracts	Up to \$ 5 million	VP, Business & Finance AVP, Chief Financial Officer AVP, Business Services
Public Works	Construction, planning, engineering or related contracts	Greater than \$5 million	Board of Trustees approval with signature by VP for Business & Finance, CFO, or AVP for Business Services
Real Estate	Lease of any property or facilities		AVP, Civil Rights, Compliance, and Business Services
Real Estate	Lease of any property or facilities		AVP, Chief Financial Officer FO VP, Business & Finance AVP, Business Services
Real Estate	Capital lease		Board of Trustees
Real Estate	Purchase of any property		Board of Trustees
Data Sharing Agreements	Agreements where the university shares protected data with an outside entity		AVP, Civil Rights, Compliance and Business Services Technology & Public Works Contract Administrator Procurement & Data Privacy Officer
Intellectual Property/	Intellectual Property and Technology Transfer or related agreements		Provost

Technology Transfer			
Athletic Game Day Contracts	Contracts wherein EWU commits to hosting or participating in an athletic event		Athletic Director

| **Current as of ~~May 1, 2024~~**