



## Ohio Administrative Code Rule 3337-55-30 Purchasing.

Effective: December 15, 2019

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The version of this rule that includes live links to associated resources is online at  
<https://www.ohio.edu/policy/55-030>

### (A) Overview

The purchasing department is committed to the efficient and economical acquisition of quality external goods and services in support of Ohio university's overall mission. We do so by providing our stakeholders with the knowledge and the tools to leverage the overall purchasing power of the institution, mitigate risk, and reduce the overall cost of goods and services. The university requires purchases from preferred and contracted suppliers.

### (B) Purchasing requirements

#### (1) Preferred suppliers

Preferred suppliers are awarded through the competitive bid process for a specific grouping of goods or services. The supplier becomes preferred for only those items awarded through the competitive bid. To that end, Ohio university is a member of the Inter-University Council Purchasing Group (IUC-PG), a purchasing consortium composed of state of Ohio-assisted colleges and universities, technical schools, and community colleges. With the advantage of their combined purchasing power, the IUC-PG members jointly establish and utilize several price agreements. Contracts established by the state of Ohio, department of administrative services, and other approved public consortia are also available to Ohio university's purchasing department. Further, the purchasing department is a member of several competitively bid purchasing consortia through which suppliers are given preferred status and goods and services may be procured. When preferred suppliers are unable to meet a legitimate business need in supplying a good or service in which they have been awarded, a purchasing exception may be requested.



(2) Buy American

For those purchases not covered by a preferred supplier, the university is required to give first consideration to goods that are mined or produced in the United States. Please refer to section 125.09 of the Revised Code (ORC), and Chapter 123:5-1 of the Administrative Code (OAC).

(3) Buy Ohio

(a) The university is required to participate in the buy Ohio program, defined by section 125.11 of the Revised Code and rule 123:5-1-06 of the Administrative Code. These codes establish procedures for administering the in-state preference program of buy Ohio. These preferences permit bids containing products that are produced in Ohio or a border state, to be selected for contract award even if they exceed prices offered in bids not containing Ohio or border state by no more than five per cent. The university should apply these preferences when making purchases under their direct purchase authority, specify which preference(s) will be applied in the solicitation, and request information as to the point of manufacture. Law also provides that bidders from states bordering Ohio qualify on an equal basis as an Ohio bidder provided the border state does not levy a preference against Ohio bidders.

(b) Please note that under the buy Ohio program, bidding requirements remain unchanged.

(4) Additional state requirements

The purchasing department oversees purchases from state programs that provide ongoing community service through the sale of goods and services and/or provide opportunities for disadvantaged businesses.

(a) Opportunities for Ohioans with disabilities

Sections 4115.31 to 4115.35 of the Revised Code direct that any instrumentality of the state utilize a qualified non-profit state agency for the purchase of products or services which are available from a work center employing persons with disabilities.



(b) Ohio penal industries ("OPI")

Section 5147.07 of the Revised Code directs that any instrumentality of the state utilize the department of rehabilitation and corrections for the purchase of products available from state of Ohio correctional and penal institutions

(c) Bureau of services for the visually impaired ("BSVI")

Section 3304.30 of the Revised Code directs that any person who is in charge of a state governmental facility must consult with the director of BSVI prior to the acquisition, renovation, lease, or rental of a property to jointly determine if a site may offer a suitable vending facility, as defined in section 3304.28 of the Revised Code to be operated by BSVI.

(d) Minority business enterprises

Ohio university is committed to the state of Ohio goal to set aside fifteen per cent of spending for minority business enterprises. See section 125.081 of the Revised Code for more information.

(e) Encouraging diversity growth and equity program (EDGE)

Ohio auniversity is also committed to the encouraging diversity growth and equity ("EDGE") program applicable for all purchases of supplies, services, construction, and architect and engineering services. Ohio university will attempt to make at least five per cent of such purchases from EDGE-certified companies.

(C) Authority

(1) All purchasing and contracting authority resides with the Ohio university board of trustees. The Ohio university board of trustees has authorized the president to sign on behalf of the university all contracts and other documents in which the university incurs or discharges a legal obligation. Authority to purchase and contract has been delegated to the vice president for finance and administration.



(2) Authority to commit and sign on behalf of the institution is limited to and defined by the institutional signature authority

(D) Purchasing ethics

(1) Unauthorized purchases

No individual outside of the purchasing department has the authority to enter into purchase contracts, or in any way to obligate Ohio university for procurement indebtedness unless specifically authorized to do so by the director of purchasing, the vice president for finance and administration, or the president. Any such negotiations are considered an unauthorized purchase and the individual could be personally liable for the purchase in accordance with section 3.12 of the Revised Code.

(2) Personal purchases

The university will not purchase any supplies or equipment for the personal use of university employees. Even though the individual involved may fully reimburse his or her departments budget, this procedure is in violation of state regulations; refer to section 4113.17 of the Revised Code. Those found in violation of this policy may be subject to disciplinary action, up to and including termination.

(3) Conflict of interest

(a) It is essential that uniform purchasing policies be followed throughout the university in order to maintain standards of efficient business practice and positive relationships within the university as well as with outside suppliers and payees. Furthermore, a public educational institution has a responsibility to its multiple stakeholders, including the taxpaying public and donors as well as to its students, faculty, and staff. It must conduct its business fairly, in accordance with state and federal regulations, university policy, and external restrictions imposed by donors or sponsors.

(b) All employees and trustees of Ohio university, as public servants, must observe the highest ethical standards in discharging their responsibilities. Employees and trustees must avoid any activity or interest that might reflect unfavorably on an individual's or the university's stewardship of resources,



and must observe those provisions of the Ohio ethics laws that apply to them, including its conflict of interest restrictions.

(c) A purchase order or contract to a supplier where an organizational conflict exists. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the university is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization per 2 C.F.R. 200.318(c)(2). Conflict of interest issues are referred to legal affairs and handled in accordance with Ohio university policies/processes, state of Ohio law and any federal requirements.

#### (4) Public contract

(a) Any purchasing transaction of the university is a "public contract." With few exceptions, section 2921.42 of the Revised Code makes it improper for any employee of the university to have an interest in the profits or benefits of a contract entered into by the university; and prohibits the use of one's position to "secure authorization of any public contract in which he/she, a member of his/her family, or any of his/her business associates has an interest." For the purposes of this policy, "family" is defined as including: grandparents, parents, and children whether dependent or not, grandchildren, brothers and sisters, or any person related by blood or marriage residing in the same household, as extended by Domestic Partner Benefits policy 40.013. Ohio university prohibits the buying of goods or services from a university employee or a member of his or her family without the prior approval of legal affairs.

(b) In addition to the legal implications, it is important that as a public institution, we avoid transactions that might appear to be a conflict, even if technically no conflict exists.

#### (5) Reciprocity

Purchasing transactions shall be awarded only on the basis of merit. In purchasing negotiations, "reciprocity" is a mutual or cooperative exchange of favors or privileges. The university does not engage in or submit to the practice of reciprocity in any purchase transactions.

#### (6) Gifts and gratuities.



(a) State law prohibits the receipt of gifts or gratuities from suppliers, payees, or others who do business with the university; refer to Chapter 102. of the Revised Code.

(b) If gifts are received from suppliers or payees by university employees, they must be reported to purchasing department for disposition

(E) Record retention

All records and documentation relating to university purchases are governed by "Records Management and Archiving" policy 93.002. Additional information may be found on the finance web page.

(F) Tax exempt status

Ohio university is exempt from paying Ohio sales tax under section 5739.02 of the Revised Code; hence, effort shall be exercised to ensure that sales tax is not charged on purchases made on behalf of the university. Ohio university has a reciprocal sales tax agreement with many other states. The finance department maintains a listing of states and their sales tax exemption status.

(G) Policies regardless of fund source

All university funds, regardless of source, must be handled consistently in accordance with university policy and uniform administrative requirements, cost principles, and audit requirements for federal awards also known as uniform guidance. All funds shall be administered by the finance department in a uniform manner and in accordance with Ohio university policy and procedures. For information on the foundation guidelines, see "Foundation Expenditures" policy 03.016. Grant funding must also follow specific guidelines and restrictions set forth by the granting agency.

(H) Purchases requiring special review and approvals

Certain purchases that are processed through the purchasing department require additional approval from the offices listed in paragraphs (H)(1) to (H)(7) of this rule. A purchase order must be issued



for these categories. Payment request transactions are not acceptable.

(1) Building services and supplies

(a) Any work which impacts architectural, structural, mechanical, electrical, grounds, custodial, or security systems requires prior approval from facilities operations.

(b) All purchases of major construction and renovation as regulated by Chapter 153. of the Revised Code must be managed by the office of architecture, design, and construction and are to be monitored by the capital projects finance office.

(c) Chapter 4115. of the Revised Code, which relates to the payment of prevailing wage rates on public improvements, states that prevailing wages must be paid on projects whose estimated or actual values equal or exceed the current prevailing wage threshold levels.

(2) Radioactive materials

Safety department must approve the purchase of all radioactive material and radiation producing devices as per the "Radiation Safety Handbook."

(3) Controlled substances

Controlled substances ("CS"s) are chemicals that are regulated by the federal drug enforcement administration ("DEA") and the Ohio state board of pharmacy. DEA regulations and state pharmacy board rules allow faculty and staff researchers (investigators) to obtain and use CSs in institutional animal care and use committee ("IACUC")-approved animal research or institutional review board ("IRB")-approved research. All controlled substances, and any items used in their delivery (e.g., needles, syringes, sterile saline, etc.) must be ordered through the purchasing department and only by a properly authorized and DEA-licensed person, whose name is listed as the responsible person on a "Terminal Distributor of Dangerous Drugs License" for the state of Ohio, Ohio state board of pharmacy. For DEA schedule 1 and 2 controlled substances, a DEA form 222 must be completed and submitted with your requisition.



(4) Hazardous materials

Safety department must be advised of the purchase of all hazardous materials per the "Safety Resources for Hazardous Materials."

(5) Animals

(a) The purchase and use of vertebrate animals at educational institutions is subject to state and federal regulation. The office of research compliance in the vice president for research planning unit manages animal use at Ohio university. Anyone wishing to use live vertebrate animals at Ohio university for research, teaching, or testing must have that use reviewed and approved by the IACUC prior to order or use.

(b) Laboratory animal resources ("LAR") is the only campus entity authorized to purchase live vertebrate animals or to grant exceptions to the animal purchasing provisions of this policy. For further information, see the IACUC web page and "Exceptions to or Restrictions of University Policies" policy 01.003.

(6) Alcohol ordering and control

To comply with U.S. treasury department regulations, these special procedures are in effect to govern the ordering, use, control, and reporting of tax-free ethyl alcohol required for university use: departments having large and continuing use of this material are permitted to order full-drum lots of alcohol. Alcohol must be stored in secured storerooms, and may be inspected and approved by a representative of the bureau of alcohol, tobacco and firearms. Complete and current inventory and disbursement records must be maintained on-site in strict accordance with government regulations.

(7) Chemicals of interest and special agents

Safety department must approve the purchase of all chemicals of interest as defined by the department of homeland security, cybersecurity and infrastructure security agency (CISA) appendix for chemicals of interest. Additionally, special agents and toxins as defined by the center for disease control, cannot be ordered without prior approval from the institutional biosafety committee





(I) Equipment inventory

All purchases of movable equipment exceeding the capitalized inventory threshold must be identified, recorded and accounted for as defined in Equipment Inventory Control policy 19.054.

(J) Land and building acquisition

(1) All acquisitions, dispositions, and gifts of real estate and real property including land, buildings, and any other property related to real estate, including leases, are directed by the university planning and real estate and are subject to approval by the president, board of trustees, and state controlling board. Additionally, any request to occupy or vacate university owned or leased facilities, both on- and off-campus, are coordinated through university planning and real estate.

(2) As specified in section 3333.071 of the Revised Code, no expenditure shall be made for land for higher education purposes by public institutions of higher education or agents of such institutions from any fund without the approval of the chancellor of higher education and the controlling board.

(K) Bidding requirements

Bidding requirements for the purchase of non-construction-related goods and services are regulated Chapter 125. of the Revised Code. Construction bidding requirements are regulated by Chapter 153. of the Revised Code. All purchases exceeding Revised Code limits or Ohio university's board of trustees' competitive bidding thresholds must be publicly bid by the purchasing department. For further information, see the purchasing web page and Purchasing - Competitive Bidding policy 55.007.

(L) Institutional commitments

Ohio university is also committed to the following programs:

(1) Ohio university sustainable procurement practices.



- (2) Small business development program.
  - (3) Veterans-owned business program.
  - (4) American made materials standard.
  - (5) Affirmative action contract compliance.
  - (6) Americans with disabilities act compliance as defined in policy 03.003.
  - (7) Information technology accessibility as defined in policy 04.001
  - (8) Information technology security requirements
  - (9) Disadvantaged business enterprise program for federal awards.
- (M) Affirmative action equal opportunity statement

Ohio university is an affirmative action, equal opportunity institution. No person will be denied opportunity for employment or education or be subject to discrimination in any project, program, or activity, based on any of the categories listed as protected in Equal Employment and Educational Opportunity policy 40.001.

(N) Blanket purchase orders

(1) Blanket purchase orders may be issued for the current fiscal year to provide for ongoing payments related to utilities, maintenance agreements, or leases. Blanket purchase orders must be submitted to the purchasing department through the eprocurement system. Blanket purchase orders may not extend beyond the end of the fiscal year. Some grants or other accounts may not allow blanket purchase orders.

(2) Blanket purchase orders are subject to bidding requirements. Blanket purchase orders are not meant for the purchase of goods.



(O) Payment requests

Limited purchases may be made through a payment request. Requests for a payment should be submitted to the payments department through the eprocurement system. Refer to finance departments payment request guidelines.

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