

Purchasing, Contracts, & Agreements

University Operations

EWU Policy 204-07

Effective: December 6, 2019

Authority: EWU Board of Trustees

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 adopted by the EWU Board of Trustees on July 12, 2012, EWU Policy 204-07 (Shipping and Receiving) and was approved by the Board of Trustees on December 6, 2019.

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 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 delegation 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.

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 minority, women, and veteran-owned businesses.
2. The university shall develop a plan to afford maximum practicable opportunity for minority, women, and veteran owned- businesses to directly and meaningfully participate in the execution of university contracts for public works, goods, and services.
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.

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://sites.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 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 Director of Procurement and Contracts, Chief Information Officer, and applicable data custodian. "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.

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 licence 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.

3.6 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.

3.7 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.

3.8 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 the Director of Procurement and Contracts, Vice President, or Chief Financial Officer, or President. This section does not apply to any agreements related to curriculum or articulation agreements, which may be approved by the Provost.

3.10 Real Estate

Any agreement for the rental, lease, sale, or purchase of real property must be coordinated through the Real Estate services office.

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.

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	Delegated Authority
Purchasing Contracts	Dining Services Contracts for Goods and Services	\$300,000	Procurement Supply Specialist 3	Ken Ripley
Purchasing Contracts	Contracts for Goods and Services	\$300,000	Contracts Specialist 2	Lindsay McKay Michael Pflieger
Purchasing Contracts	Contracts for Goods and Services	\$300,000	Interim Chief Purchasing Officer	Michelle Rasmussen
Purchasing Contracts	Contracts for Goods and Services	\$1,000,000	AVP, Civil Rights, Compliance, and Risk Management	Annika Scharosch
Purchasing Contracts	Contracts for Goods and Services	Any amount	VP, Business & Finance AVP, Chief Financial Officer	Mary Voves Toni Habegger
Cooperation Agreements	Affiliation Agreements, MOUS, Cooperation Agreements	No fiscal obligation	VP, Business & Finance AVP, Chief Financial Officer Interim Chief Purchasing Officer Contracts Specialists AVP, Civil Rights, Compliance and Risk Management	Mary Voves Toni Habegger Michelle Rasmussen Lindsay McKay Michael Pflieger Annika Scharosch
Research & Grants	Grants and sponsored research related contracts	Any amount	AVP, Chief Financial Officer	Toni Habegger
Non-Disclosure Agreements	Any agreement requiring the non-disclosure of confidential information	No fiscal obligation	AVP, Civil Rights, Compliance and Risk Management Provost or designee	Annika Scharosch Brian Levin-Stankevich
Academic and Curriculum Agreement	Any agreement related to curriculum and instruction, articulation agreements that does not involve a fiscal obligation	No fiscal obligation	Provost	Brian Levin-Stankevich
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 & Risk Management	Mary Voves Shawn King Toni Habegger Annika Scharosch
Public Works	Construction, planning, engineering or related contracts	\$1 million	AVP, Facilities	Shawn King

Public Works	Construction, planning, engineering or related contracts	Up to \$ 5 million	VP, Business & Finance AVP, Chief Financial Officer	Mary Voves Toni Habegger
Public Works	Construction, planning, engineering or related contracts	Greater than \$5 million	Board of Trustees	
Real Estate	Lease of any property or facilities		AVP, Civil Rights, Compliance, and Risk Management	Annika Scharosch
Real Estate	Lease of any property or facilities		AVP, CFO VP, Business & Finance	Toni Habegger Mary Voves
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 Risk Management and reviewed by data custodian	Annika Scharosch
Intellectual Property/ Technology Transfer	Intellectual Property and Technology Transfer or related agreements		Provost	Brian Levin-Stakenvich
Athletic Game Day Contracts	Contracts wherein EWU commits to hosting or participating in an athletic event		Athletic Director	Lynn Hickey

Current as of April 26, 2021