UNLV

UNIVERSITY OF NEVADA LAS VEGAS

Purchasing Manual

POLICIES AND PROCEDURES

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Table of Contents

INTRODUCTION **3**

GENERAL INFORMATION **4**

- **PURPOSE** 4
- **AUTHORITY** 4
- **POLICIES** 4
- **PROCEDURES** 8

PURCHASING CARD **9**

- **GENERAL INFORMATION** 9
- **RESPONSIBILITIES** 9
- **PROCEDURES** 10
- **PURCHASING CARD USER MANUAL** 10

PURCHASE REQUISITION **11**

- **GENERAL INFORMATION** 11
- **SPECIAL CONDITIONS AND COMMODITY APPROVALS** 12
- **PROCEDURES** 13
- **PURCHASE ORDER** 14

OPEN ENDED PURCHASE ORDERS **15**

- **GENERAL INFORMATION** 15
- **POLICY** 15
- **PROCEDURE** 16

SUPPLIER INVOICE REQUESTS **17**

- **GENERAL INFORMATION** 17
- **POLICY** 17

COMPETITIVE EXCEPTION **18**

- **GENERAL INFORMATION** 18
- **POLICY** 18
- **PROCEDURES** 19

PROFESSIONAL SERVICES **20**

- **GENERAL INFORMATION** 20
- **POLICY** 20
- **DEFINITIONS** 20
- **SELECTION OF PERSONAL AND PROFESSIONAL SERVICE VENDORS** 21

SPONSORED PROGRAMS **23**

CONTRACTS **24**

- **GENERAL INFORMATION** 24
- **POLICY** 24

SHIPPING AND RECEIVING **25**

- **GENERAL INFORMATION** 25
- **POLICY** 25

PURCHASING DEPARTMENT'S INTERNAL POLICIES/PROCEDURES **26**

- **GENERAL INFORMATION** 26
- **OBJECTIVES** 26
- **PERSONAL CONDUCT GUIDELINES** 27
- **GOALS** 28

PRIMARY DUTIES 28

BUYER PROCEDURES **29**

GENERAL INFORMATION 29
REQUISITION PROCESSING 30
DETERMINE THE PROPER ACQUISITION METHOD. 30
METHOD OF SOURCE SELECTION 31
EMERGENCY SITUATIONS 34
SUPPLIERS 34
SOLICITATIONS 34
FORMAL PROTESTS ON FORMAL SOLICITATIONS 41
SPECIAL CONDITIONS 43
DOCUMENTATION AND OPEN RECORDS REQUESTS 44

CODE OF ETHICS **45**

University of Nevada, Las Vegas
(UNLV)
Purchasing Manual

INTRODUCTION

The Purchasing Manual is designed to assist faculty and staff through the procurement process from the point at which the user identifies a need for goods or services.

The manual is divided into two main sections.

The first section, Campus General Purchasing Information, covers basic Purchasing topics pertaining to the entire campus. The section includes information on delegation of purchasing authority, what a requisition is and how to use it, conflict of interest, the PCard program, and other special topics such as use of supplier invoice requests, competitive exceptions, and professional services.

The second section, Purchasing Department Policies and Procedures, is the internal policies and procedures for the employees of the Purchasing department. This section includes the goals, objectives, and primary duties of the Purchasing department, personal conduct guidelines, and basic procedures for handling purchases of goods and services. This manual serves as a training manual for new employees, a reference manual for supervisors, as well as a procedures manual for employees. These policies and procedures are to be followed by any employees that have been given authority to purchase goods and services.

It is recognized that every situation cannot be covered in this manual; therefore, if you have special circumstances, contact the Executive Director of Purchasing and Contracts.

University of Nevada, Las Vegas
(UNLV)
Purchasing Manual
GENERAL INFORMATION

PURPOSE

The Purchasing Manual is designed to assist faculty and staff through the procurement process from the point at which the user identifies a need for goods or services. It is recognized that every situation cannot be covered in this manual; therefore, if you have special circumstances, contact the Executive Director of Purchasing and Contracts.

AUTHORITY

As stated in the Board of Regents General Policy Statements Title 4, Chapter 10, Section 1 – Purchasing Policy: All purchases of supplies, equipment, services, and construction, shall be handled administratively by the Purchasing Department. To review the entire policy, go to:
https://nshe.nevada.edu/wp-content/uploads/file/BoardOfRegents/Handbook/title4//T4-CH10%20General%20Business%20Management.pdf

POLICIES

RESPONSIBILITIES

Purchasing Department

Procure materials at the lowest cost consistent with quality and service required.

Ensure compliance with established purchasing policies and procedures approved by the Board of Regents, regulations and procedures established by the Chancellor, State and Federal procurement regulations, and established purchasing practices.

Accelerate delivery of goods, follow up on delinquent shipments and take action on damaged or incorrect shipments.

Assure adequate sources of supply and seek new sources of supply to increase availability and quality at advantageous prices.

Research new products and procedures.

Provide information, assistance and guidance on the description, suitability, cost, quality, standardization and substitution of a product or service.

Administer and monitor the University PCARD (Purchasing Card) program.

Review supplemental purchases by PCARD and Supplier Invoice Requests to prevent abuse or noncompliance of purchasing policies and procedures.

Perform any other responsibility in relation to acquiring materials and services.

Department Heads -Chair/Director/Dean/Provost/VP

Department Heads are required to be good stewards of their funds. It is their responsibility to ensure adequate funds are available prior to requesting the purchase of equipment, goods and services. They are also responsible to ensure that procedures and documents prescribed in this manual are followed for all purchases made by their employees.

All University employees

Ensure compliance with established purchasing policies and procedures.

Contact the Purchasing Department to assist in any expediting requirements; inspect all deliveries immediately and work with Purchasing to resolve any damaged material claims and any incorrect shipment issues.

Procure goods and services at the lowest cost consistent with quality and service required when using the PCard.

Give consideration to small disadvantaged businesses when seeking sources for goods and services.

Consider using "Green" alternatives whenever possible.

PURCHASING DELEGATIONS

As stated in the Board of Regents General Policy Statements Title 4, Chapter 10, Section 1 – Purchasing Policy: All purchases of supplies, equipment, services, and construction, shall be handled administratively by the Purchasing Department. The Executive Director of Purchasing and Contracts has delegated small dollar purchases (Typically $5,000 and below) to authorized personnel within departments through the use of the PCard (the University's purchasing card program). The items approved for purchase and the specific policies/ procedures for the PCard program are contained in the Purchasing Manual Section – Purchasing Card.

The Purchasing Department is responsible for monitoring decentralized operations to ensure compliance with applicable policies/regulations. Decentralized delegation will be revoked for flagrant violation of established policies/procedures.

Delegation of the purchase of library books, periodicals and such has been granted to the Dean of Libraries

In rare occasions departments may make purchases using a Supplier Invoice Request. The policy on the proper use of Supplier Invoice Requests is contained in the Purchasing Manual Section – Supplier Invoice Requests.

The Executive Director of Purchasing and Contracts has overall responsibility for assuring that all departments of the University are complying with all requirements. Any authority or responsibility relating to purchasing which is not specifically designated in these or other instructions remains the responsibility of the Executive Director of Purchasing and Contracts.

In the event employees of the University act outside their authority, the employee may be held personally liable for the costs of the transaction. **Individuals placing orders without a purchase order may be personally responsible for the purchase.**

Signature authority for contracting with outside suppliers is not the same as budget authority. The NSHE Procedures and Guidelines manual, Chapter 5 Fiscal Procedures, Section 3 –Preparation and Approval of Contracts, outlines signature authority for execution of all contracts. The Chancellor is the contracting officer for NSHE and Chapter 5 contains contracting authority and signature delegation details.

CONFLICT OF INTEREST

Conflict of Interest is covered in Board of Regents General Policy Statements Title 4, Chapter 10, Section 1 – subsection 7 – Conflict of Interest.

In addition to such conflicts of interest prohibited by law, it shall also be prohibited for a member of the Board of Regents or an employee of NSHE:

To become a contractor or a vendor for the purchase of supplies, equipment, services and construction under any contract or purchase order of any kind authorized by the NSHE under the provisions of this chapter or,

To be interested, directly or indirectly, through any member of the Regent's or employee's household, as defined by Nevada Revised Statutes 281A.100, or through any business entity in which the Regent or employee has a financial interest, in any kind of contract or purchase order so authorized by the receipt of any commission, profit, or compensation of any kind.

Except where may be prohibited by law, exceptions to this policy may be permitted:

For contracts or purchase orders for which the proposed contractor or vendor is the sole source for the contract or purchase order and has not participated in or otherwise actively influenced the consideration or acceptance of offers for the contract or purchase order, or

When, in the judgment of a President of a member institution, the public interest would best be served by making such an exception.

GIFTS GRATUITIES

Purchasing staff and other University employees will not accept personal gifts or gratuities from any past, current, or potential suppliers of goods or services to the University.

The Anti-kickback Act of 1986 makes it illegal for any person to provide, attempt or offer to provide, solicit, accept, or attempt to accept any kickback in connection with any contract or subcontract with any department or agency of the federal government. "Kickback" includes any fee, commission, credit, gift or anything of value which is provided, directly or indirectly, to the University or any of its departments, divisions, or employees in order to improperly obtain or reward favorable treatment in connection with any federal government contract.

PERSONAL PURCHASES

At no time are personal purchases to be made by any employees. Purchasing will not process any requisitions for personal purchases.

TAXES AND FEDERAL TAX INDENTIFICATION

UNLV is an educational institution of the State of Nevada and is tax exempt. UNLV's Sales Tax Exemption No. is RCE-000-441. UNLV's Federal Tax ID No. is 88-6000024.

NEGLIGENT OR INADVERTENT VIOLATION OF PURCHASING POLICIES

The procedure outlined below is designed and established to provide guidance to campus departments, minimize or eliminate procurement policy violations and to preclude repetitive occurrences by the same department or individual.

On the first violation by an employee in a department, the Executive Director of Purchasing and Contracts or her designee will notify and caution the individual and expenditure approver of the violation and obtain commitment that corrective action will be taken to preclude future occurrences. The Executive Director of Purchasing and Contracts or her designee may approve the purchase after considering the facts.

On subsequent violations by the same employee, the Executive Director of Purchasing or Contracts or her designee will, in writing, contact the department head or the next level of authority above the person committing the violation. The memorandum shall inquire as to actions that are being taken or will be taken to preclude future occurrences in the unit. Upon receipt of the response, the Executive Director of Purchasing and Contracts or her designee, after considering the information received, may authorize payment of the expenditure. Failure to respond or failure to respond adequately may result in withdrawal of purchasing privileges from the department or individual and recommendation for disciplinary action which may include the employee being held personally liable for the payment to the supplier.

Upon further violations by the same employee, or by the same department after receiving notification of multiple violations, the Executive Director of Purchasing and Contracts or her designee will notify the appropriate dean (for academic departments) or vice president (for non-academic departments), in writing, of the infraction and include all information concerning prior infractions. The Dean or VP shall provide a written explanation of action(s) to be taken to prevent future occurrences and, if circumstances warrant, request that action be taken by Purchasing to authorize payment for the purchase. Failure to respond within a reasonable period of time or inadequately shall result in the matter being forwarded to the appropriate individual at the next level of authority for disposition.

Regardless of method of purchase, violations that could cause an embarrassment to the department or University or appear to involve criminal activity shall be made known as appropriate, to the Department Head or Dean and to the Senior Vice President, Business Affairs. Such notification will be made as expeditiously as possible.

Questions should be directed to the Purchasing office to determine whether a purchase is permissible and what purchasing method is most appropriate.

PROCEDURES

In rare occasions departments may make purchases using a Supplier Invoice Request. Supplier Invoice Requests are used for a very limited list of purchases. The policy on the proper use of Supplier Invoice Request is contained in the Purchasing Manual Section – Supplier Invoice Requests.

PURCHASES OF $5,000 OR LESS

Goods: The PCard is the preferred method of making purchases of goods $5,000 or less. (See Section - Purchasing Card)

Services: The PCard can be used for some services of $5,000 or less that do not require any written agreement to be signed (See Section – Purchasing Card). Any service requiring the signing of a contract or agreement by the University must be submitted to the Purchasing Department on a requisition for processing.

PURCHASES OVER $5,000 AND PURCHASES PROHIBITED ON THE PCARD should be initiated by the department on a requisition forwarded to Purchasing for processing (see Section- Purchase Requisition). Purchasing will determine proper procedures for processing the request which may include informal and/or formal solicitations (See Section – Buyer Procedures for detailed procedures).

University of Nevada, Las Vegas
(UNLV)
Purchasing Manual
PURCHASING CARD

GENERAL INFORMATION

PURPOSE

The Purchasing Card (PCard) is a purchasing method whereby users in the department are issued a commercial MasterCard. Each MasterCard is printed with the University Nevada, Las Vegas name/logo, the name of the individual cardholder (faculty/staff) and the State of Nevada tax exemption number. Interested departments should contact the Purchasing Department or visit the PCard website at http://www.unlv.edu/purchasing/pcard

The UNLV PCard Program has been established to provide an efficient and cost effective means that empowers individual employees to make small dollar purchases and, at the same time, reduce the costs associated with initiating and paying for those purchases.

AVAILABILITY

The PCard is available to all departments. Departments are responsible for the order, control, and receipt of goods and services.

POLICY

RESPONSIBILITIES

Card Holders

Attend initial and any additional training required and consult manual to ensure proper use of the card.

Safeguard the card.

Report a lost or stolen card IMMEDIATELY to JPMorgan Chase at 1-800-316-6056. (Your department has full liability for all purchases made before a card is reported lost or stolen). The cardholder should then contact the PCard Coordinator.

Ensure the PCard is used for official university purchases and not personal use.

Follow all University, Board of Regents, State, Federal and Purchasing guidelines. (If unfamiliar with existing guidelines, contact the appropriate departments for assistance.)

Alert suppliers that the University is tax exempt.

Resolve any discrepancies with suppliers.

Ensure merchant documentation is complete and available for every transaction and attach the documentation to the monthly Statement of Account and sign the printed copy of the Statement of Account to attest to its accuracy.

Ensure monthly reconciliations are completed correctly and on time.

Turn in your PCard to the department head upon termination of employment with either the department or UNLV, OR upon request of the department head.

Liaisons

Attend initial and any additional training required and consult manual to ensure proper use of the card.

Ensure monthly reconciliations for their department's cardholders are completed correctly and on time.

Alert Supervisor and PCard Coordinator of any suspected improper or inappropriate use.

Handle record keeping and documentation for department's cardholders as outlined in the PCard User Manual section VII RECORD KEEPING AND DOCUMENTATION.

The duties of the Liaison can not be reassigned to someone else without the approval of the department manager and the Purchasing Card Coordinator. Before the duties can be reassigned to another individual, that individual must attend liaison training.

The Department Head/Account Manager (Reviewer/Approver)

Ensure the integrity of the PCard Program.

Know and enforce compliance of the rules of the program as stated in the manual.

Ensure monthly reconciliations are completed on time.

Ensure that every Statement of Account is reviewed and signed.

Ensure there is complete documentation for every transaction.

Notify the program coordinator immediately should any cardholder under their approval authority leave the employment of the department or the University. In addition the approver must collect and destroy all cards from such cardholders.

PROCEDURES

Procedures for the use of the PCard are contained in the Section of this manual – Purchasing Card User Manual.

PURCHASING CARD USER MANUAL

The complete Purchasing Card Manual can be found on the P-Card web site at:
https://www.unlv.edu/sites/default/files/page_files/182/PCard%20Manual_Final_Rev%206.0.pdf

University of Nevada, Las Vegas
(UNLV)
Purchasing Manual

PURCHASE REQUISITION

GENERAL INFORMATION

PURPOSE

The initial tool of the procurement system is the Requisition. A requisition serves a dual purpose: it provides a clear and complete description of the department's need and it transmits authority to the Purchasing Department to expend the department's funds.

POLICY

The REQUISITION by itself, however, is not a legal document and cannot be used to authorize a supplier to provide materials or services to any person or department, nor can it be used to process payment of an unauthorized transaction.

WORKDAY is our automated requisitioning system. This system allows for departments to enter their REQUISITIONS on-line, attaching any required documentation, routing the requisition for signature approval, (and commodity approvals if required), and then electronically routed to the Purchasing Department for processing.

Each department enters REQUISITION information into the system electronically. Approval is required at the appropriate dollar level and may require additional approvals for commodity and grant related purchases, etc.

REQUISITIONS cannot be used for salaries, wages, and benefits or for transactions between departments. The system will automatically check for budget capacity. If budget capacity is available, the REQUISITION may be approved. Funds will be obligated until the invoice is paid.

REQUISITIONS for items/services will not be accepted without sufficient funds to meet the purchase obligations. This practice applies to all REQUISITIONS regardless of the source of funding. Only the Purchasing Department has the authority to obligate funds for requested items. If a transfer of funds is needed, and it is within your approval level, e-mail the request for a budget transfer to the Executive Budget Director for action. WORKDAY provides each department with on-line access showing current expenditures, obligations, and balances. It is the responsibility of each department to monitor account balances.

The practice of issuing a series of REQUISITIONS within a twelve month period to the same supplier for the same item/service in order to avoid competitive solicitation process is prohibited.

SPECIAL CONDITIONS AND COMMODITY APPROVALS

Hiring of outside Counsel (attorneys) – for legal services require written approval of the Chief Counsel's Office. These requirements must be approved by our General Counsel's office prior to processing by Purchasing.

Construction related purchases –
Must be reviewed by the Planning and Construction Department prior to processing by Purchasing.

Deposits and Prepayments –
It is not the preference nor the practice of the University to agree to or pay deposits or prepay for any goods or services.

Emergency purchases –
The Board of Regents defines an emergency as one which:

Results from the occurrence of a disaster such as, but not limited to, fire, flood, hurricane, riot, power outage or disease; or May endanger the health, safety, or welfare of the students, faculty, staff, or public if not immediately resolved.

With the permission of the Senior Vice President, Business Affairs, a contract may be instituted in an "emergency" situation by waiving the necessary advertising or bidding requirements. In any case a full written record shall be made of the circumstances. Purchasing will expedite the handling of these requests and in rare occasion if warranted may provide a verbal purchase order followed by written confirmation to the vendor.

Hazardous Materials –
The Department of Risk Management and Safety reviews and approves requisitions to purchase potentially hazardous chemicals, whether new or substitute, that have Material Safety Data Sheets (MSDS). Requisitions will be sent to the Department of Risk Management and Safety for an electronic approval prior to being sent to the Purchasing Department for processing. Radioactive material purchases must be approved and coordinated with the Radiological Safety Officer (RSO).

Maintenance Agreements-
Departments should submit a requisition for maintenance agreements. If there is an agreement that must be signed, DO NOT SIGN IT, but submit it with the requisition for processing by Purchasing.

Repair of Equipment –
If possible, obtain an estimate for the repair and submit this information with your requisition. If an estimate is not available until the item is examined at the supplier's place of business, department will submit a requisition to Purchasing to coordinate with the supplier.

Sole or Single Source Purchases –
A competitive exception form must be submitted with any requisition requesting sole or single sourcing. Department should work closely with Purchasing to ensure their submittal is complete. Final responsibility in determining whether a purchase is approved as a sole source rests with the Executive Director/Assistant Director of Purchasing and Contracts. (See section –Competitive Exception)

PROCEDURES

Departments submit a REQUISITION to Purchasing to purchase goods/services for all procurements not allowed on the PCard. Detailed instructions on how to process an automated REQUISITION are contained in WORKDAY training materials.

The REQUISITION must contain complete information. The following is a list of the most common information provided on the REQUISITION:

Requested By-
The name of the person making the request

Funding Source –
Complete Accounting information: Function, Fund, Program, Project, Gift, or Grant and applicable detail code.

Suggested Supplier-
Requestor may suggest a supplier but the Purchasing Dept. has the final authority for selection of the supplier. User departments are encouraged to suggest possible sources of supply and Purchasing will work closely with the department during supplier selection.

Detailed Description of items/services-
The description is important and will be transferred to the purchase order. The description must be detailed enough to ensure both Purchasing and the supplier contract for the proper item/service. It should include quantities and units of measure when applicable.

Quotations-
Any quotations obtained by the department must be attached to the REQUISITION when submitted to Purchasing.

Delivery or Need Date-
The date the department is requesting the delivery of the item/service.

Special Handling requests–
Details of requests for deposits, prepayments, expedition (RUSH), emergency declaration, uncommon delivery instructions, etc. should be provided with the REQUISITION.

Competitive Exception Documentation-
Any request for competitive exception (Includes Sole and Single Source purchases) must contain a justification by the requestor submitted with the REQUISITION for approval by the Executive Director of Purchasing and Contracts.

Commodity Approvals –
Must be obtained when applicable prior to processing. Typically approvals will be automatically requested when automated requisitions are submitted through the WORKDAY system.

This list is not all inclusive. Departments should provide any other relevant information with their request to ensure the correct purchase is made.

Upon receipt of the REQUISITION, Purchasing staff will process for conversion to a purchase order per the procedures contained in BUYER PROCEDURES section of this manual.

A REQUISITION must be submitted and a Purchase Order issued before purchases can be made. **Purchases made without proper authorization may result in personal liability or other disciplinary action to an employee.**

PURCHASE ORDER

A purchase order (PO) is prepared from a requisition by the Purchasing Department once Purchasing has evaluated the requirements of the request. The completed PO is emailed to the supplier. Requestor will receive notification through WORKDAY when the PO has been approved. Departments should review the PO to ensure the order is correct and must contact purchasing immediately to resolve any questions or errors contained in the PO.

University of Nevada, Las Vegas
(UNLV)
Purchasing Manual

OPEN ENDED PURCHASE ORDERS

GENERAL INFORMATION

PURPOSE

Open ended purchase orders may be used when a department expects to request partial shipments or partial performance of services over an extended period of time. These reduce the paperwork necessary to process an individual purchase order for each separate delivery.

POLICY

The open ended purchase order has dollar restrictions, negotiated pricing and other specified terms. This type of purchase order can be set up to enable everyone in the department (or specifically named individuals) to request goods/services from the same purchase order.

The PO can be opened for a one year period but cannot extend from one fiscal year to the next.

Departments may request open ended purchase orders for most goods and services that Purchasing has on contract to avoid processing individual requisitions during the year. (Example – Department requests to have bottled water delivered twice a month and Purchasing has a contract for those services, department may issue a requisition to request an open ended purchase order covering the partial services to be received during the current fiscal year.)

The open ended purchase order is issued for the estimated amount expected to be used within the specified time period. CAUTION: Departments cannot request an open ended purchase order modification to circumvent bidding requirements. (Example – Originally request PO for $25,000 then 30 days later submit a modification to increase the amount by $10,000 to cover costs that are now anticipated or already requested from supplier). If your requirements are close to or have in the past exceeded multiple quote or bid limits, Purchasing should help the department obtain multiple quotes or bid the requirements.

Departments should request any changes to open ended purchase orders in writing to Purchasing. These include any changes to goods/services not specifically covered, pricing, total aggregate amount of purchase order, and authorized requestors. If the requested changes are approved, Purchasing will issue a modification to the PO.

PROCEDURE

Department submits a requisition to Purchasing requesting the issuance of an open ended purchase order to a supplier. The requisition should contain the following information:

- Name of Supplier.
- Total dollar amount that can be charged against the purchase order.
- The time frame the purchase order is valid.
- Details of items to be purchased, prices, and any other pertinent information.
- Accounting information.

Purchasing will review the request, and if approved, will issue an open ended purchase order.

It is the responsibility of the requesting department to keep track of the individual orders placed against the open ended purchase order. This includes checking to make sure the supplier delivers the correct items in the correct quantities and invoices at the agreed upon rates; promptly approves invoices for payment; and ensures the aggregate amount ordered against the purchase order does not exceed the total dollar amount authorized on the open ended purchase order.

Open end purchase orders that are not cancelled or closed prior to the end of the current fiscal year, will expire on June 30th. However, Purchasing will not close them immediately to allow time for invoice processing in July. If the purchase order should be closed prior to the end of the fiscal year, the department should fill out a purchase order modification request form instructing Purchasing to close the purchase order.

University of Nevada, Las Vegas
(UNLV)
Purchasing Manual
Supplier Invoice Requests
(AFTER THE FACT)

GENERAL INFORMATION

PURPOSE

The Supplier Invoice Request issued to authorize Accounts Payable to make payments for purchases of goods and services which are excluded from general purchasing requirements. These include certain payments to suppliers, reimbursements, or replenishment of an authorized petty cash fund.

POLICY

Legitimate uses of a supplier invoice request are as follows:

1) Memberships, dues, subscriptions, licenses, royalty/patent, permit, and accreditation Fees
2) Agency account disbursements
3) Grant sub-award payments
4) Host fund reimbursements and petty cash replenishment
5) Moving Allowance, Candidate reimbursements, Conference registrations, Prepaid lodging
6) Board of Regents, Clark County School District, Adjunct Professors
7) Other reimbursements: consult the Purchasing or Accounts Payable department
8) Utilities

Inappropriate uses of a supplier invoice request include purchases for:

1) Cell Phones – use requisition/purchase order method
2) Gift Card – Not allowable
3) Equipment – use requisition/purchase order method
4) Commodity purchases – use requisition/purchase order method
5) Contractual or Service agreements - use requisition/purchase order method

Before processing a supplier invoice request please review other purchasing methods available to ensure Purchasing Policies and Procedures are followed.

1) Requisition/Purchase Order - All contractual or service purchases must go through the requisition/purchase order method.
2) PCard or requisition/purchase order method for small dollar purchases of goods. These methods may also be used for lodging, airfare, and vehicle rental.
3) Petty cash for small reimbursements.

Supplier Invoice Requests may not be used to circumvent established Purchasing Policies and Procedures. Individuals who do not follow Purchasing Policies and Procedures or submit "after the fact" supplier invoice requests for supplier invoices or reimbursements are subject to personal liability or their reimbursement disallowed.

Additional information regarding Supplier Invoice Request submissions is available on the Accounts Payable web page.

University of Nevada, Las Vegas
(UNLV)
Purchasing Manual
COMPETITIVE EXCEPTION

GENERAL INFORMATION

PURPOSE

Competition for the purchase of equipment, supplies, or services may be waived via a COMPETITIVE EXCEPTION if it is determined by the Purchasing Department that there is only one source for the required item(s). It is strongly suggested that departments contact Purchasing to assist them prior to submitting their COMPETITIVE EXCEPTION documentation. Early discussions will save time and effort for the department and Purchasing.

POLICY

Competitive exceptions will be avoided, except when no reasonable alternative exists.

Cost cannot be used as a reason for competitive exception.

Competitive exceptions will not be granted because there is not enough time to issue a bid. Each department is responsible to plan its activities in such a manner to allow the bid process to take place. Waiting until the equipment is actually needed before contacting Purchasing is not a sufficient reason to bypass Board of Regent policy. The earlier Purchasing is notified of a requirement, the sooner they can assist in specification writing and begin the bid process.

A COMPETITIVE EXCEPTION must be submitted with any requisition requesting equipment, supplies, or general services from a sole source vendor or for a brand specific item that exceeds $25,000.00 (aggregately within a 12 month period).

Final responsibility in determining whether a purchase is approved as a competitive exception rests with the Executive Director/Assistant Director of Purchasing and Contracts.

The following may be valid reasons for a competitive exception:

- Prototype (test purposes)
- Only Approved Source
- Professional Expertise
- Donor Specific
- Vendor Qualifications
- Grant Specific
- Compatibility
- Proprietary
- Standardization
- Qualified Products List
- Follow-up Work
- Used Equipment*; Auction, closeout, Bankruptcy, or Similar*
- Emergency*

* Must be approved by the Purchasing Department as well as the Senior Vice President, Business Affairs.

PROCEDURES

Departments must submit a COMPETITIVE EXCEPTION FORM along with a REQUISITION to the Purchasing Department to purchase equipment, supplies, or services from a sole source supplier or for a brand specific item. A current copy of the form is available on the Purchasing Department web page.

The COMPETITIVE EXCEPTION FORM must contain complete information. The following is a list of the most common information provided on the COMPETITIVE EXCEPTION FORM:

Requisition Number- The requisition number that the COMPETITIVE EXCEPTION FORM supports.

Items/Services Description- Provide a detailed description of the equipment, supplies, or services being requested.

Reasons for Requesting a Competitive Exception- Check all boxes that apply to the request. The reason is very important and must be detailed enough to ensure that the Purchasing Department can properly evaluate the request for a competitive exception.

List the other makes, models, and suppliers you considered and why they were rejected- If there are items or services on the market that are similar to those being requested, but will not work for this application, specifically state why. Provide the names of the Manufacturers considered, list the feature(s) that they did not have and why that feature(s) is/are required.

What adverse effects would result from the use of other equipment, supplies, or services– Provide a detailed explanation of the adverse effects of not using the specific supplier requested.

Requested supplier name– Provide the name of the supplier believed to be a competitive exception based on the information stated.

Signature and Printed Name and Title/Date- The COMPETITIVE EXCEPTION FORM should be prepared by an individual who is familiar with the requirements. The form should include the name, title, and signature of the Dean, or equivalent, as well as the date. The signature is also an attestation that the requestor has no financial interest in the company and will not receive any commission, profit, or compensation of any kind from the vendor.

If additional space is required use a word document and attach it to the COMPETITIVE EXCEPTION FORM. Supporting documentation should also be attached if applicable.

Upon receipt of the COMPETITIVE EXCEPTION FORM and REQUISITION, Purchasing staff will evaluate the request and may seek additional information from the department and will either approve the request or seek appropriate competition. The department will be notified of the appropriate action to be taken.

University of Nevada, Las Vegas
(UNLV)
Purchasing Manual

PROFESSIONAL SERVICES

GENERAL INFORMATION

PURPOSE

Excerpted from the Nevada System of Higher Education (NSHE) Procedures and Guidelines Manual Chapter 5 – Fiscal Procedures Section 2 – Purchasing Policy:

> *"Except for personal/consultant services involving technical, professional or specialized skills or training...all materials, supplies, equipment, services, and construction shall be purchased from the lowest responsive and responsible bidder after giving due consideration to price, life cycle, cost, quality, availability, conformance to specifications, financial capability and service. The Purchasing Department of each Business Center may develop more detailed policies and procedures for purchasing activities as long as they are in compliance with the limits and delegations defined in the Board of Regents Purchasing Policy (Title 4, Chapter 10). The Purchasing Division of each Business Center will develop specific policies for obtaining personal/consultant services involving technical, professional or specialized skills or training, including architects, engineers, and other design professionals."*

POLICY

The Purchasing Department will process requisitions for personal/consultant services using the following guidelines:

DEFINITIONS

- **SERVICES**: - The furnishing of labor, time or effort by a supplier that does not involve the delivery of a specific end product other than required reports and performance. This does not include employment contracts. "Services" is a general, umbrella term for purchases that do not have a tangible item as the purchase objective. The term is global and includes such diverse tasks or projects as: window washing, consulting, teaching, and designing a building. (When we purchase supplies and equipment that are installed on our premises, we are not purchasing services, although many requirements associated with services, such as insurance and licensing, may apply. Additionally, purchases of this type are all handled through normal purchasing procedures.) Listed below are specific types of "services"
  - **General services**: - Services involving primarily manual skills or labor. Examples of these are window washing, floral design and auto repairs. General services should be awarded based on the same criteria used for supplies, equipment and other goods.
  - **Personal or Professional Services**: - Services requiring a high degree of knowledge, expertise and training, of a intellectual, specialized or technical nature, performed only under general supervision and requiring the consistent exercise of discretion and judgment. Frequently the individual or organization performing the service(s) is professionally licensed, and/or possesses an advanced degree. Some of the more common types of professional services include:
    - **Consultant**: An individual or organization who gives expert advice or assistance.

- **Accountant, auditor, actuary, appraiser, professional who assists in identifying specific employees (head hunter), computer or software designer, medical or legal specialist, and curriculum and training material provider.** An individual or organization who gives expert advice or assistance in an area of endeavor for which he or she has special or unique expertise and/or qualifications.
- **Architect**: An individual or organization engaged in planning and designing buildings and structures by applying knowledge of design, construction procedures, zoning regulations, building codes, building materials, and/or campus/area planning/master planning.
- **Engineer**: An individual or organization that applies physical laws and principles of engineering in the design, development, and utilization of machines, materials, instruments, structures, processes, and systems. Assignments undertaken may involve any of the following activities: provision of advice, preparation of feasibility studies, preparation of preliminary and final plans and designs, provision of technical services during the construction and installation phase, inspection and evaluation of engineering projects, and related services.

Note: When a service provider operates his/her business as an individual, not as a company with its own tax identification, then we must treat the service provider as an "independent contractor" with the forms and processes required for the Independent Service Provider (ISP) form of contract. Questions regarding independent service providers should be referred to the Controller's office. An important purpose of this policy is to assist in correctly classifying workers as independent contractors or employees. The Controller's office and the Purchasing department will provide guidance in determining whether the provider is an independent contractor or should be classified and processed as an employee.

SELECTION OF PERSONAL AND PROFESSIONAL SERVICE SUPPLIERS

Selection and documentation supporting the hiring of such suppliers for any project should, as a minimum, include provision of the following: evidence that an effective selection process has been employed to secure the most qualified supplier available, considering the nature and extent of the services required; and evidence that the fee is appropriate considering the qualifications of the supplier, their normal charges, and the nature of the services to be provided.
For all personal, professional and consultant service contracts, a scope of work must be defined detailing the assumptions, schedule and deliverables associated with the contract. The level of detail of the scope of work depends on the size of the contract. The scope of work must be provided to the potential suppliers and the basis for their response to the solicitation.

- Although personal and professional services are not generally awarded on low price alone, they are not automatically exempt from competition and a public solicitation process is appropriate and required in many cases.
  Where there is competition, and the size of the award will be between $25,000 and $50,000, there must be at least two "competitive" informal solicitations sought based on a summary scope of work that is developed and presented to those responding. If the award will be more than $50,000 and less than $75,000 three "competitive" informal solicitations must be obtained and the scope of work must be more detailed and meet format requirements defined by the purchasing department. The Purchasing Department will conduct a formal solicitation process for any services over $75,000, based on a formal and detailed scope of work. The scope of work developed for any solicitation must be part of the final contract, along with any formal response to the solicitation by the selected supplier. The award will not be based on price alone, but on the competence of the service provider and the service provider's ability to serve the needs of the institution. Departments are advised that a request for additional monetary consideration or expansion of scope after the award of any professional services contract will not automatically be granted if the change results in the total project costs exceeding the original solicitation requirements. (Example -If the original award was less than $25,000 and the requested increase would bring the award to over $50,000, department may be required to obtain additional solicitations for the new scope of work.)

Note: "Competitive" informal solicitations are written solicitations received based on a request for solicitation containing a scope of work presented to the parties providing the solicitation. Formal requests for solicitation require a more detailed process which includes advertising in a public newspaper and sealed responses that are publicly opened and recorded. When soliciting Architects and Engineers, the requests will take into consideration any other applicable State requirements for such services when requesting solicitations.

- Rarely there may be the case to declare a competitive exception. The requisitioning department must submit a competitive exception form to the Purchasing department for consideration.
- These procedures apply to all professional services including architects and engineers.

University of Nevada, Las Vegas
(UNLV)
Purchasing Manual
SPONSORED PROGRAMS

PURPOSE

The Federal government has established standards, procedures, and records, which apply when supplies, equipment, construction and other services are purchased with Federal funds. They are outlined in Federal Procurement Regulations; Attachment OMB Circular Number A-110 and other regulations. The University will comply with general purchasing procedures outlined elsewhere in this manual in addition to the provisions of this procedure when acquiring goods or services with Federal funds.

University of Nevada, Las Vegas
(UNLV)
Purchasing Manual

CONTRACTS

GENERAL INFORMATION

PURPOSE

In order to conduct business, the University enters into many contractual agreements. The University of Nevada, Las Vegas is a part of the Nevada System of Higher Education and must abide by NSHE's fiscal procedures for execution of contracts.

AUTHORITY

The Nevada System of Higher Education (NSHE) Procedures and Guidelines Manual, Chapter 5 Fiscal Procedures, Section 3 –Preparation and Approval of Contracts, outlines signature authority for execution of all contracts. The Chancellor is the contracting officer for NSHE and Chapter 5 contains contracting authority and signature delegation details.

POLICY

It is the responsibility of the Purchasing Department to process the execution of purchasing related contracts for the University. Departments should contact Purchasing if they are aware that a contract is required. DO NOT SIGN any contract before contacting Purchasing for guidance. As the contracting officer, the Chancellor has delegated signature authority to only a few people at the University. **NOTE: Individuals who do not have authority to sign contracts, but do so anyway, may find that they could be held personally liable for the contract.**

Often times a purchase order is the only contract required between the supplier and the University. When a contract is required, Purchasing will work with departments to ensure the contract meets Purchasing, University, NSHE, Board of Regents, state and federal, and any other applicable policies and procedures. Departments do not need to send the contract to General Counsel for review prior to sending the contract to Purchasing. Purchasing will coordinate the execution of the contract with General Counsel.

If a contract is required, the contract must be fully executed prior to the issuance of a purchase order.

University of Nevada, Las Vegas
(UNLV)
Purchasing Manual

SHIPPING AND RECEIVING

GENERAL INFORMATION

PURPOSE

Delivery Services to the extent practical will manage all official university receipts and outbound shipments of parcels, mail, and freight. Delivery Services will receive all incoming packages, mail and motor freight marked for UNLV.

Delivery Services is a campus wide institutional support department that circumvents the need for multi-department personnel training in the policies and procedures of receiving merchandise from suppliers, third party manufacturers, freight agencies and mail from the US Post office. Personnel are trained in the Delivery Services department to properly handle shortage, damages, hazardous materials, etc., thus insuring the assets of the university while negating unnecessary liabilities.

Subsequently, Delivery Services processes all outbound shipments of parcels, freight, and mail. Outgoing shipments are subject to inspection by the Delivery Services staff to verify contents for Hazardous Material compliance and international shipment regulations.

POLICY

Delivery Services is responsible for establishing policies and procedures for the receipt and distribution of all official incoming parcels, mail, freight, and for the processing of all outbound parcels, mail, and freight. Detailed Policies and Procedures regarding Shipping and Receiving are available on the Delivery Services Department's web page at
https://adminsvcs.unlv.edu/shipping-receiving/

University of Nevada, Las Vegas
(UNLV)
Purchasing Manual

PURCHASING DEPARTMENT'S INTERNAL POLICIES/PROCEDURES

GENERAL INFORMATION

PURPOSE

The following sections of this manual are the internal policies and procedures for the employees of the Purchasing department. This manual serves as a training manual for new employees, a reference manual for supervisors, as well as a procedures manual for employees. These policies and procedures are to be followed by any employees that have been given authority to purchase goods and services.

AUTHORITY

As stated in the Board of Regents General Policy Statements Title 4, Chapter 10, Section 1 – Purchasing Policy: All purchases of supplies, equipment, services, and construction, shall be handled administratively by the Purchasing Department.

OBJECTIVES

The objectives of the Purchasing department are:

- Procure materials at the lowest cost consistent with quality and service required.
- Develop and operate an effective Purchasing program that complies with applicable rules and regulations.
- Provide prompt and effective service to both user departments and to suppliers.
- Provide opportunities to all interested suppliers including small disadvantaged business concerns.
- Award contracts impartially.
- Promote awareness of sustainability responsibilities.
- Streamline paperwork and record keeping while providing sufficient controls, compliance with policies, and adequate audit documentation. Take advantage of electronic efficiencies whenever possible.

PERSONAL CONDUCT GUIDELINES

Always keeping in mind our duty to represent the University in the best possible light, the Purchasing department is committed to fairness and honesty through the entire procurement process and to offer a transparent and trustworthy process to the public.

CONFLICT OF INTEREST

Conflict of Interest is covered in Board of Regents General Policy Statements Title 4, Chapter 10, Section 1 – subsection 7 – Conflict of Interest.

In addition to such conflicts of interest prohibited by law, it shall also be prohibited for a member of the Board of Regents or an employee of NSHE:

To become a contractor or a vendor for the purchase of supplies, equipment, services and construction under any contract or purchase order of any kind authorized by NSHE under the provisions of this or,

To be interested, directly or indirectly, through any member of the Regent's or employee's household, as defined by NRS 281A.100, or through any business entity in which the Regent or employee has a financial interest, in any kind of contract or purchase order so authorized by the receipt of any commission, profit, or compensation of any kind.

Except where may be prohibited by law, exceptions to this policy may be permitted:

For contracts or purchase orders for which the proposed contractor or vendor is the sole source for the contract or purchase order and has not participated in or otherwise actively influenced the consideration or acceptance of offers for the contract or purchase order.

When, in the judgment of a president of a member institution, the public interest would best be served by making such an exception.

GIFTS GRATUITIES

Purchasing staff will not accept personal gifts or gratuities from any past, current, or potential suppliers of goods or services to the University.

GOALS

The primary function of the Purchasing Department is to assist our University with the identification, selection, and acquisition of required materials and services. Purchasing strives to accomplish this as economically as possible, within acceptable standards of quality and service, while utilizing professional ethics and best business practices throughout the process. To this end Purchasing will do the following:

Maximize customer satisfaction.

Ensure effective and cooperative relationships with our customers.

Provide campus education relating to the procurement process.

Promote a positive work environment.

Maintain and create sound business practices.

PRIMARY DUTIES

Provide information to departments as requested.

Negotiate leases and contracts for equipment.

Negotiate maintenance and service agreements.

Process purchase requisitions.

Issue, evaluate, and award Bids and Requests for Proposals.

Issue purchase orders.

Coordinate and issue modifications to purchase orders if necessary.

Ensure proper documents and authorizations are obtained for purchases.

Expedite orders.

Monitor decentralized PCard program to ensure compliance with policies/procedures.

Maintain supplier lists.

Look for additional sources of supply.

University of Nevada, Las Vegas
(UNLV)
Purchasing Manual
BUYER PROCEDURES

GENERAL INFORMATION

PURPOSE

This Section outlines buyer procedures. The term buyer as referenced in this manual means any purchasing staff member given buying responsibilities. It is organized to group the specific procedures generally applicable to each major form or function, which the buyer handles.

As a public institution our decisions and actions are subject to public scrutiny. Buyers must be cognizant of the personal conduct guidelines including conflict of interest outlined in the General Information Section of this manual.

The Board of Regents, and the Federal and State governments have published laws and regulations outlining policies and procedures applicable to various types of purchases. The Nevada System of Higher Education (NSHE) has developed a Procedures Manual which contains a section titled Chapter Five - Fiscal Procedures which outlines the general procedures to be followed by the System's Purchasing Departments. The NSHE procedure manual can be found at:
https://nshe.nevada.edu/wp-content/uploads/file/BoardOfRegents/PGManual/chapters//Chapter%2005%20-%20Fiscal%20Procedures.pdf

This purchasing manual attempts to implement and, where appropriate, augment those regulations.

It is recognized that every situation cannot be covered in this manual. Specific detailed procedures for all circumstances are not possible. This manual contains general guidelines. Experience and sound judgment must also be used to ensure the proper actions are taken. Keeping this in mind, Buyers should document actions and provide justifications for decisions so that third party individuals may clearly and easily determine why specific decisions were made, whether the decisions were in compliance with NSHE and all other applicable policies and procedures.

DELEGATION

As stated in the Board of Regents General Policy Statements Title 4, Chapter 10, Section 1 – Purchasing Policy: All purchases of supplies, equipment, services, and construction, shall be handled administratively by the Purchasing Department.

The Executive Director of Purchasing and Contracts has delegated small dollar purchases (Typically $5,000 and below) to authorized personnel within departments through the use of the PCard (the University's purchasing card program). The items approved for purchase and the specific policies/procedures for the PCard program are contained in the PCard User's Manual.

Delegation of the purchase of library books, periodicals and such has been granted to the Dean of Libraries

The Purchasing Department is responsible for monitoring decentralized operations to ensure compliance with applicable policies/regulations. Decentralized delegation will be revoked for flagrant violations of established policies/procedures.

REQUISITION PROCESSING

The initial tool of the procurement system is the Requisition. A requisition serves a dual purpose: it provides a clear and complete description of the department's need and it transmits authority to the Purchasing Department to expend the department's funds. When a requisition is received, the buyer should:

REVIEW TO DETERMINE IF THE REQUISITION CONTAINS THE INFORMATION NEEDED BY THE BUYER TO BEGIN PROCESSING THE REQUEST.

Complete administrative information
- Department name and name of requester
- Shipping/Delivery instructions
- Billing Information (Campus Mail Stop)

Clear and complete description of goods or services required
- Unit of measure
- Quantity

Complete accounting information
- Function
- Fund
- Program, Project, Gift, Grant
- Detail Code

Proper Signature Authority and Commodity Approvals
- Person is authorized to spend funds from account
- Radioactive Materials – RSO Approval
- Hazardous Materials – Risk Management Approval
- Grant Accounts – OSP Approval
- Construction – Planning and Construction Approval

Quotation or any other pertinent documents obtained by department

Concise documentation submitted for any Competitive Exceptions

DETERMINE THE PROPER ACQUISITION METHOD.

Small Dollar Purchases:
Purchases of $5,000 or less should be made whenever possible using the PCard. Buyer should contact the department to discuss using their card. If the purchase can be placed on their card, the requisition will be cancelled and the order placed by the department. If the requisition requests items restricted from use on the PCard, buyer will process using the requisition. If departments are found to submit the same small dollar purchase requests, Purchasing will request they consider an open ended purchase order (See Section – Open Ended Purchase Order).

Purchases of Goods and Services Over $5,000 should be made using a purchase order.

Contracts

Are often times used along with a purchase orders to better define the intent of the parties. They are typically used for maintenance agreements, leases, and large dollar purchases; sometimes they are a requirement of funding agencies (grants); and sometimes they are required by the Board of Regents or the Chancellor (construction).

DETERMINE IF INFORMAL QUOTES OR FORMAL SOLICITATIONS ARE REQUIRED TO AWARD THE PURCHASE ORDER. The procedures for determining what type and the number of required solicitations are covered in Section – Method of Source Selection.

ISSUE THE PURCHASE ORDER.

The actual issuance of the purchase order is typically done by the buyer. Once the buyer has reviewed all aspects of the purchase and has determined the documentation is complete they issue the purchase order in the WORKDAY Purchasing System. Detailed data entry instructions for WORKDAY are provided to all Purchasing employees. Purchase orders over $25,000 must be reviewed by the Executive Director or Assistant Director of Purchasing and Contracts prior to being sent to the vendor.

METHOD OF SOURCE SELECTION

Purchases of Equipment, Supplies and Services, Less than $25,000

Purchases of less than $25,000 may be made at the discretion of the Purchasing Department and require one written quotation often times provided by the department.

Purchases of Equipment, Supplies and Services, $25,000 or More but Less than $50,000

At least two price quotations for purchases in excess of $25,000 but less than $50,000 are required. If the price quotations are obtained by the Department, the quotes shall be submitted with their requisition. If two quotations cannot be obtained, documentation showing suppliers contacted but not offering price quotations, or an explanation of why price quotations were not obtained should be submitted with the requisition.

Purchases of Equipment, Supplies and Services, $50,000 or More

The Purchasing Department will, whenever possible, obtain sealed competitive bids/proposals for all purchases of goods and services having an estimated cost of $50,000 or more for the annual requirement. The department will assist the Purchasing Department in developing specifications and a list of potential suppliers.

Purchases of Professional Services, Less than $25,000

Purchases of less than $25,000 may be made at the discretion of the Purchasing Department and requires one written informal proposal usually obtained by the department and submitted with their requisition.

Purchases of Professional Services, More than $25,000, but Less than $50,000

At least two informal proposals for purchases in excess of $25,000 but less than $50,000 are required. The informal proposals (usually solicited by the Department) along with a summary of the reasons why one proposal was selected over the other must be submitted with the requisition. The summary would include criteria evaluated such as cost, experience, approach, team proposed, etc. If two informal proposals cannot be obtained, documentation showing suppliers contacted but not offering informal proposals, or an explanation of why informal proposals were not obtained, must be submitted with the requisition.

Purchases of Professional Services, More than $50,000, but Less than $75,000

At least three informal proposals for purchases in excess of $50,000 but less than $75,000 are required. The informal proposals (usually solicited by the Department) along with a summary of the reasons why one proposal was selected over the others must be submitted with the requisition. The summary would include criteria evaluated such as cost, experience, approach, team proposed, etc. If three informal proposals cannot be obtained, documentation showing suppliers contacted but not offering informal proposals, or an explanation of why informal proposals were not obtained, must be submitted with the requisition.

Purchase of Professional Services, $75,000 or More

The Purchasing Department will, whenever possible, obtain sealed competitive bids/proposals for all purchases of goods and services having an estimated cost of $75,000 or more for the annual requirement. The department will assist the Purchasing Department in developing a scope of work and a list of potential vendors.

The purchase of Professional Services is a unique procurement. See Campus Section – Professional Services for additional information including the definition of Professional Services.

Purchase of Construction, Less than $25,000 *

One informal price quotation for construction purchases less than $25,000 is required. The price quotations (typically solicited by the Department) shall be submitted on the institution's Invitation to Quote Form and submitted with the requisition.

Purchase of Construction, More than $25,000, Not More than $100,000 *

At least three informal price quotations for purchases in excess of $25,000 but not more than $100,000 are required. The price quotations shall be submitted on the institution's Invitation to Quote Form and submitted with the requisition. If three quotations cannot be obtained, documentation showing suppliers contacted but not offering price quotations, must be submitted with the requisition.

It is strongly suggested that departments coordinate their requirements with the Planning and Construction or the Facilities Management departments before submitting their requisitions to Purchasing. All informal solicitations for construction ($100,000 or less) **must be** submitted by suppliers on UNLV's Invitation to Quote Form. The form provides a scope of work requested and the institution's terms and conditions required for award from UNLV and provides for pricing submittal information from the supplier. The form is then incorporated and referenced on the purchase order when issued to successful supplier.

Construction More than $100,000

The Purchasing Department will, whenever possible, obtain sealed competitive bids/proposals for all purchases of construction goods and services having an estimated cost of more than $100,000. The department will assist the Purchasing Department in developing specifications and a list of potential suppliers.

All construction related purchases require commodity approval from the Planning and Construction or the Facilities Management department prior to processing by Purchasing.

EMERGENCY SITUATIONS

An emergency is defined by NSHE in their Procedures and Guidelines Manual as one which *results from the occurrence of a disaster such as, but not limited to, fire, flood, hurricane, riot, power outage or disease; or may endanger the health, safety, or welfare of the students, faculty, staff or public* ***if not immediately resolved.*** (NOTE: Insufficient planning by the department, resulting in lack of time to bid a requirement, does not constitute an emergency situation.) According to NSHE fiscal procedures - *With the permission of the Chief Business Officer of the institution, a contract may be instituted in an "emergency" situation by waiving the necessary advertising and bidding requirements. In any such case, a full written record shall be made of the circumstances.* The Purchasing Department will require documentation from the Department to justify an emergency procurement. The requester should submit a COMPETITIVE EXCEPTION form with their requisition for review and evaluation by the Executive Director of Purchasing and Contracts who will submit the request to the Senior Vice President, Business Affairs before a purchase order is issued. Due to the inherent nature of emergencies, email notification or phone calls are often times used to notify Purchasing of an emergency rather than the competitive exception form. Purchasing will assist the department in dealing with the emergency. Once the immediate emergency situation is addressed, the department must follow up with Purchasing to ensure adequate documentation is provided in the procurement file to justify the procedures followed.

SUPPLIERS

Departments are encouraged to suggest possible sources of supply. Purchasing transactions will be accomplished in close liaison with the requisitioning department. However, Purchasing has the final authority for selection of suppliers.

Purchasing maintains a list of potential suppliers. Lists of small disadvantaged business concerns are also maintained. Buyers are encouraged to seek out and include these small disadvantaged businesses on bidders list when soliciting bids and quotations.

Prospective suppliers may request to be added to the list of potential suppliers by completing a registration through the Nevada System of Higher Education (NSHE) Supplier Registration system website (https://suppliers.nevada.edu/). Submission of a registration in no way guarantees any supplier will be successful in being awarded any business with UNLV, however businesses must be registered through this website in order to do business with UNLV.

SOLICITATIONS

Informal Solicitations

When the requirements for a purchase do not call for a formal solicitation, an informal quotation from the supplier is obtained. Informal quotations can be simply a fax, an email or a hard copy of the offer from a supplier. It is important that the quote is valid and contains all pertinent conditions for the purchase. They should include items such as description of the items to be provided or scope of work to be performed, the quantity and/or unit of measure, pricing, delivery or completion dates, and freight terms/conditions. Quotations are part of the documents that are kept with the permanent records of the purchase.

Formal Solicitations

Invitations for Bid and Requests for Proposals/Qualifications are forms of formal solicitations. Requests for Proposals are more complex than formal Invitations for Bid and adequate time must be given to the buyer to prepare, issue, and award the RFP. Formal solicitations require the advertisement of the request at least once in a newspaper of general circulation in the area of UNLV and not less than four calendar days prior to the opening; notification of pertinent suppliers on the "supplier list"; and publicly opened, read aloud and recorded at the time and place so advertised. It is the responsibility of the buyer to establish appropriate time lines for formal solicitations. The time frame should allow sufficient time for adequate submissions from suppliers.

Purchasing is primarily responsible for the terms and conditions of formal solicitations.

Although Purchasing and the requesting department share responsibility for the scope of work or specifications, the requesting department is primarily responsible for developing the technical or performance specifications of the solicitation. Specifications must be written fairly and equitably and must not be unduly restrictive or prejudicial to any supplier.

Invitations for Bid

Are typically used when the requirements are straightforward and the award will be based primarily on cost. The description of the goods or services (sometimes referred to as the scope of work) is provided to the buyer by the requesting department. The buyer assists the department in changes to the scope or the requirements to better suit the solicitation.

The buyer develops and issues the Invitation for Bid. The buyer is responsible for the content of the Invitation which typically includes:

- Introduction and detailed description of the request
- Instructions to Bidders
  - Pre- Solicitation Conferences details (if applicable)
  - Issuance of Addenda if necessary
  - Withdrawal/Modification of bid
  - Late bids
  - Mistakes and informalities in bids
  - Opening date
  - Opening time
  - Address where bids are to be delivered
  - Warranty requirements
- Standard Terms and Conditions of purchase
- Bid submittal requirements
- Bid Response form requiring Bidder's signature and a Pricing Sheet

Bids must be submitted through the NGEM, Nevada Government eMarketplace at www.ngemnv.com. The bids are electronically date/time stamped when received and are sealed until the opening.

The buyer opens the bids publicly at the date and time listed on the Invitation. A purchasing staff member witnesses and records the submittals on a bid tabulation form. The bids will be evaluated by the buyer and the requesting department and the award will be made as soon as possible. Any necessary documentation to explain why the award is made must be included on the tabulation form. If the award is not given to the lowest cost bidder, a clear explanation must be documented.

Prior to notification of award, the Executive Director/Assistant Director must review and approve the award recommendation of the buyer and the department.

All awards will be posted to the Purchasing Web page once the award is officially made which may include the execution of a contract, followed by the issuance of a purchase order.

The buyer creates a bid file with the issuance of the invitation. The file will contain all required documents of the entire solicitation process. The file typically contains the bid file check list, the original invitation document and any addenda, the supplier list, the bids received, bid tabulation sheets and any special documentations to support award, copies of any correspondence (notice of award, regret letters, and clarifications), executed contract documents, and a copy of the purchase order. Buyers should keep in mind that we are a public institution and that our documents have to be complete enough for the public including the media and auditors to determine that the procurement was conducted in accordance with established policies and procedures. It is the responsibility of the buyer to do a summary review of the bid file after award and prior to filing to ensure all documentation is contained in the file.

Requests for Proposal (RFP):
Are used to competitively solicit the purchases of goods and services that cannot readily be awarded by the process of a competitive sealed bid. A very important part of the RFP is the evaluation of the submittals received. The description of the goods or services (sometimes referred to as the scope of work) is provided to the buyer by the requesting department. The buyer assists the department in changes to the scope or the requirements to better suit the solicitation. Along with the scope of work the department with the help of Purchasing develops evaluation criteria to be considered, including price. Criteria not specified in the RFP may not be considered. Examples of evaluation criteria are experience of the supplier, financial condition, approach to the project, pricing and personnel to be assigned to the project.

The buyer develops and issues the Request for Proposal. The buyer is responsible for the content of the Request which typically includes:

Introduction and detailed description of the request
Instructions to Proposers

Evaluation Criteria
Pre- Proposal Conference details (if applicable) Issuance of Addenda if necessary Withdrawal/Modification of bid
Late bids
Mistakes and informalities in bids
Opening date
Opening time
Address where bids are to be delivered Warranty requirements

Submittal requirements (form or format in which Proposer shall use to provide pertinent information for evaluation. Includes a signature requirement of the responsible Proposer)
Standard Terms and Conditions of procurement

Prior to the opening of the proposals a numeric rating factor must be assigned for the evaluation criteria to be used to evaluate the responses. The importance of each factor is evidenced by the weight assigned to the factors. Typically the weight of the technical factors is 60 to 70 percent of the total weight and cost is 30 to 40 percent accordingly to add up to 100 percent. (If cost is the most important factor, then a bid would probably be the better choice of solicitation.) A method of scoring the evaluation criteria will simplify the evaluation process and enable the evaluators to explain why any response was not selected.

An evaluation committee must be established and approved by the Executive Director/Assistant Director of Purchasing and Contracts prior to the opening of the RFP. Departments are asked to suggest members to serve on the committee however Purchasing is responsible for ensuring the committee is appropriate for the evaluation. A committee made up of a supervisor and their subordinates should be avoided to discourage coercion or the appearance of such of subordinates. Any other conflicts of interest must be addressed when establishing committees. The buyer assigned to the RFP is the facilitator of the process and is not a voting member of the committee. It is the responsibility of the buyer to ensure that the entire process is conducted in a fair and impartial environment. As soon at the composition of the committee is approved, the buyer should provide instructions to those members. The instructions should at least include a copy of the RFP, date/time and opening date/time the evaluation criteria (including weight assignment for the criteria), and an evaluation form for completion at evaluation time. The committee should also be informed that they are not to communicate with any potential suppliers. All communications within the committee are to be considered confidential until an award is made. If a potential supplier contacts a member, the member should instruct the potential supplier to contact Purchasing for any information. Members should not provide any clarifications or comments to suppliers during the process.

Proposals must be submitted through the NGEM, Nevada Government eMarketplace at www.ngemnv.com. The proposals are electronically date/time stamped when received and are sealed until the opening.

The buyer opens the proposals publicly at the date and time listed on the Invitation. A purchasing staff member witnesses and records the names of the respondents. To maintain confidentiality of all RFP responses, no other information will be revealed at the opening or during the evaluation process.

After the opening the buyer will review the submittals for compliance with the minimum and/or mandatory requirements contained in the request. Responses found not to be in substantial compliance will be rejected from further consideration. Those meeting the minimum requirements will be given to the evaluation committee for evaluation.

The evaluation committee members shall independently score the responses. The members must use the evaluation form provided to them by Purchasing. The member must sign their evaluation form and submit it directly to the buyer. The buyer typically does the cost evaluation while the members are doing their technical evaluations. The buyer will tabulate the individual technical scores and combine the cost evaluation scores to the technical scores into a summary score sheet. If there is a major discrepancy in the scores, the buyer may ask the members to discuss topics to ensure everyone is clear on their interpretation of the responses and/or the requirements of the requesting department. Once the committee has ranked the responses they are asked to make a recommendation for award. The buyer documents and submits the recommendation of the committee to the Excutive Director/Assistant Director of Purchasing and Contracts. The Executive Director/ Assistant Director of Purchasing and Contracts must review and approve the recommendation of the committee prior to notifying supplier of our intent to award. Once the recommendation has been approved, the buyer may notify the potential supplier and negotiate and facilitate the execution of contracts if needed.

All awards will be posted to the Purchasing Web page once the award is officially made which may include the execution of a contract, followed by the issuance of a purchase order.

The buyer creates a proposal file with the issuance of the RFP. The file will contain all required documents of the entire solicitation process. The file typically contains the bid/rfp file check list, the original RFP document and any addenda, the supplier list, the responses received, evaluation sheets and recommendation from committee members and any special documentations to support award, copies of any correspondence (notice of award, regret letters, and clarifications), executed contract documents, and a copy of the purchase order. Buyers should keep in mind that we are a public institution and that our documents have to be complete enough for the public including the media and auditors to determine that the procurement was conducted in accordance with established policies and procedures. It is the responsibility of the buyer to do a summary review of the proposal file after award and prior to filing to ensure all documentation is contained in the file.

CONSTRUCTION SOLICITATIONS

Construction procurement shall be conducted in accordance with all University Policies and procedures.

The University may procure design services, construction and construction services, as applicable, under any of the following project delivery methods:

- Design-bid-build
- Construction-manager-at-risk
- Design-build

Definitions

Design-bid-build is the process in which separate procurements are conducted for architect/engineer services and general construction. The design provided by the architect/engineer is utilized as part of the bidding document for the general contracting services.

A construction-manager-at-risk acts as a general contractor at the contracted-for price and provides consultation to the institution regarding construction before, during and after the design of the facility. **Design-build** is a method of contracting in which a single contract is created with a firm or group of firms in partnership to build or renovate a building or group of buildings. The intent is for the architect/engineering professionals to work more closely with the general contractor and subcontractors to provide a single source of responsibility for the design and construction of the project. This contrasts with the separate contracts with architects/engineers and general contractor involved in the standard design-bid-build or construction-manager-at-risk.

Design-Bid-Build

For the design-bid-build project, the University shall procure the Design services according to the Professional Services Section and the construction by competitive sealed bidding, according to the Invitation for Bid Section.

Construction-Manager-at-Risk, Design-Build and On-Call/Job-Order Contracting

The University shall procure construction services under the construction-manager-at-risk and, design-build project delivery methods according to Alternative Construction Procurement Methods Section.

The University shall procure design services relating to a construction-manager-at-risk construction services project according to Alternative Construction Procurement Methods Section. Alternative Construction Procurement Methods

Professional services and construction services shall be procured for the alternative construction procurement methods as outlined in this section.

Definitions

For purposes of this section, “construction services” includes: construction-manager-at-risk construction services, and design-build construction services. These may or may not contain a professional services component.

For the purposes of this section, “professional services” includes architect services, engineer services, landscape architect services, assayer services, geologist services, land surveying services, materials or special testing services and any combination of those services, provided by a registered professional.

RFQ or Request for Qualifications means a solicitation with an intended response that includes initial data about a firm or individual such as experience, references, and approach to the project. For purposes of this section, pricing may not be required in the initial solicitation.

RFP or Request for Proposals means a solicitation with an intended response that is fairly detailed. For purposes of this section, it will supplement an initial RFQ response. Also, for purposes of this section, the technical and financial portions of the proposal response will be provided at the same time, but in a separately sealed manner, to enable the committee to review the technical response separately and prior to the review of the financial proposal.

Procurement of All Alternative Construction Services

For procurement of construction-manager-at-risk, and design-build, the University shall follow these procedures set forth in Nev. Rev. Stat. Chapter 338.

Confidentiality of Process

Until award and execution of a contract by the University, only the names of each firm or individual on the short list may be made available to the public. All other information received by the University in response to the request for qualifications or contained in the proposals shall be confidential in order to avoid disclosure of the contents that may be prejudicial to competing proposers during the selection process. The proposals shall be open to public inspection after the contract is awarded and the University has executed the contract. To the extent that the proposer designates and Purchasing concurs, trade secrets and other proprietary data contained in a proposal shall remain confidential.

Cancellation of Procurement Process

Purchasing may cancel a request for qualifications or a request for proposals or reject in whole or in part any or all submissions of qualifications or proposals as specified in the solicitation if it is in the best interest of the University. Purchasing shall make the reasons for cancellation or rejection part of the purchasing file.

Registrations, Licensure and Project Definition

a. The successful contractor for construction-manager-at-risk, or design-build is not required to be registered to perform design services in the State of Nevada, if the person or firm actually performing the design services on behalf of the contractor is appropriately registered.

b. The successful contractor for construction-manager-at-risk, design-build or job-order-contracting construction services is required to be licensed to perform construction in the State of Nevada.

c. Each project under a design-build construction services contract or a construction-manager-at-risk construction services contract shall be a specific, single project. For the purposes of this paragraph, "specific, single project" means a project that is constructed at a single location, at a common location or for a common purpose.

Procurement of Professional Services (Architect, Engineer, Land Surveying and Related Services)

For procurement of these professional services the Purchasing Department shall assign a selection committee which shall independently evaluate and score submittals received from firms or individuals responding to the University's RFP. If possible, the selection committee may conduct discussions with a short list of at least three of the highest scoring firms or individuals. (See Manual Section – Professional Services for detailed policies and procedures).

FORMAL PROTESTS ON FORMAL SOLICITATIONS

Formal Protest

Any Bidder or Proposer may file a protest of a contract award or proposed contract award. The protest must be in writing and contain at least the following information:

- The name, address and telephone number of the protester.
- The signature of the protester.
- The Bid/RFP number and date of bid opening.
- A statement of the legal and/or factual grounds on which the protest is based, including copies of information relevant to the bid.
- The form of relief requested.
- The Purchasing Department my require a bond from the protestor.

Filing Procedure

Any Bidder or Proposer who is allegedly aggrieved in connection with the solicitation or award of a contract may protest. The protest must be submitted in writing to the Executive Director of Purchasing and Contracts, within five (5) business days from the date the recommendation (intent) to award a contract is issued by the Owner or authorized representative. If the protest is not resolved by mutual agreement, the Executive Director of Purchasing and Contracts will promptly issue a decision in writing to the Protester. If the Protester wishes to appeal the decision rendered by the Executive Director of Purchasing and Contracts, such appeal must be made in writing to the Senior Vice President, Business Affairs within five (5) days from of the date the letter issued by the Executive Director of Purchasing and Contracts. The decision of the Senior Vice President, Business Affairs will be final. The Senior Vice President, Business Affairs need not consider protests unless this procedure is followed.

To be considered, all Protests must identify the following:

- The name, address, and telephone number of the Protester,
- The signature of the Protester,
- Identification of the solicitation title and number being protested,
- A detailed statement of the legal and factual grounds of the protest, including copies of relevant documents, and
- The form of relief requested.

The Protester shall be required, at the time the protest is filed, to post a bond with a good and solvent surety authorized to do business in this state, or submit other security, defined as a cashier's check, money order or certified check, to the Owner who shall hold the bond or other security until a determination is made on the protest. A bond posted, or other security submitted, with the protest must be in an amount equal to the lesser of:

- 25% of the total value of the base bid submitted by the Bidder or Proposer filing the protest; or
- $250,000

The protest filed in accordance with these provisions operates as a stay of action in relation to the award of this Contract until a determination is made by UNLV on the protest.

An unsuccessful Bidder or Proposer may not seek any type of judicial intervention until UNLV has made a determination on the protest and awarded the Contract.

Neither UNLV nor its authorized representatives are liable for any costs, expenses, attorney's fees, loss of income or other damages sustained by a Bidder or Proposer, whether or not the person files the protest pursuant to this clause.

If the protest is upheld, the bond posted, or other security submitted, with the protest must be returned to the Protester. If the protest is rejected a claim may be made against the bond, or other security submitted, by UNLV in an amount equal to the expenses incurred by UNLV because of the unsuccessful protest. Any money remaining after the claim has been satisfied must be returned to the Protester.

Appeals

Appeals are to be filed with the Senior Vice President, Business Affairs within 5 business days from date of the letter issued by the Executive Director of Purchasing and Contracts. The notice of appeal shall contain:

- The information from the original protest letter, a copy of the decision of the Executive Director of Purchasing and Contracts, and the basis for the appeal.

- A written decision will be made within 14 days after the appeal has been filed. The decision shall contain an explanation of the basis of the decision.

- The time limit for a decision may be extended by the Senior Vice President, Business Affairs for a reasonable time not to exceed thirty days. The Senior Vice President, Business Affairs shall notify the Protester in writing that the time for the issuance of a decision has been extended and the date by which a decision will be issued.

- The decision made by the Senior Vice President, Business Affairs is final.

SPECIAL CONDITIONS

Use of Joinder Contracts

NSHE's fiscal procedures manual states: *With the agreement of the vendor, the NSHE may join, or mutually use, the contracts or pricing agreements of appropriate federal, state, and local entities and consortiums. Where the NSHE uses the original contract in order to obtain quantity pricing or other competitive discounts, the original contract is not liable for the obligations of the NSHE. The requirements of competitive quotations and /or formal bidding may be considered satisfied through the use of the joinder contracts, including federal/state/local contracts, consortium agreements, and the educational pricing agreements.*

Competitive Exception

Purchasing may waive the competitive solicitation requirements for purchases deemed to be competitive exceptions. (See Competitive Exception for detailed policies and procedures). Final responsibility in determining whether a purchase is approved as a competitive exception rests with the Executive Director/Assistant Director of Purchasing and Contracts.

Professional Services

Professional Services are a unique type of procurement. However they are not simply exempt from solicitation. (See Professional Services for detailed policies and procedures).

Late Solicitation Response

A solicitation response is late if it is received after the time and date of the scheduled opening.
A late solicitation response shall be rejected.

Mistakes and Informalities in Bids

Mistakes in bids may be corrected by modification or withdrawal, if discovered prior to the bid opening. After bid opening, a bid submitted in error of judgment, may not be corrected. A bid may be withdrawn pursuant to the following sections:

Minor informalities in a bid may be waived if the Executive Director/Assistant Director of Purchasing deems it advantageous to do so.

A bid may be withdrawn after bid opening only if the mistake is clearly evident to the Executive Director/Assistant Director of Purchasing or if the supplier establishes evidence clearly showing a mistake was made.

Mistakes shall not be corrected after award of the bid.

Any withdrawals or corrections to a price bid permitted or denied after the bid opening shall have a written determination that is included in the procurement file.

Single Responses

In instances of only one response being received, the purchasing representative should determine why others on the supplier list didn't submit a bid and based on that information and considering time constraints make a recommendation to award or to re-solicit. A determination must be made by the Executie Director/Assistant Director of Purchasing and Contracts that other prospective suppliers had time to respond or that re-solicitation is not possible due to time constraints. In those instances, an award may be made.

Tie Bids

Tie bids are defined as instances of identical pricing from responsible suppliers that meet all requirements as set forth in the bid documents.

If one of the lowest Bidders is resident in Nevada and the other is not: accept the bid that is resident in Nevada. If both such lowest bids are by Bidders resident in Nevada, tie bids may be awarded based on the best interest of the University and may include drawing lots or any other random choice manner. Care shall be taken by the purchasing representative to ascertain that the tie Bidders meet all requirements as outlined in the bid document before declaring a tie bid situation.

If such lowest bids are by Bidders resident outside Nevada, with the exception of capital construction projects: accept the bid of the Bidder who will furnish goods or commodities produced or manufactured in this State; or accept the bid of the Bidder who will furnish goods or commodities supplied by a dealer resident in Nevada.

Records and methods of determining the successful supplier shall be maintained in the procurement file for all tie or apparent tie bids.

Received No Responses to Formal Solicitation Request

Once Purchasing has advertised for or requested formal bids or proposals in letting a contract and no responsive and responsible bids or proposals were received, Purchasing may negotiate a contract with reasonably interested parties without further need for competitive bidding with the approval of the Executive Director/Assistant Director of Purchasing and Contracts.

DOCUMENTATION AND OPEN RECORDS REQUESTS

Buyers should keep in mind that we are a public institution and that our documents have to be complete enough for the public including the media and auditors to determine that the procurement was conducted in accordance with established policies and procedures.

Documents must be retained according to the institutions Document Retention Policy. Typically we must retain our records for seven years.

If someone from the public, such as the media or a supplier, contacts Purchasing and Contracts to make a Public Records Request, please direct them to submit their request to https://www.unlv.edu/publicrecords which will notify the Office of Public Affairs of the request. The Office of Public Affairs will then process the request by gathering responsive records, ensuring appropriate review, and releasing the records to the requestor. If the Office of Public Affairs requests responsive records from Purchasing and Contracts, and the request will likely take more than two (2) hours of personnel time, please provide an estimate to the Office of Public Affairs prior to assembling the responsive document(s).

University of Nevada, Las Vegas
(UNLV)
Purchasing Manual

CODE OF ETHICS

The Code of Ethics has been created for use by UNLV Purchasing and Contracts staff by the Excutive Director of Purchasing and Contracts. The Code governs all transactions and business relationships, internal and external, undertaken by our staff.

1. Give first consideration to the objectives and policies of UNLV.
2. Strive to obtain the maximum for each dollar expenditure.
3. Decline personal gifts or gratuities.
4. Grant all competitive suppliers equal consideration insofar as state or federal statute and institutional policy permit.
5. Conduct business with potential and current suppliers in an atmosphere of good faith, devoid of intentional misrepresentation.
6. Demand honesty in sales representation whether offered through the medium of a verbal or written statement, an advertisement, or a sample of the product.
7. Receive consent of originator of proprietary ideas and designs before using them for competitive purchasing purposes.
8. Make every reasonable effort to negotiate an equitable and mutually agreeable settlement of any controversy with a supplier, and/or be willing to submit any major controversies to arbitration or other third-party review insofar as the established policies of UNLV permit.
9. Accord to prompt and courteous reception insofar as conditions permit to all who call on legitimate business missions.
10. Cooperate with trade, industrial, and professional associations and with governmental and private agencies for the purposes of promoting and developing sound business methods.
11. Foster fair, ethical and legal trade practices.

UNLV is an AA/EEO institution.