Procurement and Contract Services

Business Center Training
June 9, 2010
Procurement and Contract Ethics

Employee Ethical Conduct (PaCS Policy 101)

• Financial Gain or Avoidance of Financial Loss
• Contracting with Current and Past OSU Employees
• OSU Employee Honorariums Guideline
• Other State Employees Honorariums Guideline
• Personal Purchases using OSU Funds
• Personal Purchases using OSU Contracts
Procurement and Contract Ethics

Interaction with Vendors (PaCS Policy 102)

• Vendor Gifts or Entertainment
• Vendor Employment Promises
• Impartiality
Procurement and Contract Ethics

Ethics in Purchasing and Contracting (PaCS Policy 103)

• Authority to Purchase
• Purchase Fragmentation
• Process Circumvention
• Bid Shopping
• Collusion
• Document Fabrication
Procurement and Contract Ethics

Conflict of Interest (PaCS Policy 104)

• Declaration of Conflict or Potential Conflict of Interest
• Conflict of Interest for Selection Committee Members
• Segregation of Procurement and Accounting Functions

Ethics Statement / OUS

• July of Every Year – Must Renew OUS Code of Ethics Online
Authority and Records

Regulations and Applicability (PaCS Policy 201)

OREGON PUBLIC PURCHASING
HIERARCHY OF STATUTES AND RULES

STATE OF OREGON

ORS 279 A, B & C: Public Contracting Code

STATE OF OREGON INTERNAL AGENCIES

OAR 125: Oregon Department of Administrative Services Public Contracting Rules

OREGON UNIVERSITY SYSTEM

ORS 351: Establishes authority separate from the state releasing OUS from ORS 279 A, B & C

OREGON PUBLIC AGENCIES (Counties, Municipalities, etc...)

Accepts OAR 137
OR
Rejects OAR 137 and creates own regulations based on ORS 279A, B & C

OREGON PUBLIC AGENCIES

OAR 137: Attorney Generals’ Model Public Rules

OREGON PUBLIC AGENCIES

OAR 580-60, 61, 62 & 63: Real Property, Procurement & Construction Rules

Applies Directly

May apply when rules do not exist
Authority and Records

Regulations and Applicability (PaCS Policy 201)

• Funding Sources
• Organizations
Authority and Records

Authorities (PaCS Policy 202)

• Budget Authority
• Purchase Authority
• Institutional Authority
• Contract Signature Authority
Authority and Records

Unauthorized Procurements or Contracts (PaCS Policy 203)

• Unauthorized Procurement
• Unauthorized Contract
Authority and Records

Records and Reporting (PaCS Policy 204)

• Records Retention
• Public Records
Purchasing

Required Reviews and Approvals (PaCS Policy 301)

• Facility Modifications
• Radioactive Material or Radiation-Producing Machine
• Use of OSU Logos or Name
• Print Purchases and Copying
• Restricted Fund Equipment Purchases
• Trade-Ins
• BOLI Procurement
Purchasing

Requisitions (PaCS Policy 302)

• Requisition Submittal
Purchasing

Purchase Orders (PaCS Policy 303)
• PaCS Purchase Orders
• Business Center Purchase Orders
• Department Purchase Orders
• Purchase Order Terms and Conditions
• Purchase Order Changes and Cancellation
• Purchase Order Completion
• Purchase Order Encumbrances
• Purchase Order Capital Assets
• Purchase Order Trade-Ins
• Purchase Order Discounts
Purchasing

Purchase Orders (PaCS Policy 303)
- Business Center Purchase Orders
  -- Direct Authority to Purchase under $25,000
  -- Obtain Quotes / Seek Competition!
Purchasing

Invoices (PaCS Policy 304)

• Invoice Completion
Purchasing

Commodities Prohibited for Purchase with State Funds (PaCS Policy 305)

• See FIS 507-01: http://oregonstate.edu/dept/budgets/FISManual/FIS507.htm

and OSU Business Affairs OSU Purchasing Card Prohibited Uses:
http://oregonstate.edu/fa/businessaffairs/staff/ap/visa_prohibited_uses
Purchasing

Purchasing and Payment Methods (PaCS Policy 306)

• Procurement Card
• Purchase Orders
• Store Credit Accounts and Applications
• Prohibited Procurement Mechanisms
• Payment Terms
• Pre-Payment
• IRS W9 Forms
Purchasing

Solicitations (PaCS Policies 307-313)

• Any purchase equal to or greater than $25,000 must be competitively solicited

Sole Source (PaCS Policy 314)

• The only Contractor of a particular product or service that is reasonably available.

• A written justification by the Principal Investigator describing why a specific product or service qualifies as a Sole Source.

• MUST BE ADVERTISED FOR 7 CALENDAR DAYS!
Purchasing

Purchasing From Existing Contracts (PaCS Policy 315)

• OSU Contracts and Price Agreements
• State of Oregon Contracts and Price Agreement
• Western States Contracting Alliance
• General Services Administration (GSA) Contracts
• Other Contracts and Cooperatives
Purchasing

Affirmative Action and Qualified Rehabilitation Facilities (QRF) (PaCS Policy 316)

• Affirmative Action

• Qualified Rehabilitation Facilities (QRF)
  www.oregonrehabilitation.org
Contracts

Contract Basics (PaCS Policy 401)

• Contract Form
• Oral Contracts
• Independent Contractor
• OSU as a Contractor (see Contract Type Characteristics matrix at http://oregonstate.edu/research/osp/submission/TestingAgreements_000.htm)
Contracts

Contract Types (PaCS Policy 402)

• Interdepartmental Agreements (you can sign these)
• Interagency Agreements (IAA)
• Intergovernmental Agreements (IGA)
• Memorandums of Understanding (MOU)
• Purchase Orders
• Personal Services Contract
• Capital and Operating Leases
• Sponsorship Agreements
Contracts

Contract Processing (PaCS Policy 404)
• Department Review & Input Prior to Submittal
• Contract Submittal and Routing
• Signature Prior to Commencement
• Electronic Signatures
• Signatures prior to PaCS Review
• Signatures after PaCS Review
• Contract Amendments (Expired Contracts
• Certificate of Insurance Processing
Contracts

Contract Administration (PaCS Policy 405)

- Contract Administration
- Contract Monitoring
- Contract Documentation
- Contract Invoice Review