

**ELIZABETH CITY STATE UNIVERSITY**  
**Purchasing Policy**

**Preamble**

Elizabeth City State University (ECSU) will adhere to the general policies regarding purchases in accordance with the State of North Carolina policies and state regulations. The Division of Business and Finance at ECSU is responsible for ensuring that all divisions, facilities, and departments adhere to these policies.

**I. SCOPE**

- A. The North Carolina Division of Purchase & Contract and the University of North Carolina have delegated to the ECSU Purchasing Office the authority to make all purchase contracts entered on behalf of the University. The Purchasing Office is responsible for the efficient and cost-effective procurement of goods and services, adhering to applicable State statutes, the Administrative Code for Purchase & Contract, and related rules, regulations, and procedures.
- B. Notwithstanding the foregoing, if a donation is made for the specific purpose of purchasing certain articles, the conditions imposed by the donor will control the purchase of the item. However, if the selection and purchase of the object are not governed by the terms of the donation (i.e., the funds alone being provided to make the purchase), the purchase is subject to this regulation.
- C. All public funds irrespective of source, whether special, federal, local, grants, gifts, bequests, receipts, fees, or State appropriated, used for the purchase of goods or services shall be processed under the procurement rules established by the North Carolina Division of Purchase and Contract. This regulation does not apply to any purchases made through the ECSU Foundation.

**II. REGULATION**

**A. State Term Contracts**

The State solicits competition and enters term contracts with vendors to acquire favorable pricing for goods and services that are repetitively used by North Carolina agencies. This system is designed to make goods available at a competitive price for all State users; State Term Contracts should be the first choice for university purchases. However, in circumstances where substantially similar items are available for a lower, delivered cost, purchases from non-contract vendors may be made under the established procurement guidelines. Those guidelines are available from Purchasing Office, and a listing of all State contracts is available here: [North Carolina Term Contracts](#).

## **B. Purchases from University Service Providers**

Goods or services provided by University Service Providers should be purchased directly from the associated provider using their prescribed process. University Service Providers include, but are not limited to, University Dining Services, University Bookstore, and Mail Services.

## **C. Small Dollar Purchases**

Purchases that are not available under a State Term Contract and do not exceed the small dollar purchase threshold established in the North Carolina Administrative Code, NCAC 05B.0301 (1), may generally be made without seeking formal competition; however, all users are encouraged to seek the most value for each purchase. Purchases that exceed the small dollar purchase threshold may not be split into multiple, smaller purchases to avoid the competitive process. The Purchasing Office may direct purchases to other sources if a State Term Contract or a better overall value is available. The current small dollar purchasing threshold and related guidance is available in the University Purchasing Manual.

The competition threshold contained in Federal Uniform Guidance policies may differ from that of North Carolina, so any purchases funded by federal grants are also subject to the Federal policies even if they fall under the classification of small dollar purchases according to State rules. Information about the current Federal Uniform Guidance small dollar purchase threshold is available in the University Purchasing Manual.

## **D. Informal Solicitation Purchases**

Purchases that exceed the State's small dollar purchase threshold, as specified in the North Carolina Administrative Code, NCAC 05B.0301 (2), are subject to the informal competition requirements of the State. For such purchases, multiple quotes must be solicited, and the purchase will be made from the vendor offering the lowest price for the requested items. Details regarding the informal solicitation process are available in the University Purchasing Manual. A purchase that would be subject to competition requirements may not be split into multiple, smaller purchases to avoid the informal solicitation process.

## **E. Formal Solicitation Purchases**

Purchases that exceed the State's formal competition threshold, as established by the North Carolina Administrative Code, NCAC .05B.0301 (3), are subject to the formal competition requirements of the State and require the Purchasing Office to issue a written Invitation for Bids (IFB) or Request for Proposals (RFP). IFBs and RFPs are generated using the State-provided templates for solicitations and include the specifications/scope of work provided to the Purchasing Office by the requesting unit. The entire process will

be coordinated by the Purchasing Office in a fair, open, and transparent manner that is in accordance with State procurement rules. Details regarding the formal solicitation process are available in the University Purchasing Manual.

#### **F. Purchases Exceeding Delegated Authority**

Purchases that exceed the University's assigned delegated authority. Purchases such as state-appropriated funds must be submitted to the North Carolina Division of Purchase & Contract (P&C) for review and approval before the contract can be finalized and the order placed. The Purchasing Office will coordinate applicable solicitation processes and prepare documentation in the same manner as other procurements before sending all information to P&C for review. Once State approval is secured, the University will be allowed to proceed with the purchase.

#### **G. Small Construction, Repair, and Renovation Projects**

Small Construction, Repair, and Renovation Projects are those repair and improvement projects that are estimated to cost less than \$300,000, and as such, do not fall under the purview of Capital Projects or the State Construction Office. These projects are coordinated by the Purchasing Office in conjunction with the Office of Design and Construction and Facilities Management and processed in accordance with the procurement rules established by the Division of Purchase & Contract. The Office of Design and Construction informal construction projects under delegated amount is statutorily exempt from the bidding process.

#### **H. P-Card Purchases**

The University has a purchasing card (p-card) program that allows designated employees to make purchases without using the traditional e-procurement purchase order process. The State sets a single transaction limit for general p-card purchases and a separate limit for travel-related purchases, including airfare, hotel/lodging, and transportation/rental cars. Transaction limits and allowed p-card uses are available in the Purchasing Card Manual and in Section 01 NCAC 05B .1523 of the North Carolina Administrative Code.

#### **I. Direct Pay Request (DPR) Purchases**

Direct Pay Requests are used to make payments to vendors who do not process purchase orders and cannot be paid via p-card. DPRs are processed through the campus e-procurement system and used to make payments to individuals for contracted services and honorarium payments; when a vendor does not accept purchase orders; and instances where a university department already has an invoice and needs to issue payment for the goods or services provided. Contracts and other supporting documentation should be included with the DPR to streamline processing of the request.

## **J. Exemptions from Competition Requirements**

Specific circumstances may dictate that there is only one satisfactory source of supply for an item or service. To request a waiver of competition requirements, the requesting department or unit must complete and submit a Waiver of Competition Justification form to the Purchasing Office for review. The written justification must clearly state how this item or service is unique, why it is only available from a single vendor, and why that specific item or service is needed by the University.

Conditions permitting a waiver are established by the North Carolina Administrative Code and can be found in the University Purchasing Manual or by contacting the Purchasing Office.

## **K. Written Agreements**

A written contract is required any time a campus department wants to engage with an individual or company to provide a service to the University, regardless of the cost of the service. The Purchasing Office will review and negotiate any contract provided by a vendor to ensure compliance with North Carolina contracting law. University-developed templates are available to departments so that contracts can be created internally and presented to the service provider. All written agreements outside the University-developed templates must be reviewed by Office of Legal Affairs. All requests for contracted services are subject to both the State's procurement rules and competition requirements in the same manner as any other request for goods or services.

Only designated individuals have University delegated authority to sign contracts, and only for the types of contracts that accompany their designation.

## **L. Consulting Agreements**

Consulting services are those provided by an outside entity for expert, objective insight about how to complete a task or perform it more efficiently. A contract is required every time a university department or unit wants to hire an individual or a company for consulting services.

Additionally, any request to contract with a consultant must be accompanied by a justification that explains the project and the reasons why an outside consultant is necessary; the justification is required regardless of the cost. The required components of the justification are contained in the University Purchasing Manual.

## **M. Support of Historically Underutilized Businesses (HUBs)**

Historically Underutilized Businesses (HUBs) consist of minority, women, and disabled business firms that are at least fifty-one percent owned and operated by an individual(s) of the categories. Also included in this category are disabled business enterprises and

non-profit work centers for the blind and severely disabled. Governor's Executive Order 150 provides that "it is North Carolina's collective expectation that all citizens of the State will be given equal opportunities to participate in providing State government with the goods and services it requires without regard to race, gender or disabling condition." Governor's Executive Order 25 provides that "the utilization of historically underutilized businesses ('HUBs') is critical to creating a vibrant, sustainable, and diverse business community" in North Carolina. Accordingly, the University is committed to retaining vendors from diverse backgrounds, and it invites and encourages participation in the procurement process by businesses owned by minorities, women, disabled, disabled business enterprises and non-profit work centers for the blind and severely disabled. In particular, the University encourages participation by vendors certified by the State Office of Historically Underutilized Businesses, as well as the use of HUB-certified vendors as subcontractors on State contracts.

The University actively supports these expectations and continuously works to exceed the minimum goals established in the Executive Orders. The University will continue to emphasize internally through staff meetings and other departmental communications the importance of its commitment to these initiatives.

#### **N. Affirmative Action and Non-Discrimination**

The University abides by all Federal and State requirements regarding affirmative action and non-discrimination practices in all its purchasing and contracting processes. These regulations prohibit discrimination against qualified individuals based on their status as protected veterans or individuals with disabilities and prohibit discrimination against all individuals based on their race, color, ethnicity, national origin, age, sex, pregnancy, religion, sexual orientation, and gender identity or expression. Moreover, these regulations require that covered prime contractors and subcontractors take affirmative action with individuals to employ and advance in employment without regard to race, color, religion, sex, national origin, protected veteran status, Vietnam era Veteran status, or disability.

Additionally, purchases and contracts that involve software or electronic media must comply with Section 508 of the Rehabilitation Act of 1973, as amended, or WCAG 2.0 AA with respect to accessibility for individuals with disabilities. If the University receives any complaints or concerns regarding the accessibility of the product or service, the respective provider will assist the University in promptly responding to and resolving those concerns.

#### **O. Solicitation Protest Procedures**

As a custodian of public funds, the University adheres to fair and open competition practices that are governed by State law, University policy, and good administrative practice. If a respondent to an Invitation for Bid or Request for Proposal feels that the

award was not made in accordance with State procurement guidelines, a formal letter must be sent to the University within thirty (30) calendar days of the date the award was made. The letter shall be sent to the University Purchasing Office at 1704 Weeksville Rd, Thorpe Building 2<sup>nd</sup> Floor, Elizabeth City NC, 27909 and must contain specific grounds and reasons for the protest, how the protesting party was harmed by the award that was made, and documentation providing support for the protesting party's claims. A response from the University Purchasing Officer will be provided to the protesting party within fifteen (15) calendar days of receipt of the letter.

### **III. ROLES AND RESPONSIBILITIES**

The Purchasing Office has the sole authority to issue purchase orders for procuring goods or services on behalf of the University. The Purchasing Office will review all requests to ensure compliance with all procurement rules established by the North Carolina Division of Purchase & Contract, and applicable North Carolina law. All contracts for the purchase of goods and services will also be reviewed and negotiated by the Purchasing Office to bring them into compliance with North Carolina contracting law.

#### **Compliance with Purchasing Policy & Manual**

1. The Purchasing Office will establish and maintain a Purchasing Manual which will contain more information and procedures regarding purchases. The Purchasing Manual is available on the Purchasing webpage.
2. All ECSU purchase transactions shall be made in strict compliance with the regulations and guidelines imposed by the State of North Carolina.
3. Any employee circumventing established purchasing guidelines is subject to disciplinary action, may be held personally liable for the transaction, and may have his/her purchasing privileges suspended.