

UNIVERSITY OF MARYLAND, BALTIMORE
CAMPUS & CONTRACTOR PURCHASING GUIDE

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PART I: INTRODUCTION INFORMATION

1. Policy

In accordance with University System of Maryland Procurement Policies and Procedures, the Strategic Sourcing and Acquisition Services (SSAS) has the responsibility to conduct all negotiations concerning price and condition of sale and entering into contracts for all purchases and anticipated purchases for the University of Maryland, Baltimore (UMB). Individual departments or employees are not authorized to sign or enter into a contract on behalf of the University. **A University purchase order issued by the SSAS must be obtained prior to any services or products being provided for which the University Corporate Purchasing Card was not used.** All contracts and agreements including those associated with purchases with the Corporate Purchasing Card must be submitted to the SSAS for review and execution.

2. Vendor Information

The University of Maryland, Baltimore, SSAS is responsible for the procurement of all equipment, services, materials, and supplies utilized by the UMB campus. Additionally SSAS is designated the Regional Service Center for Capital Improvements procurements for the Baltimore region and provide these services to Coppin State University, Towson University, University of Baltimore and University of Maryland Baltimore County. Procurement personnel are assigned specific categories of responsibility in order to provide the highest quality of service to the University. A listing of buyers along with their commodities can be obtained through the Procurement website @ www.umaryland.edu/procurement.

Sales representatives are requested to call the SSAS and make an appointment to assure that the buyer will be available to visit with the representative in order to become more acquainted with your business. Sales calls on individual departments are not permitted unless requested by the Department. Vendors must recognize that such visits may be **only informational**. Departments are not authorized to enter into contracts with vendors.

3. Tax & Invoice Information

The University is an agency of the State of Maryland and is exempt from all state and federal taxes. Each purchase order issued makes reference to the tax-exempt status. If requested a tax-exempt certificate will be provided. If a product is shipped to or if a service is provided in a state that does not accept the Maryland sales tax exemption, the department will be required to pay that states sale tax. Currently the following states are known not to accept Maryland sales tax exemption, Virginia, Pennsylvania, Utah and the District of Columbia.

PART II: CODE OF ETHICS

1. Code of Ethics

The University of Maryland, Baltimore SSAS has adopted, and subscribes to the Code of Ethics of the National Institute of Governmental Purchasing (NIGP) which follows;

Seeks or accepts a position as head (or employee) only when fully in accord with the professional principles applicable thereto and when confident of possessing the qualifications to serve under those principles to the advantage of the employing organization.

Believes in the dignity and worth of the service rendered by the organization, and the societal responsibilities assumed as a trusted public servant.

Is governed by the highest ideals of honor and integrity in all public and personal relationships in order to merit the respect and inspire the confidence of the organization and the public being served.

Believes that personal aggrandizement or personal profit obtained through misuse of public or personal relationships is dishonest and not tolerable.

Identifies and eliminates participation of any individual in operational situations where a conflict of interest may be involved.

Believes that members of the Institute and its staff should at no time, or under any circumstances, accept directly or indirectly, gifts, gratuities, or other things of value from suppliers, which might influence or appear to influence purchasing decisions.

Keeps the governmental organization informed, through appropriate channels, on problems and progress of applicable operations by emphasizing the importance of the facts.

Resists encroachment on control of personnel in order to preserve integrity as a professional manager. Handles all personnel matters on a merit basis, and in compliance with applicable laws prohibiting discrimination in employment on the basis of politics, religion, color, national origin, disability, gender, age, pregnancy and other protected characteristics.

Seeks or dispenses no personal favors. Handles each administrative problem objectively and empathetically, without discrimination.

Subscribes to and supports the professional aims and objectives of the National Institute of Governmental Purchasing, Inc.

PART III: PROCUREMENT PROCESS

1. Requisitions

The following are the primary types of requisitions used at UMB:

a. Quantum Financials

These requisitions are used to transmit department requirements for the procurement of goods and services from vendors.

b. Manual

Manual requisitions are used for purchases when General Obligation Bonds (MCCLB) and Auxiliary Revenue Bonds (ARB) are the fund sources for a requested procurement.

2. Purchase Orders & Pro Card (P-Card)

Issuance of an official purchase order or use of the VISA purchasing card, are the only methods of purchase for goods and services obligating UMB. The standard purchase order may be used for orders of any dollar amount.

The VISA purchasing card may be used for making purchases where the single order does not exceed \$4,999. Vendors are cautioned that some cards have lower single transaction limits (less than \$4,999) and monthly credit limits vary per card. It is the responsibility of the vendor to be sure that the card being used is authorized for transactions being made. It is illegal to artificially split orders in order to avoid the procurement process.

When an emergency or urgency arises, SSAS may place an order by telephone or other means (i.e. fax, email). However, in those instances, a purchase order number is assigned and a confirming order will follow. Individual departments and employees are not authorized to place orders directly to vendors under these circumstances.

3. The Bidding Process

In accordance with the University System of Maryland Procurement Policies and Procedures, UMB conducts an open, competitive bidding process. Depending on the dollar value of the order, this process may take the form of fax quotations, written bids, or complex Request for Proposals (RFP's).

In order to be awarded a purchase order for goods and services from UMB under a non RFP procurement, a vendor must be the lowest responsive and responsible bidder meeting the specifications as required. In many instances, when choosing a vendor, UMB may consider factors other than price, including the types of goods and services to be supplied, the particular needs of the requesting department, the date

of delivery, and reliability, quality, and experience of the vendor. In these instances, a Request for Proposal is used. In RFP procurement, award is made to the vendor that best meets the requirement of the University, price and other factors considered.

In responding to a bid or proposal, the vendor is responsible for following the instructions given in the bid or proposal and returning to the SSAS by the due date and time specified (**late bids or proposals will not be accepted under any circumstances**). There will be a public opening for bids. RFP closings are not public.

The University publishes solicitations notices exceeding \$200,000 in eMarylandMarketPlace and places the solicitations for download on eBid Board located on SSAS's website at www.umaryland.edu/procurement

Once the procurement process is completed, a purchase order and or contract shall be issued by the SSAS.

All purchase orders will instruct the vendor to submit all invoices directly to Accounts Payable unless notified otherwise by the Accounts Payable department.

4. Orders \$25,000 or Less, Simplified Acquisition Procedures

In accordance with University System of Maryland Procurement Policies and Procedures and implemented by UMB, if a department has a requirement for a small dollar procurement of \$25,000 or less, the following procedures apply. **It is prohibited to intentionally split orders to avoid following the appropriate procurement procedures and obtaining competition.**

- a. Competition is preferred, but not required.
- b. If the requirement is \$4,999 or less, the Visa Corporate Purchasing Card (P-Card) must be used wherever possible in accordance with the State and University Policies & Procedures governing the use of the P-Card. These polices can be found on Procurements website at www.umaryland.edu/procurement.
- c. If the P-Card is not used, the request must be submitted to SSAS prior to goods or services being provided as a requisition through Quantum Financials.
- d. Where time permits and it makes good business sense to compare pricing, departments and/or SSAS may attempt to do so by doing the following:
 1. Contact a minimum of two vendors via telephone, fax, email, etc. (Including Minority Business Enterprise (MBE) and Small Business Reserve (SBR) certify vendors.
 2. Document for the record the pricing obtained (have vendors fax quotations, print email information, etc.)

3. Attach documentation to requisition either electronically or send by hard copy following the procedures for submission of requisitions through Quantum Financials.

5. **Orders Between \$25,001 and \$200,000, Simplified Acquisition Procedures**

In accordance with University System of Maryland Procurement Policies and Procedures and implemented by UMB, where the individual simplified procurement is between \$25,001 and \$200,000, the procurement **must** be forwarded to the SSAS for processing. There **must** be competition to the maximum extent practical considering such factors as the availability of vendors, dollar value of the order, cost of administering the procurement, delivery time and sound business judgment and practices. **It is prohibited to intentionally split orders to avoid following the appropriate procurement procedures and obtaining competition.** The process for these orders is the following:

- a. Requesting Department Responsibilities:
 1. Prepare a requisition setting forth the requirement
 2. The requisition must include specifications, information regarding delivery requirement, suggest vendors, estimated dollar value, etc.
 3. If the requisition is for an item considered to be a sole source, the department must attach a sole source justification (use the Sole Source Justification Form) explaining the nature and reason for the sole source request.
- b. SSAS will process these orders using any of the following procurement methods based on its determination:
 1. **Competitive Bids – Request for Quotes (RFQ)** - Procurements between \$25,001 and \$200,000 are considered Simplified Acquisition and therefore not subject to certain constraints required of procurements exceeding \$200,000. Specifications are developed working with the department. SSAS shall solicit quotations from a reasonable number of bidders. To the extent practical solicitations shall be published in a manner that best meets the needs of the solicitation. Vendors may submit responses via mail or fax. Award is based on the lowest price from a bidder that is responsive and responsible and meets all of requirements of the solicitation. These procurements are processed in 10-30 days.
 2. **Sole Source Procurement** – In accordance with University System of Maryland Procurement Policies and Procedures, procurement without competition is authorized under limited conditions and subject to written justification documenting the conditions that preclude the use of a

competitive process. The individual in the department requesting the sole source must fill out and sign a Single/Sole Source Justification and Ethics Law Compliance Certification form. The final determination of sole source procurement shall rest with SSAS. The following must be addressed:

- a. Uniqueness of the vendor's qualifications, experience, commodity.
- b. Attempts to find other sources or basis for the sole source.

Price cannot be factor in the determination of a sole source.

3. **Emergency Procurement** – When an emergency condition exists that prevents the use of formal competitive procurement method in awarding or modifying a contract that is essential to the University, the procurement may be conducted on an emergency basis by SSAS.

An emergency condition justifies the use of an emergency procurement when that condition threatens one (1) or more of the following:

- a. The health or safety of any person(s) or animal(s)
- b. The preservation or protection of property.
- c. The continuance of necessary University functions.

The emergency procurement shall be limited to the procurement of only the types of items and quantities or time period sufficient to meet the immediate threat and shall not be used to meet long-term requirements.

Contact SSAS as soon as an emergency arises to see how best to proceed by calling 410.706.7780.

4. **Contracts Established by Other Institutions or Agencies** – UMB may use contracts established by other Agencies or Institutions provided that use of the contract is in the best interest of the University, and provided that the contract was awarded after a procurement process (including sole source or negotiated procurement) and provided that the terms of the applicable contract allows the use by the University System of Maryland. Examples of contracts are E & I Cooperative, GSA Schedule 70 & 84 contracts, US Communities and WSCA contracts.

6. Acquisitions Exceeding \$200,000

In accordance with University System of Maryland Procurement Policies and Procedures and implemented by UMB, when the individual procurement is reasonably expected to exceed \$200,000, the procurement **must** be forwarded to SSAS for processing through a **formal written** procurement process. Any of the formal procurement processes may be used as deemed appropriate by the Procurement Officer:

- a. **Competitive Seal Bids (Invitation for Bid – IFB)** – Competitive Seal Bid also called “Invitation for Bid” is a method of procurement which results in a contract awarded to the lowest evaluated responsive bid from a responsible bidder based on the specifications set forth in the solicitation. The requirement is advertised in eMarylandMarketPlace for a minimum of 21 days to solicit bids from vendors that provide the goods and services requested. Advertised solicitations may be downloaded from the SSAS’s eBid Board at www.umaryland.edu/procurement.

Unlike the Request for Quote for requirements under \$200,000, the IFB and RFP cannot be submitted by fax or email and must be received in a sealed envelope. Formal competitive sealed bids are typically processed in 30-40 days depending on the dollar value, complexity of the procurement, and location of bidders.

- b. **Competitive Request for Proposals (RFP)** – Two-step process in which there is a separately received evaluated and scored technical proposal and financial proposal. Generally used where the requirements of the procurement are difficult to quantify and award will be based on factors other than cost. Due to the complexity of the RFP documents and the evaluation process, this process typically takes 60-90 days. The bid process is a formal written proposal process where the requirement is advertised in eMarylandMarketPlace for a minimum of 21 days to solicit proposals from vendors that provide the goods and services requested. Advertised solicitations may be downloaded from SSAS’s eBid Board at www.umaryland.edu/procurement.
- c. **Sole Source Procurement** – Requirements are the same as those for orders under \$200,000.
- d. **Emergency Procurement** - Requirements are the same as those for orders under \$200,000.
- e. **Contracts Established by Other Institutions or Agencies** - Requirements are the same as those for orders under \$200,000.

7. **Board of Public Works (BPW)**

In accordance with the State Finance and Procurement Article of the Annotated Code of Maryland and University System of Maryland Procurement and Policies Procedures, all procurements for capital improvements and services \$1 million or greater and modifications \$1 million or greater must be approved by BPW. Additionally, any equipment purchase regardless of the dollar amount purchased with general obligation bond funds must be approved by BPW.

The Board comprises the Governor, the Comptroller, and the Treasurer of the State of Maryland. The AVP for SSAS is responsible for preparing the agenda items and representing the University and the University System of Maryland at the Board meetings. The Board normally meets twice every month. The BPW meeting schedule is posted on SSAS's website.

Items that have to be submitted to BPW for approve will add an additional 30 days on the procurement process.

8. **University System of Maryland Board of Regents**

In accordance with Board of Regents policy and University System of Maryland Procurement Policies and Procedures, all procurement awards \$5 million and greater must be approved by the Board of Regents. The Board of Regents meets every two months, therefore depending on the timing of the procurement; an additional two months could be added to process at the conclusion of the evaluation process.

PART IV: SOCIOECONOMIC PROGRAMS

1. Minority Business Enterprises (MBE)

The State has a goal that each agency attempt to award 29% of all dollars spent with vendors to State Certified Minority Business Enterprises. The following groups are considered MBEs, African American, American Indian/Native American, Asian, Hispanic, Physically or Mentally Disabled and Women. As a State agency, the University must work towards meeting this goal. In addition, subgoals are assigned for procurement exceeding \$200,000 if a MBE goal is established for procurement. SSAS will review all procurements for the potential assigning a MBE goal.

2. Small Business Reserve Program (SBR)

The State has a mandate that each agency will award 15% of all dollars spent, with vendors certified under the Small Business Reserve program. Unlike the MBE program where the percentage is a goal, the percentage for the SBR program is a mandate. To take advantage of this program a business, must meet the following criteria:

- a. Is independently owned and operated;
- b. Is NOT a broker;
- c. Is NOT a subsidiary of another business;
- d. Is NOT dominant in its field of operation; where
 1. The **wholesale** operations of the business did not employ more than 50 persons, or the gross sales of the business did not exceed an average of \$4,000,000 in its more recently completed 3 fiscal years; or
 2. The **retail** operations of the business did not employ more than 25 persons, or the gross sales of the business did not exceed an average of \$3,000,000 in its most recently completed 3 fiscal years; or
 3. The **manufacturing** operations of the business did not employ more than 100 persons, or the gross sales of the business did not exceed an average of \$2,000,000 in its most recently completed 3 fiscal years; or
 4. The **service** operations of the business did not employ more than 100 persons, or the gross sales of the business did not exceed an average of \$10,000,000 in its more recently completed 3 fiscal years; or
 5. The **construction** operations of the business did not employ more than 50 persons, or the gross sales of the business did not exceed an average of \$7,000,000 in its most recently completed 3 fiscal years.

6. The **architectural and engineering** operations of the business did not employ more than 100 persons, or the gross sales of the business did not exceed an average of \$4,500,000 in its most recently completed 3 fiscal years.

3. **Veteran-Owned Small Business Enterprises (VSBE)**

Each State agency must structure its procurement procedures to try to achieve an overall minimum of 1% of the unit's total dollar value of procurement contracts to be made directly or indirectly from veteran-owned small business enterprises. To achieve this goal, the agency must assess the potential for VSBE prime contractor and subcontractor participation in each contract. If, after assessing the specific solicitation in light of the factors set forth in the regulation, the agency determines that subcontractor participation is the appropriate procurement strategy, the agency establishes a VSBE subcontract goal. Agencies may establish a VSBE goal and an MBE goal in the same solicitation if the assessment supports such an action.

Veteran-owned Small Business Enterprises, or VSBES, must be verified by the Center for Veterans Enterprise of the United States Department of Veterans Affairs. The VSBE list is located at: <http://www.vetbiz.gov>.

4. **Maryland Correctional Enterprises (MCE)**

In accordance with the State Finance and Procurement Article of the Annotated Code of Maryland, the Code of Maryland (COMAR) and the University System of Maryland Procurement Policies and Procedures, all furniture must be purchased from MCE unless a waiver is requested and granted by MCE.

All furniture requirements shall be submitted to SSAS for processing. If a waiver is required, the Procurement Services will request it from MCE. Typically, it takes 90 days for the delivery of some furniture. However, MCE does have some items on their quick ship program.

Please contact the buyer in SSAS for your furniture needs early in the process. It is strictly prohibited to purchase furniture with the Corporate Purchasing Card from any entity other than MCE unless a waiver has been obtained by SSAS.

PART V: REVOLVING EQUIPMENT LOAN PROGRAM (RELP)

The University System of Maryland (USM) requires that equipment exceeding \$50,000 that would be leased, be financed for purchase through the Revolving Equipment Loan Program. The period of the loan, can only 3 or 5 years. All RELP purchases must be pre-approved by USM.

1. The RELP Process

- a. Submit a requisition through the Quantum Financial System. In the Comments To Buyer, indicate that this is a RELP purchase, provide the number of years to be financed (can only be 3 or 5 years) and the project id to charge to repay the loan. Per SPAC, the project id cannot be a grant or contract. Your project id is to go in the comments field only. Use the below Quantum RELP Clearing Chartstring for the requisition.

Quantum RELP Clearing Chartstring

<u>Source</u>	<u>Org.</u>	<u>Activity</u>	<u>Purpose</u>	<u>Function</u>
205	00006203	000000	10021862	630

- b. If sole source, the Single Sole Source Justification and Ethics Law Compliance Certification must be submitted with the requisition.
- c. Services are not permitted under the program and software is not permitted unless the software is the operating system. Installation and training, for example, will generally be acceptable if included in the overall equipment purchase price.
- d. The actual procurement process is no different from any other procurement through Quantum Financials. Upon receipt of the equipment, the department will do receiver in Quantum Financials. The vendor will send the invoice to Accounts Payable.
- e. Accounts Payable will pay the invoice using the RELP Clearing Chartstring that is on the PO. Once the vendor is paid, General Accounting will submit a copy of the invoice and proof of payment to USM to reimburse the clearing account, and provide the department's project id to repay the loan. USM will reimburse the clearing account and provide an Amortization Schedule for the pay back of the loan.
- f. Payback automatically occurs via R-Stars transfer. Principle and interest payments are deducted from the identified payback project ID each January 1st and July 1st until the loan is satisfied. There is also an interest only payment that is made from the time when the equipment is received to either January 1st or July 1st (whichever will occur first). For example, if a piece of equipment is accepted in September, there will be an interest only payment assessed for the period Sept through December 31st. January 1st will begin the first principle and interest payments.

PART VI: FEDERALLY FUNDED PROCUREMENTS

1. The Procurement Process

Federally funded acquisitions follow the procurement processes prescribed in the University System of Maryland Procurement Policies and Procedures. However, there are several additional requirements that flow down from the Federal Acquisition Regulation (FAR) and the Office of Management and Budget Circular A-110. The requirements vary based on the funding mechanism and the dollar value of the acquisition.

Procurements over \$100,000 funded by Federal Contracts must include the required representations and certifications, including an affidavit that the contractor has not been debarred or excluded from doing business with the Federal Government, an affidavit that funds have not been used to lobby any person to influence the selection or award of a contract, certify disclosure of lobbying supported by other than federal funds, and certification that any facility used in the performance of the procurement is not listed on the Environmental Protection Agency's List of Violating Facilities.

The solicitation and contract documents for all federally funded acquisitions must include flow down terms and conditions appropriate to the contract as well as any special contract requirements related to the particular federal contract or grant. The use of federal funds is sometimes limited to very specific purposes and may include specific prohibitions. Contractors must be informed of and comply with those flow down and special contract requirements.

2. Federal Grants

The standard procurement process and appropriate flow down clauses apply.

3. Federal Contracts

The Federal Small Business Administration works very closely with the granting agencies to ensure that small and small disadvantaged businesses are solicited and awarded a fair share of contracts funded by federal dollars. SSAS administers the University's Small Business Program. All federally funded contracts exceeding \$700,000 requires a Small and Small Disadvantage Subcontracting Plan.

The point of contact in SSAS for the preparation of the Small and Small Disadvantaged Subcontracting Plan is **Regina Spencer, Contracting Specialist, 410.706.8304, email rspencer@umaryland.edu**. Please allow sufficient time for the development of the Subcontracting Plan prior to the deadline for submitting the proposal. A typical multi-year proposal exceeding \$1 million takes two to three weeks to develop. **Do not wait until the last days before the proposal is due to notify SSAS that a Subcontract Plan is required. We will not be able to help you.**

4. Cost and Price Analysis

In accordance with Office of Management and Budget Circular A110, a price or cost analysis must be done for every federally funded procurement and the file documented that the price is fair and reasonable regardless of the dollar value. Competitive procurement by their nature justifies fair and reasonable price. An analysis must be done on all noncompetitive procurements. Award will not be made unless the determination is made that the price is fair and reasonable.

5. Contractor Purchasing System Review

To ensure that federal funds are spent in accordance with all applicable laws and regulations, the procurement files for all federally funded transactions are subject to review by the cognizant Federal Contracting Office. For the University of Maryland, the agency responsible for the Contractor Purchasing System Review (CPSR) is the Office of Naval Research (ONR). Periodically, Contracting Officer representatives from ONR review all the federally funded files in Procurement Services and the Office of Research and Development. If the review results in significant or repeat negative findings, the University's eligibility to receive federal grants, contracts and subcontract awards may be withheld. The Small Business Administration (SBA) also reviews the Small and Small Disadvantaged Business Subcontracting Plans for compliance in meeting the goals established in the plan. SBA may assess liquidated damages against the contract for failure to meet goals.

6. SARS and ESARS Reporting

The federal government requires that the University submit semi-annual and annual reports on progress of meeting the goals established in the Small and Small Disadvantage Subcontracting plan. The eSARS report is due semi-annual in October and April. The SARS report is due annually in October. The reports are generated by SSAS.

7. List of Excluded Parties

The federal government maintains a listing of firms that are excluded, or prohibited from receiving contracts funded by federal funds. It is imperative that the list be checked before contracts in any amount are awarded. The list is available on the web at www.sam.gov.

8. Sub-recipient Requisition and Purchase Order Procedures

- a. Requisitions for New Purchase Order
 - 1. When submitting a requisition to establish a new subrecipient purchase order the following information must be included;
 - a. Vendor Name
 - b. Vendor Address

- c. Federal ID Number
 - d. Period of Performance
 - e. Department Point of Contact, phone and email
 - f. Statement that a new PO is requested
 - 2. Once the purchase order is established, it will remain in an Approved status until Procurement Services receives the fully executed subaward agreement from the Office of Research and Development. Approved status prevents the processing of receipts and payment of invoices against the purchase order. When the subaward agreement is received the purchase order will be Dispatched which will allow processing.
- b. Requisitions for Change Orders to Existing Purchase Order
- 1. When submitting requisitions to create a change order against an existing subrecipient purchase order the following information must be in the header comments;
 - a. Statement that a change order is requested
 - b. The purchase order number
 - c. Vendor name
 - d. Period of performance
 - 2. Once the purchase order has been modified, it will remain in an Approved status until Procurement Services receives the fully executed modification to the subaward agreement from the Office of Research and Development. Approved status prevents the processing of receipts and payment of invoices against the purchase order. When the modification to the subaward agreement is received the purchase order will be Dispatched which will allow processing.
 - 3. If the project id on an existing subrecipient purchase order changes, a new purchase order must be established. A new purchase order is not required if the project id remains the same.