

Buffalo State College Foundation

Procurement Policy

Effective Date: March 3, 2025

Purpose

The policy set forth herein establishes standards and guidelines for the procurement of goods and services using funds of the Buffalo State College Foundation, Inc. (the “Foundation”) to ensure that price, quality, timing, service, and reputation, are considered holistically and that contracts are managed with good administrative practices and sound business judgment.

Application

1. This policy applies to the procurement of goods and services in support of a department or campus-related entity of Buffalo State University, initiated by such department or campus-related entity, and for which Foundation funds will be used, in whole or in part, to pay for such goods or services (“Covered Transaction”), which shall include all aspects of the procurement process, including, but not limited to, purchasing goods and services, selecting vendors, contractors, and grant fund recipients, and administering and supervising the performance of procurement contracts.
2. This policy does not apply to funds received by the Foundation as a fiscal agent or in a custodial capacity for other organizations, including any University affiliate.
3. This policy applies to the following individuals (“Covered Individuals”) engaging in or otherwise facilitating a Covered Transaction:
 - all directors, officers, employees, agents, and volunteers of the Foundation, including, but not limited to, any third party financial and accounting service providers to the Foundation (“Foundation Accounting”), which, as of the Effective Date of this policy, is Buffalo State University’s Finance and Management Department, and
 - Buffalo State University department employees and personnel when procuring goods and services with funds received from or granted to such department from the Foundation.

4. This Policy shall apply regardless of where the Foundation funds to be used in connection with a Covered Transaction are maintained. For clarity, this includes (a) funds in the Foundation's general operating account or investment accounts, or (b) credit card purchases by a department or campus related entity which will be reimbursed from any of the foregoing sources of Foundation funds.
5. This Policy shall apply regardless of whether the Foundation, Buffalo State University, or any department or campus-related entity thereof is the named party to the contract for such goods or services.
6. This Policy shall apply to all Covered Transactions commenced or entered into on or after the effective date hereof. A contract with respect to a Covered Transaction executed before the effective date of this policy shall be governed by those laws, policies, and procedures in effect at the time of the contract execution.

The Foundation Board may, from time to time, amend this Policy in order that it remains consistent with current best methods and business practices and applicable law.

Exclusions

A "Covered Transaction" does not include and this policy does not apply to the transactions listed below.

1. The procurement of goods and services by the Foundation for its own internal purposes or any transaction initiated by the Foundation for any purpose.
2. The procurement of goods and services by the Foundation in its capacity as a fiscal agent or custodian of funds for any other organization (including, but not limited to, procurement transactions involving agency accounts).
3. The lease, sale, purchase, transfer, disposal, or any other action involving an interest in real property.
4. Any procurement or contract if the applicable federal, state, or SUNY regulation or other requirement, or the terms of any gift conflict with this policy.
5. Alterations to Buffalo State buildings, building equipment, or building systems.

Code of Conduct

Code of Conduct shall govern the performance, behavior, and actions of Covered Individuals engaged in any aspect of a Covered Transaction.

1. Except as permitted pursuant to the Foundation's Conflict of Interest Policy, as adopted by and amended by the Foundation Board from time to time, no Covered Individual shall participate in the selection, award, or administration of a bid or contract supported by Foundation funds if a conflict of interest is real or apparent to a reasonable person. Any actual or potential conflict of interest should be brought to the Foundation's Executive Director for a determination of whether any conflict of interest exists, subject to the application of any procedures or requirements of the Foundation's Conflict of Interest Policy, as adopted by and amended by the Foundation Board from time to time.
2. Conflicts of interest may arise when any Covered Individual has a direct or indirect financial, family, or any other beneficial interest in the vendor firm selected or considered in connection with a Covered Transaction.
3. No Covered Individual shall cause the Foundation to engage in a Covered Transaction with or show favoritism toward a member of his/her immediate family, spouse's family, or to any company, vendor, or concern who either employs or has any relationship to a family member; or selecting a vendor, contractor, or grant recipient which violates the spirit or intent of Federal, State, and local procurement laws and policies established to maximize free and open competition among qualified vendors.
4. A Covered Individual shall neither solicit nor accept gratuities, gifts, consulting fees, trips, favors, or anything having a monetary value from a vendor, potential vendor, or from the family or employees of a vendor, potential vendor, or bidder; or from any party to a sub-agreement or ancillary contract.
5. No Covered Individual who participates in the selection or acceptance of a contract for equipment, materials, supplies, or services shall use such items for personal use.
6. No Covered Individual shall solicit or accept any equipment, materials, supplies, or services that have not been approved by the Foundation in the applicable budget as required under the Campus Granted Funds Policy.
7. As permitted by law, rule, policy or regulation, the Foundation may pursue appropriate legal, administrative or disciplinary action against a Covered Individual who is alleged to have committed, has been convicted of or pled no contest to a procurement related infraction in violation of this policy or applicable law. If such Covered Individual has been convicted, disciplined or pled no contest to a procurement violation, such Covered Individual shall be removed from any further responsibility or involvement with grants management, procurement actions or bids, consistent with State or Federal policy.

Procurement Process

1. Prior to procuring goods and services in connection with a Covered Transaction, a Covered Individual shall:
 - a. Ensure the procurement of such goods or services is allowable from the sources of Foundation funds identified to be used and that the expenditure has been approved by the Foundation in accordance with the Foundation's Granted Funds Policy (whether as a budgeted expenditure or unbudgeted expenditure). Any questions regarding the purposes or restrictions on the sources of Foundation funds to be used should be referred to the Foundation's Executive Director for determination.
 - i. If the expenditure was included in the approved budget for the department or campus-related entity in accordance with the Granted Funds Policy, the Covered Individual may proceed with the Covered Transaction in accordance with the procurement process requirements set forth below.
 - ii. If the expenditure was not included in an approved budget for the department or campus-related entity in accordance with the Granted Funds Policy, the Covered Individual must seek and obtain an amendment to the applicable budget (in accordance with the Granted Funds Policy) and obtain a purchase order or purchase agreement, approved by the applicable dean, prior to proceeding with the Covered Transaction.
 - b. For any purchase equal to or greater than \$5,000, obtain the applicable dean's approval of the purchase before any item is actually purchased or services actually rendered.
 - c. Check the account cash balance to ensure that there are enough funds to cover the potential disbursement associated with the intended procurement of the goods or services.
 - d. Identify and follow, in collaboration with Foundation Accounting as applicable, the appropriate procurement process based on procurement thresholds and other requirements based on the aggregate purchase price (determined in the aggregate with respect to a Covered Transaction) as described below.
 - e. Subject to compliance with the requirements of this policy, Covered Individual shall request payment for a Covered Transaction in accordance with the Foundation's Disbursement Policy for Department and Campus-Related Transactions.

2. Procurement Thresholds and Process:

- a. The following procurement process requirements apply to a Covered Transaction, based on the applicable price thresholds (determined in the aggregate) set forth below:

Price Thresholds	Procurement Process
\$0-\$4,999	<p>Prices should be reasonable. The Covered Individual can proceed with the Covered Transaction without contacting Foundation Accounting first. The reasonableness of price should be demonstrable, if requested by the Foundation.</p>
\$5,000-\$9,999	<p>Obtain two or three competitive price quotes, documented, with vendor's name, address, phone number, and amount.</p> <p>The Covered Individual can select the desired vendor from the quotes received, proceed with the Covered Transaction, and must submit a Payment Request in accordance with the Foundation's Disbursement Policy for Departments and Campus-Related Transactions promptly after placing the order.</p>
\$10,000-\$24,999	<p>Obtain at least three competitive price quotes, on vendor's letterhead, quote sheet, or similar.</p> <p>The Covered Individual can select the desired vendor from the quotes received, proceed with the Covered Transaction, and must submit a Payment Request in accordance with the Foundation's Disbursement Policy for Departments and Campus-Related Transactions promptly after placing the order.</p>
\$25,000 and over	<p>Competitive bidding is required in accordance with such procedures and requirements as determined by the Foundation on a case-by-case basis and as appropriate given the nature of services, amount, and other considerations deemed appropriate by the Foundation. Reach out to Foundation Accounting before starting the procurement and bidding process. Competitive bids should contain a Request for Proposal or Request for Qualifications. A minimum of three (3) bids is required. Bids will be awarded based on a weighted system of applicable conditions and qualifications of the bidders, as determined by the Foundation in its sole and exclusive discretion.</p> <p>A Covered Individual must submit a Payment Request in accordance with the Foundation's Disbursement Policy for Departments and Campus-Related Transactions.</p>

- b. Purchases of Computers, Printers, Copiers, Equipment, Software, All Other Technology, Furnishings, and Renovations:

To ensure that these types of items are properly recorded, safeguarded, comply with space, utility, and other connectivity or operational requirements, including on-going maintenance costs, these items need to be reviewed by the appropriate campus department in advance of being procured.

See Director of Technology Support Services, for the following items:

Computers, printers, copiers, software and other similar applications, other equipment that will require special connectivity.

See Director of Facilities for the following:

Furnishings, renovations, and capital equipment.

- c. The Covered Individual may certify that they could not obtain a minimum of two or three sources, as applicable, and are requesting a single or sole source exemption from a competitive process. The request will be considered if, in addition to documenting the exemption request (#1 below), one or more of the following conditions exist (#2-6 below). Approval of the exemption request must be approved by Foundation Accounting and the Executive Director of the Foundation prior to entering into the Covered Transaction.
 - 1. Document that it is single or sole source exemption request.
 - 2. Vendor does not meet the form, function, or utility requirements.
 - 3. Information obtained in making recent purchases of the same or similar item(s).
 - 4. The urgency of the proposed purchase or other emergency need for the good/service.
 - 5. Experience concerning a specific vendor's pricing or service.
 - 6. The uniqueness of the goods/service needed.
 - 7. There was an insufficient number of competitive bids or other failed competition in a competitive bidding process.
- d. Purchase orders are generated by Foundation Accounting only if requested by the vendor.
- e. Adequate records must be kept of the procurement process and must demonstrate complete and accurate compliance with the applicable procurement requirements.

Upon Delivery of Goods and Services

Upon delivery of goods or services in connection with a Covered Transaction, a Covered Individual should follow the Foundation's Cash Disbursements Policy for Departments and Campus-Related Transactions to obtain reimbursement or payment to the vendor for the goods and services (a "Payment Request"). All Payment Requests submitted pursuant to the Cash Disbursements Policy must include documentation supporting the applicable procurement process required under this policy. All Payment Requests shall be submitted to Foundation Accounting.

Procurement Requiring Contracts

We strongly advise a written contract for any exchange of promise between two parties and, in some instances, the Foundation may require a written contract for any expenditure, as determined in its sole and exclusive discretion. Any written contract relating to a Covered Transaction should be between the vendor and the Foundation or Buffalo State University, as determined by the Foundation in its sole and exclusive discretion. The agreement should at a minimum include, scope of work, payment terms, responsibilities of both parties, insurance, cancellation, and breach of contract provisions. Agreements, including Purchase Orders, can only be signed by authorized individuals, as identified in the Foundation's Authorized Signatory Policy. If the contract is non-routine, complex, requires more than a year's commitment, or has liability exposure, legal review may be required, so please allow enough lead time for the process.

The following Covered Transactions require a written agreement:

1. Requests to procure services, including software or subscription licenses,
2. Purchase of goods that are built or manufactured to order.

Inventory Control

Equipment purchased in connection with a Covered Transaction is the property of Buffalo State University unless excluded by the terms of a MOU or gift. Any equipment or other personal property purchased in connection with a Covered Transaction in the name of the Foundation must be assigned to Buffalo State University by the Foundation's execution of a written assignment agreement.

Buffalo State University policies and procedures require reporting of certain purchases of capital equipment to the Property Control Office of the University. The Foundation is not responsible for maintaining inventory control over equipment owned by the University. Covered Individuals shall comply with these requirements in connection with any Covered

Transaction involving the purchase of equipment and shall provide a copy of any forms or information about the equipment to the Foundation.