

Procedure #15-01-2020: SMALL PURCHASES - \$0 - \$100,000

1. **Purpose:** To provide clear direction and guidance for the acquisition of goods, services, construction, insurance, software, and technology (“Goods and Services”) while ensuring compliance, when applicable, with:
 - a. The Rules Governing Procurement of Goods, Services, Insurance and Construction by a Public Institution of Higher Education of the Commonwealth of Virginia Governed by the Restructured Higher Education Financial and Administrative Operations Act (the Rules)
 - b. The Virginia Public Procurement Act (the VPPA) ;
 - c. Executive Order 35 (EO 35) *Advancing Equity for Small, Woman-, Minority-and Service-Disabled Veteran-Owned Businesses in State Contracting* dated July 3, 2019.
 - d. Commonwealth of Virginia Purchasing Manual for Institutions of Higher Education and their Vendors,
 - e. Old Dominion University Purchasing Manual

2. **Background:**
 - a. Pursuant to University Policy 1500, *Delegation of Authority for Contract Approval*, designated individuals have been delegated authority to execute certain agreements to bind the University.
 - b. Any Vice President granted delegated authority pursuant to University Policy 1500 may delegate the purchasing power, in writing, but shall remain accountable for exercise of the delegated power.
 - c. Any delegated purchasing power shall be exercised in accordance with Commonwealth and University procurement policies, practices, and procedures.
 - d. Pursuant to University Policy 1500, Procurement Services has delegated authority to campus eVA and PCARD users up to \$4,999, contingent on using either (i) contract vendors, or (ii) vendors that are SWaM certified via the Commonwealth’s Department of Small Business and Supplier Diversity (SBSD).

3. **Definitions:**
 - a. **A/E** shall mean those *professional* firms engaged in the scope of providing professional architectural and/or engineering services. *Prior to engagement and use of A/E firm(s), the review and approval from Design and Construction or Facilities Management, as applicable, and Procurement Services shall be required.*

 - b. **COI** shall mean Certificate of Insurance issued by an insurance company or surety authorized to conduct business in the Commonwealth of Virginia and the University Office of Risk Management is required from any contractor, vendor, and/or individual providing services in and/or on University-owned property.

 - c. **Commonwealth** shall mean the Commonwealth of Virginia.

 - d. **Construction** shall mean building, altering, repairing, improving, or demolishing any structure, building or highway, and any draining, dredging, excavation, grading or similar work upon real property. Prior contracting for construction services, the review and approval from Design and Construction or Facilities Management, as applicable, and Procurement Services shall be required.

 - e. **CPSM** shall mean the Commonwealth’s Department of Engineering & Building’s *Construction and Professional Services Manual* that provides contracting building code and life safety guidance and requirements for professional AE design services and construction services.

- f. **Cooperative Contracts** shall mean contracts issued by other agencies and/or approved cooperative consortiums, e.g., DPS, E&I, U.S. Communities, VASCUPP, etc. ***Use of a Cooperative Contract is conditional and will require the review and approval by Procurement Services.***
- g. **DSBSD** shall mean the Department of Small Business and Supplier Diversity, the Commonwealth of Virginia's agency responsible for the administration of the Commonwealth's certification programs ensuring that only qualified Small, Woman and Minority-owned businesses (SWAM), including Micro-owned business, are properly certified to participate in the Commonwealth's procurement and contracting opportunities.
- h. **EO 35** shall mean the Governor's *Executive Order* that outlines initiatives for enhanced and expanded processes to continue the advancement of equity and inclusion related to small business contracting opportunities. <https://www.governor.virginia.gov/media/governorvirginiagov/executive-actions/EO-35-Advancing-Equity-for-Small--Women--Minority--and-Service-Disabled-Veteran-owned-Businesses-in-State-Contracting.pdf>
- i. **eVA** shall mean the Commonwealth of Virginia's online, electronic eProcurement Portal.
- j. **Goods** shall mean all material, equipment, supplies, printing, and automated data processing hardware and software.
- k. **Nonprofessional Services** shall mean any services not specifically identified as professional services in the definition of professional services.
- l. **PCard** shall mean purchasing cards that are issued by Procurement Services to eligible University departmental staff. These cards allow departments to make decentralized purchases up to their delegated authority more efficiently for allowable goods and services. ***All purchase transactions must comply with the guidance specified in above paragraph 2.b.*** <https://www.odu.edu/facultystaff/university-business/purchasing/purchasing-card>
- m. **Professional Services** shall mean work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, land surveying, landscape architecture, law, dentistry, medicine, optometry, pharmacy, or professional engineering. "Professional services" shall also include the services of an economist procured by the State Corporation Commission.
- n. **Rolling Stock** shall mean boats, golf carts, rolling stock, vehicles and all motorized equipment maintained for operations by Facilities Management.
- o. **Rules** shall mean enacted legislation that the University follows for the procurement of goods, nonprofessional and professional services, as defined herein, excluding professional A/E services, and insurance. <http://leg1.state.va.us/cgi-bin/legp504.exe?081+ful+CHAP0824>
- p. **Services** shall mean any work performed by a Contractor, Individual and/or Vendor wherein the service rendered does not consist primarily of acquisition of goods, equipment, software, or technology.
- q. **Small purchases** shall mean the purchase(s) of Goods or Services when the anticipated cumulative dollar amount of expenditures for the one-time purchase and/or multiple purchases or term contract will not exceed \$100,000.
- r. **Software** shall mean "instructions, data or programs" used to operate computers and execute specific tasks, whether on-premise or remotely, that has been reviewed and approved for use by Information Technology's "Software Decision Analysis" process.
- s. **Software Based Information Technology Arrangement (SBITA)** shall mean any contract that conveys control of the right to use a SBITA Vendor's information technology software, whether alone or in

combination with tangible IT assets for a period of time in exchange for compensation.

- t. **Sole Source** shall mean a determination made that supports there is only one source *practicably available* that can provide the goods and services, necessary and required. Sole Source determinations >\$5,000 shall be (i) placed in writing and approved by associated Department Head and/or designee, and (ii) submitted to Procurement Services for review and execution prior to (a) requesting goods/services and/or entering into a contract with preferred vendor, or (b) receiving and accepting goods/services from preferred vendor. The final determination and approval of Sole Source requests >\$5,000 shall be the sole discretion of Procurement Services. Sole source documentation is not required for Goods or Services listed in the 'Exempt from Competition' list in Section 5 below.
- u. **Technology** shall mean any equipment or hardware that contains a software component that will access/connect to IT infrastructure via Wifi or Application Protocols or is considered Platform as a Service (PAAS), Software as a Service (SaaS), or Infrastructure as a Service (IaaS).
- v. **VPPA** shall mean the Virginia Public Procurement Act which is the enacted legislation that the University follows for the procurement of professional A/E services and construction services. <https://law.lis.virginia.gov/vacodepopularnames/virginia-public-procurement-act/July 2020>

4. Guidelines for Competition:

a. Goods and Services:

- i. **Contract Purchases:** Regardless of dollar/expenditure amount, no additional competition is required for the purchase of Goods and Services on existing contract(s), e.g., ODU mandatory contract(s) or other Cooperative Contracts as defined herein.

- ii. **Procurement Limits and Requirements:**

Unless the requested Goods or Services are specified under the *Exemptions from Competition* paragraph below, the guidance for procurement requirements for each of the specified limits are listed in descending priority and shall be considered the *order of precedence*:

1) \$0 - \$4,999:

- i. Use University contract vendor if available;
- ii. If no University contract, use University approved cooperative contract as defined herein;
- iii. If no University contract or approved cooperative contract available, use DSBSD certified Micro vendor. Note – If using certified Micro vendor, only one (1) quote is required.
- iv. If allowable, use PCard. If not, enter requisition into eVA **prior** to issuance of order.

2) \$5,000 - \$10,000:

- i. Use University contract vendor if available;
- ii. If no University contract, use University approved cooperative contract as defined herein;
- iii. If no University contract or approved cooperative contract available, use DSBSD certified Micro vendor. Note – If using certified Micro vendor, only one (1) quote is required.
- iv. Create and submit requisition via eVA **prior** to issuance of order.

3) \$10,000 - \$100,000:

- i. Use University contract vendor if available;
- ii. If no University contract, use University approved cooperative contract as defined herein;
- iii. If no University contract or approved cooperative contract available, use DSBSD certified Micro and/or Small vendor. If no University contract, approved

cooperative contract, nor DSBSD certified Micro or Small vendor(s) are available, Sole Source justification is required, if applicable.

a. If Sole Source can't be justified, Procurement Services may initiate a solicitation process and award in accordance with *Executive Order 35*.

iv. Create and submit requisition via eVA **prior** to issuance of *order*.

4) Greater than \$100,000:

i. Use University contract vendor if available;

ii. If no University contract, use University approved cooperative contract as defined herein;

iii. If no University contract or approved cooperative contract available, create and submit requisition via eVA.

iv. Procurement Services will initiate and issue a solicitation and award process.

b. **Professional AE Services:**

i. **Contract Purchases:** Procurement Services has established Professional AE Services term contracts for:

- Full AE Services; and
- Mechanical, Electrical and Plumbing AE Services.

ii. Requesting departments shall work with Facilities Management and Construction Services to coordinate acquisition of professional AE services.

iii. **Compliance:** The selection processes and use of Professional AE firms are governed by the CPSM and VPPA, unless otherwise stated herein.

c. **Construction Services:**

i. **Contract Purchases:** Procurement Services has established an on-demand Skilled Trades term contract.

ii. Requesting departments shall work with Facilities Management and Construction Services to coordinate acquisition of construction services to be provided under the on-demand Skilled Trades contract.

iii. **Compliance:** The selection processes for construction related services are governed by the CPSM and VPPA, unless otherwise stated herein.

iv. Instructions on use of the Skilled Trades contract and various purchasing requirements and dollar thresholds for compliance with EO35 can be found at [the Procurement Services website under the Skilled Trades tab](#).

d. **Software**

i. In accordance with University Policy 3509, to ensure software-based technology, applications and services meet University information technology requirements, the requesting department shall initiate the Information Technology Services (ITS) Software Decision Analysis process. Pending ITS security review findings, the requesting department may be required to obtain an Addendum Form executed by the vendor.

ii. Upon submission of a requisition for software, the requesting department shall include all required documentation: agreement, signed Addendum form (if required by ITS), and sole source form (if over \$100,000 and not available via an existing contract).

e. **Furniture**

i. Furniture purchases valued at less than \$100,000 shall be purchased using an existing University contract, University approved cooperative contract(s), or DSBSD Certified SWaM vendor.

ii. Furniture purchases valued at greater than \$100,000 require a VCE waiver if seeking to utilize a vendor other than VCE.

f. **Memberships**

- i. Individual and institutional memberships shall be processed in accordance with University Policy 1060.
- ii. Memberships valued at over \$5,000 annually shall be processed via an eVA PO.

g. **Rolling Stock**

- i. Rolling Stock purchases valued at less than \$100,000 shall be purchased using an existing University contract, University-approved cooperative contract(s), or DSBSD Certified SWaM vendor.
- ii. Purchases shall be in accordance with Procurement Services Procedure #11-010 and when applicable, Procurement Services Procedure #11-011 for the purchase of golf carts.

h. **Independent Contractors**

- i. If selected Contractor is an Individual, the use of the Standard Engagement Agreement (SEA) may be used to support the scope of services, deliverables, dates of performance, etc., *The Independent Personal Services Certification (IPSC) form and associated process must be followed.*
- ii. Additional information on how and when a Standard Engagement Agreement (SEA) may be used can be found in the ***Use of Standard Engagement Agreement*** guidance.

5. **Exemptions from competition for certain transactions; limitations.**

The following purchases are exempt from competition **but** prior to the acceptance/delivery of the requested good/services **shall** be processed via use of eVA for all transactions greater than \$5,000.

- a. Academic testing and evaluation services
- b. Honoraria, which may include but is not limited to, artists, choreographers, designers (e.g., set designers, musical design/composition, sound design artists), guest speakers, lecturers, musicians, performing artists, photographers, videographers, writers, etc.
- c. Accreditation fees
- d. Advertisements in or on newspapers/magazines/journals, radio, television, social media, digital platforms, etc.
- e. All individual or group travel, domestic and foreign, for individuals or groups including air, lodging, ground transportation, meals, and special services (e.g., currency exchange services).
- f. Award of grants by agencies and institutions to public bodies or tax exempt non-profit charitable organizations. *This exception does not apply to the expenditure of grant funds by agencies and institutions for the purchase of goods and/or services.*
- g. Conference attendance, including conference registration, course fee, seminars fee, training fee, and tuition.
- h. Conference hosting services, including space / facility rental, associated lodging & catering, audio visual support, and other conference related expenses which costs are offset by vendor sponsorships and / or conference attendee registration fees.
- i. Contributions / donations / sponsorship made by a university. Must be in accordance with University Policy 3001.
- j. Facilitators and Mediators.
- k. Fees associated with participation in athletic games, tournaments, and events including team travel, lodging, registration fees, tournament fees and game guarantees.

- l. Goods, services, for direct use by the recipients of programs specified in the Code of Virginia §2.2-4345, if the procurement is made for an individual recipient. Contracts and/or spot purchases for the bulk procurement of goods, services, for the use of recipients shall not be exempted.
- m. Government-to-Government purchases from other governmental sources, the Federal government, commonwealths/states and their agencies, academic institutions (public and private), public bodies, and non-profit organizations.
- n. Medical (Health Care) Services provided by public and private hospitals, medical practices, medical clinics, and individuals that are licensed and authorized by law to engage in the prevention, diagnosis, or treatment of human illness, injury, physical disability, mental health, special needs, substance abuse, or emotional condition:
- o. Pass through procurements (examples include contracting for alumni functions for which the institution is reimbursed by the alumni and materials purchases for students by a faculty member using state funds and for which the students fully reimburse the institution).
- p. Professional individual/organizational membership dues and training classes sponsored by the professional organizations when payment is made directly to the professional organization sponsoring the training classes. (*Approvals shall be provided as specified in University Policy 1060*).
- q. Purchase of Goods, Services, that are produced or performed by or related to:
 - i. Persons, or in schools or workshops, under the supervision of the Virginia Department for the Blind and Vision Impaired;
 - ii. Nonprofit sheltered workshops or other nonprofit organizations that offer transitional or supported employment services serving the handicapped;
 - iii. Private educational institutions; or
 - iv. Other public educational institutions.
- r. Exhibition rental fees for exhibitions of historical artifacts or original works of art. (The rental fee may include charges other than the rental of the exhibition, such as transportation costs).
- s. Purchase of goods and services from individuals or vendors providing instructional services in conjunction with a contract between an institution of higher education, including community colleges, and a local business or industry for non-credit workforce development classes to be provided by the institution of higher education:
- t. Purchase of goods and services made by a university employee or agent while located in another country and the required goods/services are purchased from a vendor located in that country and the purchased goods/services will be used in the country where they are purchased.
- u. Purchase of legal services, provided that the Office of the Attorney General has been consulted, or expert witnesses or other services associated with litigation or regulatory proceedings:
- v. Real estate leases.
- w. Referees, officials, and umpires for athletic events:
- x. Rental fees for exhibitions of historical artifacts or original works of arts. (The rental fee may include charges other than the rental of the exhibition, such as transportation costs).
- y. Revenue contracts, e.g., scrap, recycling or contracts with \$0 payment made by the Commonwealth, e.g., contracted out Bookstore, Food service operations.
- z. Royalties.
- aa. State contracts for (i) United Parcel Service (UPS), #E194-79522, and (ii) GPO or state

- contracts developed and operated by the Minnesota Multistate Contracting Alliance for Pharmacy (MMCAP).
- bb. Televised or radio programs (e.g., athletic events, televised conferences, etc.) whereby specific stations are selected because of market demographics.
 - cc. Training sessions, instructional services, and workshops.
 - dd. Utilities – electricity, natural gas, water, etc.
 - ee. Academic and Research consulting services
Equipment testing or evaluation (limited to purchases of quantities considered necessary for complete and adequate testing).
 - ff. Maintenance contracts for high-cost, sophisticated equipment where there is no known competitor and service must be purchased from the manufacturer of the equipment to maintain warranty.
 - gg. Software, website or browser plugins, website or desktop applications or subscriptions, electronic databases, software-as-a-service (SaaS), mobile apps, and maintenance or upgrades of existing software already purchased.
Documentation requirements noted in section D. ii above shall be submitted with each Requisition.
 - hh. Print or electronic books and subscriptions, film rentals, videocassettes, DVD, slide presentations, online streaming, etc., when only available from the producer or protected distributors.
 - ii. Purchase of used equipment less than \$50,000.

a. Notes:

- i. If selected Contractor/Vendor is an Individual, the use of the Standard Engagement Agreement (SEA) may be used to support the scope of services, deliverables, dates of performance, etc., **however, the Independent Personal Services Certification (IPSC) form and associated process must be followed.**
 - ii. The use of the Standard Engagement Agreement (SEA) may be used to support the scope of services, deliverables, dates of performance, etc.
 - iii. Additional information on how and when a Standard Engagement Agreement (SEA) may be used can be found in the **Use of Standard Engagement Agreement** guidance.
- a. Emergency purchases, as defined herein, are exempt from competition and shall be processed in accordance with Procedure #10-01, “Emergency Procurement Policy”, as follows:
 - 1. \$0 - \$4,999 – May be processed using a University PCARD or via eVA using the **E01 PO Category**.
 - 2. \$>\$4,999 – \$1000,000 Shall be processed via eVA using the **E01 PO Category**.
 - 3. Regardless of expenditure amount appropriated documentation must be maintained on file.
 - b. Sole Source purchases, as defined herein, are exempt from competition and may be processed as follows:
 - 1. \$0 - \$4,999 – May be processed using a University PCARD or via eVA using the **S01 PO Category**.
 - 2. \$>\$4,999 – \$100,000 Shall be processed via eVA using the S01 PO Category and shall require prior approval and execution of the Sole Source justification form by Procurement Services.