

Adoption Date: 12/2/22

REVISED: 4/19/24

**Binghamton Auxiliary Services Corporation**  
**PROCUREMENT POLICY**

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**PURPOSE:** The purpose of this Policy is to establish requirements for the procurement of materials, equipment, supplies, and services paid from Binghamton Auxiliary Services Corporation (BASC) and affiliates administered funding sources.

**SCOPE:** All purchases of goods and services shall be made in a manner which supports legitimate BASC, and/or BASC affiliates business purpose. This policy blends good business practices and governing policy while complying with federal and state laws. All purchases must comply with BASC's policies and procedures.

**POLICY:**

I. Approval: All purchases must be included within the approved budget or otherwise authorized by the appropriate approving authority following applicable BASC expense guidelines.

II. Competitive Bidding: Purchases shall be made in a manner that supports and facilitates the competitive bidding process and provides best value consistent with quality, specifications, service and product availability.

a) Fit and quality being equal, recycled products shall be considered for purchases in place of non-sustainable/recycled products whenever such products are available at a comparable cost of their non-recycled counterparts. Purchases shall follow what is customary in the marketplace for a particular commodity or product and constitute a reasonably prudent and documented business transaction.

b) Purchases will follow Exhibit A-1 (State University of New York - Affirmative Action Clauses) as applicable.

c) System-wide, volume purchase agreements and State Purchasing contracts shall be utilized when deemed to be advantageous to BASC and affiliates.

III. Purchases must comply with all laws applicable to BASC and affiliates business and interest including contract law, and anti-trust laws which prohibit price fixing resulting in the elimination of free competition. No Corporation Board member, BASC or affiliate employee or SUNY employee, by virtue of their position will violate the Corporation's Conflict of Interest Policy or may derive any benefit, gain or receive preferential treatment from the purchase of materials, supplies, equipment or services.

IV. Employees, faculty, staff, students failing to follow the Procurement Policy and procedure may be subject to disciplinary action.

V. Execution of purchase orders, agreements, leases, MOU and all binding contracts shall be consistent with signature authority resolution approved by the BASC Board of Directors.

VII. Purchasing Methods and Thresholds: For the purpose of this Procurement Policy, taxes and freight charges are considered part of the total purchase cost. Contracts of any value may use the Request for Proposal ("RFP") or Request for Quotation ("RFQ") process at the discretion of the Executive Director or designee and should be used to the extent practicable. RFPs or RFPs can be issued for both revenue and

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expense contracts. Requests for Information (“RFIs”) may be used as an initial step to request information and followed by an RFP or RFQ or other permitted procurement method per the below.

1. Purchases under \$10,000:
  - a. Multiple price quotations are not required to be submitted but can be requested at the discretion of the Executive Director or designee.
2. Purchases between \$10,000 and \$149,999:
  - a. At least two quotations, written or electronic form, must be requested from the suppliers and be approved by the Executive Director or designee.
3. Purchases greater than \$150,000:
  - a. Require a Request for Proposal (RFP) or Request for Quotation (RFQ) be issued. Alternatively, a system-wide, publicly bid contract or sole source may be used.

VIII. Sole Source purchases on a non-competitive basis will require written justification and approval by the Executive Director or designee. The following must be included in the justification (as applicable):

- a) Description of unique requirements and/or performance factors of the product;
- b) Why unique performance requirements/factors are required;
- c) What other products have been evaluated, and rejected, and the rationale for the rejection; or
- d) Special circumstances requiring immediate action.

IX. Sponsored Projects, Grants and Contracts: Any expenditures or purchases from contract and grant funds shall be executed in accordance with the sponsoring agency’s contract. Purchases will require prior written authorization or approval of the funding sponsor if required by the agreement.

**EXCEPTIONS:** The following are exceptions to this policy: Retention of service contracts on an hourly time and material basis, investment management services, legal services, payroll services, lecturers, speakers, consultants, construction services, real estate, contracts existing as of the date of this policy, and any special circumstances approved by the Board.