

Contracting

University Operations – Financial Activity

CWU Policy 202-17

Effective: October 1, 2008

Policy Review Date: YEAR

Policy Executive: Senior Vice President – Finance and Administration

Responsible Office/Unit: Facilities Management

Policy Statement:

Applicability:

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(1) Authorities for Contracting.

Contracting authority is delegated from the board of trustees to the president or his/her designee as provided in RCW 28B.10.528. The list of presidentially-designated positions to which the designation as authorities for contracting for current operations of the university are made may be accessed at [CWU 100 Board of Trustees](#). These contracts must be approved and centrally administered by the director of business services and contracts.

(2) Exceptions.

A. Contracts exempt from review and approval by the director of business services and contracts, but SUBJECT TO provisions of the board of trustees' annual resolution delegating contracting power are:

1. Faculty and staff employment contracts,
2. Housing rental agreements,
3. Bookstore goods for resale,
4. Library book purchases, and

5. Library audio-visual materials purchases

(3) Personal Service Contracts.

- A. All personal service contracts in excess of \$500 must be prepared on a university standard agreement form and approved by the business services and contracts department.
 1. The complexities of Office of Financial Management (OFM) regulations and their propensity to change make it necessary for any contract in excess of \$2,500 to be pre-approved by the business services and contracts department. Departments which have recurring needs and are familiar with contracting procedures may seek blanket approval for specific categories of contracting such as entertainment contracts for student activities.
 2. All contracts in excess of \$2,500 for work performed in any one fiscal year (cumulatively) must show documented evidence of competition or a thoroughly documented sole source justification along the guidelines established by OFM.
 3. Current OFM regulations require filing and approval of contracts by OFM for the following contracts at least ten days prior to commencement of any work. Failure to follow OFM regulations may result in personal liability for a \$300 civil penalty which the university will be legally unable to pay:
 - a. All management consulting, employee training consulting, organizational development consulting, marketing consulting, communications consulting, and employee recruiting consulting, or any sole source personal service contracts in excess of \$2,500 (cumulatively for one year).
 - b. Contract amendments which are greater than 50% of the original contract value.

Note: Some additions and exemptions may apply to the OFM regulations above. Contact the business services and contracts department for more information. Detailed instructions are provided in the CWU PROCEDURES manual as well.

(4) Minority and Women Businesses Contract Participation Plan.

- A. Central Washington University is committed to achieving overall annual goals in its procurement of goods, personal services, and public works projects. The procurement practices of the university shall be in compliance with 39.19 RCW and chapter 326 WAC. University policies, procedures, and practices shall be consistent with our commitment to maximize such opportunities. In addition to providing increased opportunities in contract participation, university policies, procedures and practices shall include an emphasis on making the university, the community of Ellensburg, and the state of Washington an attractive locale for minority and women business enterprises through our efforts in promoting diversity in our:
 1. employment practices;
 2. academic outreach programs to "at risk" groups;
 3. minority student recruitment and retention programs; and

4. associations with the Ellensburg Chamber of Commerce.
- B. Implementation Responsibility. The director of business services and contracts is responsible for ensuring coordination of efforts within the university to comply with 39.19 RCW and Chapter 326 WAC. The director shall, at a minimum, coordinate and revise planning to include measures related to this policy for:
1. Communication to the campus community of the purpose and commitment by the university to comply with legislative intentions.
 2. Procedures for enhancing opportunities for public works.
 3. Procedures for enhancing opportunities for small works.
 4. Procedures for enhancing opportunities for goods and services including central resupply operations.
 5. Procedures for enhancing opportunities for architectural and engineering services.
 6. Programs for promoting accessibility through trade fairs and advertising opportunities.
 7. Incorporation of measurement in individual personnel evaluations for purchasing staff responsible for providing opportunities to MWBE firms.
 8. Procedures for gathering and reporting data.
 9. Programs for training affected personnel.
 10. Annual forecasting and establishment of goals.
 11. Individual contract goal-setting and monitoring for compliance.
 12. Resolution of disputes and investigation of complaints.
 13. Provisions for on-going review and revision of contracting and procurement documents, policies, and practices which hinder or create barriers to successful implementation of the plan.
- C. The director of business services and contracts is responsible for communicating this agency's comments, concerns, and recommendations to appropriate agencies related to OMWBE RCW or WAC revisions.

(5) Communication of Plan.

- A. A general policy statement regarding achievement of goals will be placed in the university's policy and procedures manuals. All campus training materials and classes related to procurement shall incorporate discussion of the university policy and commitments with regard to MWBE participation in university contracts. This shall include at a minimum:
1. Annual campus-wide procurement workshops,

2. Individual departmental training for access to the financial software system for purchasing,
3. "Purchasing guidelines" brochure and web page
4. "Personal services contracting guide" and
5. "Small works" procedures.

(6) Training of Essential Personnel.

Affected staff shall receive individual training, be provided written procedures, and be expected to have a working understanding of those portions of the plan that directly relate to their programs. University personnel with authority to contractually commit university procurement or prepare public works specifications shall receive individual instruction, training, and forms if necessary from the director of business services and contracts and/or directors of appropriate university areas. This includes but is not limited to: dining services; central stores; facilities management department; purchasing department; business services and contracts department; budget department; and capital accounting department. Training for all affected personnel shall take place on an as-needed basis, either jointly or individually, in order to ensure compliance with the university plan, 39.19 RCW, and Chapter 326 WAC. At a minimum, affected staff shall meet at the start of each fiscal year to discuss annual goals and approximately six months later to discuss progress towards those goals.

(7) Annual Forecasting and Goal-Setting.

- A. No later than August 15 of each fiscal year, the director of business services and contracts, budget and planning director, assistant vice president for financial affairs, and assistant vice president for facilities management shall meet to establish estimated expenditures for the year by class of contract. At a minimum this shall include forecasts in the following categories:
 1. Public works,
 2. Architectural and engineering contracts,
 3. Goods and services.
- B. At this time, the participants will also determine those contracts which they believe should be excepted from the base and the director of business services and contracts shall submit a petition of these to the office of minority and women business enterprises for consideration. Once forecasts have been made for these and any other established categories, the director of business services and contracts shall establish goals equal to or greater than those established statewide for classes of contracts. Goals shall be stated by both percentage and by dollar amounts based on the forecasts.

(8) Individual Contract Goal-Setting

- A. Enhancement of MWBE Participation and Monitoring of Compliance. For Public Works - The assigned university project manager for any university public works project in excess of \$200,000, shall research the availability of MWBE contractors or subcontractors associated with such work. In consultation with the director of business services and contracts, minimum contract participation by MWBE firms shall be established. Prior to award of a contract, the project

manager will verify with OMWBE, the certification and SIC status of the proposed MWBE contractor.

- B. For each invoice submitted, the awarded contractor is required to report the amount paid, to date, to any of the MWBE participants. This information will be sent to the director of business services and contracts for reporting purposes. Final payment to the contractor will not be released until such time as all affidavits of payments to MWBE firms have been received, up to the contracted amounts identified.

(9) For Small Works.

- A. Small works projects by definition and practical content, are projects less than \$200,000 and generally performed with fewer than two subcontractors. It is not practical to establish participation goals since subcontracting is rare and 100% participation would be too restrictive. In order to maximize opportunities for MWBE participation in these contracts, several measures will be taken by the university:
 - 1. Advertising for small works contractors shall be done annually with publications aimed specifically to these contractors, and
 - 2. If available, at least one MWBE contractor on the university small works roster, in that category of work, shall be invited to bid on each and every small works project regardless of their position in the rotation. Verification of MWBE status and actual participation in the contract shall be the same as the public works projects.

(10) For Architectural and Engineering Contracts.

The procedures employed shall ensure that firms owned by women and minorities are afforded the maximum practical opportunity to compete for and obtain public service contracts. The level of participation by MWBE firms shall be consistent with their general availability within the professional communities involved. Further, it shall be the policy of the facilities services department to support the successful growth of MWBE firms by encouraging and promoting MWBE firms in a prime A/E role on projects. All advertisements for specific contracts, or for application to the university A/E roster, shall encourage participation by MWBE firms. For A/E contracts in excess of \$40,000, the university project manager shall research the availability of MWBE firms with consulting experience in the categories of work required. The project manager in consultation with the director of business services and contracts shall determine the appropriate MWBE participation required of the overall contract. Verification of MWBE status and actual participation in the contract shall be the same as the public works projects.

(11) For Other Goods and Services.

- A. The university purchasing staff shall be responsible for ensuring that MWBE firms receive maximum practical opportunity to participate in university contracts for all other goods and services.
- B. For all competitive solicitations, the responsible buyer shall research the market for availability of MWBE firms to participate and include any qualified MWBE vendors in their bid solicitations. Where product groups are established for the purposes of continuing product quotations, any qualified MWBE firm will be added to the quotation group and remain on the list unless no response is received for three consecutive quotation requests. Competitive solicitations shall

include quotations from at least one, certified minority and a certified woman-owned firm consistent with RCW 43.19.1906. Bid documents and award shall comply with WAC 326-40-010 through 326-40-020.

(12) Noncompliance.

Any vendor or contractor that appears not to comply with the terms of the contract as it relates to MWBE participation provisions shall be given written notice and a defined time to correct the apparent deficiency. If correction does not occur, the director of business services and contracts shall see that corrective action is initiated in accordance with WAC 326-02-050.

(13) Participation in Trade Fairs.

To the maximum extent practical, the agency shall make appropriate personnel available to represent the university at trade fairs aimed at promotion of minority and women owned business opportunities available to the university.

(14) Employee Evaluations.

Employees of the university responsible for providing opportunities to MWBE firms, shall have as part of their personnel evaluations objective measures of their success in promoting MWBE goals of the university.

(15) Record Keeping and Reporting of Data to OMWBE.

The university director of financial services is responsible for maintaining records of all expenditures for contracted purchases and assuring that software modifications and procurement files are maintained in a manner that enables reporting of expenditures to OMWBE per the requirements of Chapter 326 WAC.

(16) Contract Disputes and Complaints.

The university will respond to any complaint or dispute related to communications, bid specifications, contract awards, or contract provisions associated with MWBE commitments and requirements of the university. All complaints will be reviewed by the director of business services and contracts and responses will be in writing by either the director of business services and contracts or the assistant vice president of facilities management as consistent with university contract administration. In responding to such complaints, any affected parties will be consulted and where appropriate, legal counsel sought. To the maximum extent that is legal, practical, and ethical, the university will endeavor to resolve such complaints to the benefit of the OMWBE program. Any review of a complaint or dispute will include consideration by the university's appropriate administrators of the need to change university policy, procedure, or practice to eliminate or minimize recurring problems.

(17) Review and Revision of Relevant Documents and Policies.

It is the responsibility of the director of business services and contracts to review annually all competitive procurement practices, policies, bid/contract language, forms, and procedures to ensure that the elements of this plan are executed.

(18) Record of Competition.

The state of Washington law, RCW 43.19.1906 requires that a record of competition must be made in all purchase transactions when the cost of commodity exceeds a specified amount.

However, regardless of the dollar value of the request, a purchase order or ProCard documentation is required as the authority to make a legitimate charge against an account for off-campus purchases.

(19) Delegation of Purchasing Authorities.

The director of business services and contracts may delegate purchasing authority to individual departments subject to procedures established for such delegation.

History:

*Responsibility: Business Services; Authority: Cabinet/UPAC; Reviewed/Endorsed by: Cabinet/UPAC;
Review/Effective Date: PAC: 10/01/2008; Approved by: James L. Gaudino, President
Reformatted and Assigned new Policy Number - Previous Policy CWUP 2-10-040, June 2025
Procedure CWUR 3-10-612 attached as Appendix A, Procedure CWUR 3-10-610 attached as Appendix B,
Procedure CWUR 3-10-615 attached as Appendix C, and Procedure CWUR 3-10-660 attached as Appendix D, June
2025.*

Appendix A – Contracting Procedure

(1) General

This procedure is issued to clarify the proper way to establish university contracts. This procedure is applicable to all university departments and all university personnel, except as otherwise specifically stated herein.

(2) Definitions

A. For the purposes of this procedure, the below terms are defined as follows:

1. **Authorized University Contracting Agent:** An individual who has been delegated contracting authority by the university, as documented in [CWU 203-02](#).
2. **Architectural and Engineering Services:** Professional planning services for public works projects. Only the university facilities planning department may enter into these types of contractual services. These purchases are governed by specifically applicable State laws, and are not subject to the procedures detailed in this document.
3. **Client Service:** A personal service provided directly to university clients. Students may be considered clients where the contractor provides direct services to students such as counseling, guest lectures, student workshops or entertainment services. The contractor must be providing a direct service to the client for the service to be designated a client service.
4. **Contracting Authority:** The authority to sign contracts on behalf of the university. The list of individuals who have been delegated contracting authority, and the scope of such contracting authority, can be found in [CWU 203-02](#). Any individual who signs a contract but does not have contracting authority may be held personally liable for the contract.
5. **Contractor:** An individual or entity awarded a contract with the university to perform a service or provide goods.
6. **Contracts Office:** That portion of the university's Contracts and Purchasing Department which handles the formal contracting process on behalf of the university.
7. **Digital Signature:** An electronic signature that is a transformation of a message using an asymmetric cryptosystem such that a person having the initial message and the signer's public key can accurately determine:
 - a. whether the transformation was created using the private key that corresponds to the signer's public key; and
 - b. whether the initial message has been altered since the transformation was made.
8. **Director:** The Director of Contracts, Procurement, and Payment Services.
9. **Electronic Signature:** An electronic sound, symbol, or process attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record. Electronic Signatures include but are not limited to digital signatures. The provisions set forth in this procedure apply equally to electronic signatures and non-electronic signatures.

10. **Employee:** An individual who is currently employed with the university, as opposed to an independent contractor. Contracts with independent contractors, with some exceptions, are handled through the contracts office. Employee hires are handled through the Human Resources Department. Questions as to whether an individual should be treated as an employee versus an independent contractor may be directed to the contracts office.
11. **Goods:** Products, materials, supplies, or equipment provided by a contractor.
12. **Honorarium:** A payment made for a personal service performed by an individual. This type of personal service is generally limited to a one-time service of limited duration (typically less than a week), and the person performing the service has an expertise but typically not a business license. Often, an honorarium will be paid pursuant to a completed A-19 invoice voucher form, instead of an invoice generated wholly by the individual performing the service. Honorariums normally include all expenses of the individuals being paid by this means.
13. **Non-Negotiable Click-Through Agreement:** An online contract, the terms of which the supplier will not negotiate, and which requires a user to indicate acceptance by clicking an “OK”, “I Agree”, or other similar button.
14. **Personal Service:** An expert service provided by an individual or company that results in evaluations or recommendations, policies, procedures, training, or similar planning document or tool.
15. **Public Works:** Purchased services resulting in construction or capital improvements to buildings or properties, other than ordinary maintenance. Only the university’s Facilities Management Department & Capital Planning & Projects may procure Public Works services. These purchases are governed by specifically applicable State laws, and are not subject to the procedures detailed in this document.
 - a. Campus Planning & Projects (CPP) maintains the CWU Small Works Roster ([RCW 39.04.155: Small works roster contract procedures—Limited public works process—Definitions. \(wa.gov\)](#)) of contractors eligible to perform public works contracts for construction, renovation, remodeling, alteration, repair, or improvement projects under \$350,000.
16. **Purchased Service:** A service that usually is associated with specialized or crafts labor and is not identified as "Public Works".
17. **Services:** Labor, work, analysis, or similar activities provided by a contractor to accomplish a specific scope of work. Includes, but is not limited to, personal services and purchased services.
18. **Sole Source:** A vendor providing goods or services of such a unique nature or sole availability at the location required that the vendor is clearly and justifiably the only practicable source to provide the goods or services.
19. **Standard Agreement:** A particular contract form that has been approved for the university’s general use by the Washington State Attorney General’s Office. The standard agreement can often be used for simple contractual arrangements, and on occasion for

more complex agreements as well. The current version of the standard agreement can be found on the Contracts and Purchasing Department's webpage.

(3) Contracting Process

The following are the processes to be followed for establishing a contract on behalf of the university.

A. Choosing a contractor:

1. When contracting for the procurement of goods or services, all competitive procurement requirements must be observed (see Appendix B – Competitive Procurement Requirements), as must all other procurement policies, procedures, and laws, including but not limited to those pertaining to sole source (see Appendix C – Sole Source Procurement) and client service procurements. It is advisable to compare multiple vendors when possible even when the total anticipated dollar amount to be spent under a contract is below competitive procurement thresholds.
2. Except in rare situations approved by the director, a contractor cannot be a current employee of the university or a recent former employee (within the previous 12 calendar months).

B. Developing, signing, and administering the contract:

1. All contracts to be signed on behalf of the university (including by electronic signature), including but not limited to contracts for the procurement of goods and/or services, grant contracts, leases, in-kind contracts, interagency contracts, affiliation agreements, and revenue generating contracts, must first be approved for signature by the contracts office, except as otherwise provided herein, and except for those types or categories of contracts that the director has exempted from this requirement. An exemption by the director will be in the form of delegation of specific authority, by the director to a department, to proceed with obtaining contract signatures without each contract in the designated category being first reviewed and approved by the contracts office.
 - a. Non-Negotiable Click-Through Agreements are not required to be reviewed or approved by the contracts office prior to being accepted by an authorized university contracting agent, provided all of the following conditions are met:
 - i. the authorized university contracting agent has reviewed the non-negotiable click-through agreement and determined that the terms of such agreement are acceptable,
 - ii. the purchase is within the scope of the authorized university contracting agent's contracting authority, and
 - iii. the total purchase price is less than \$10,000. The contracts office is available to provide assistance with non-negotiable click-through agreements whenever questions or concerns arise.
2. Any procurement of Services for \$10,000 or more must be made pursuant to a signed contract, except in rare cases when this requirement is waived by the director. Certain

contracts for services under \$10,000 may also require a contract, at the discretion of the contracts office, due to the level of risk or complexity, or other factors as determined by the contracts office. Certain procurements of goods may, at the discretion of the director, also require a signed contract. State or cooperative purchasing contracts may also be used when available and appropriate.

3. When negotiating the terms of an agreement, it is imperative that the person acting on behalf of the university not commit either verbally or in writing to any of the terms before the formal written contract is signed, as such commitment could constitute a legally binding contract even though the formal written contract has not yet been signed. It must be made clear to the potential contractor that all preliminary negotiations and/or offers are conditioned on approval by the contracts office and the authorized university contracting agent.
4. The department initiating the contract, after obtaining all necessary departmental approvals, must either fill out the standard agreement or other contract form approved for use by the contracts office, or obtain the contractor's completed contract form. Contracts should, at a minimum, include the scope of work (if services) or detailed description of item(s) to be purchased (if goods), payment amount and structure, important dates/deadlines, term of the contract, and any other salient details of the tentative agreement. The contract should then be submitted to the contracts office for review.
5. The contracts office will work with the initiating department as necessary to adjust and/or negotiate specific terms of the contract with the contractor. When the contract has been formally approved for signature by the contracts office, the contract will be forwarded to the appropriate authorized university contracting agent for signature. Except as otherwise stated herein, the contract may not be signed on behalf of the university until it has been approved for signature by the contracts office. Any person who signs a contract without first obtaining the approval of the contracts office as required herein may be held personally liable for the contract.
6. Only authorized university contracting agents, or, where applicable, their formal delegates, may sign contracts on behalf of the university. An authorized university contracting agent may delegate his/her contracting authority to another university employee through a written document, signed by the authorized university contracting agent, setting forth (1) the recipient of the delegated authority, (2) the scope of the delegated authority, and (3) the duration of the delegation. Such delegations should be limited in number, scope, and term, and primarily made only when the authorized university contracting agent expects to be unavailable to sign contracts during a certain time period. Authorized university contracting agents remain responsible for contracts signed by their contracting authority delegates, notwithstanding their compliance or noncompliance with this or other university procedures.
7. Occasionally, it is necessary for a contract to be reviewed not only by the contracts office, but also by the Washington State Attorney General's Office. When this is the case, the contracts office will initiate such review and will not formally approve the contract for signature unless and until the attorney general's office has approved the contract as to form.
8. The initiating department is responsible for ensuring that all of the terms of the contract submitted to the contracts office are adequately and accurately expressed, and for ensuring that the university's responsibilities as delineated in the contract are carried out. The initiating department is also responsible for gathering necessary payment documentation (including a

W-9 for each new vendor, and any necessary invoices/A-19s) and initiating necessary contract payments in accordance with contractual payment timelines and with established procurement policies and procedures of the university. Unless specifically approved by the contracts & purchasing department, payment for contracted goods or services should be via a requisition and purchase order, not a procurement card. When submitting a requisition for a payment on a contract, either the contract number should be referenced within the requisition, or the contract should be attached to the requisition.

9. At the discretion of the contracts office, a contractor may be required to provide a certificate of insurance naming the university as an additional insured. In these cases, the contracts office will work with the business services department as necessary to determine the appropriate type and limits of insurance required.

Appendix B - Competitive Procurement Requirements

(1) General

Where practicable, the Purchasing Department will secure competitive bids on goods or services. Bids may be solicited verbally, in writing or by electronic/web-based means, depending upon the dollar amount of the transactions (RCW 39.26.120). Delegated authority has been granted in accordance with RCW 28B.10.029.

(2) Informal Competition

Requisitions having a value of \$10,000 or more require an informal competitive process. A minimum of three written bids will be solicited from suppliers. Informal bid requests will be posted on the State of Washington's online vendor registration system (WEBS) whenever practicable.

(3) Formal Competition

Requisitions having a value of \$100,000 or more require a formal bid process to be performed by the Purchasing Office. All formal bid processes shall be posted on WEBS.

(4) Exceptions to Competitive Procurement Requirements

- A. Exceptions to the bidding processes outlined above are made in those situations where no apparent benefit would result to the University (RCW 39.26.125). Such exceptions include:
1. Sole Source - no other vendor supplies the products, such as replacement parts or patented products, utilities, etc. (a written sole source justification must be submitted with the purchase requisition), and CWU must comply with the provisions of RCW 39.26.140 (see Appendix C - Sole Source Procurement Procedure);
 2. Emergency contracts as defined in RCW 39.26.130;
 3. Direct buy purchases (under \$10,000);
 4. Purchases from master contracts established by Department of Enterprise Services or other agencies of the State of Washington;
 5. Purchases made utilizing contracts negotiated or entered into by, for, or through group purchasing organizations (GPO);
 6. Client services contracts;
 7. Purchases involving special facilities, services, or market conditions, in which instances direct negotiation is in the best interest of the state;
 8. Other specific contracts or classes or groups of contracts exempted from the competitive process when the Director of Department of Enterprise Services determines that a competitive solicitation process is not appropriate or cost-effective;
 9. Contracts awarded to companies that furnish a service where the tariff is established by the utilities and transportation commission or other public entity;

10. Intergovernmental agreements with any governmental entity, whether federal, state, or local and any department, division, or subdivision thereof.
11. Contracts for goods or services that are necessary to the conduct of collaborative research and;
12. Contracts for goods or services that are necessary to the conduct of educational curriculum.
13. Contracts for goods or services for resale.
14. Contracts for used equipment where fair market value can be determined by the Purchasing Office.

(5) Bid Specifications

- A. Central Washington University and the Federal Government both require fair and open competition based on generic specifications.
 1. Bids not meeting CWU's requirements can be rejected if the original specifications were objective and based on the necessary function and performance of the items or services desired.
 2. Specifications for goods should be based on the functional or technical performance of the products. Specifications for services should be based on CWU's needs with a detailed outline of how CWU expects the services to be performed, with specific timelines and performance benchmarks clearly defined for each time period.
 3. As a public institution, CWU must avoid making specifications too restrictive and, thus, preventing competition. Specifications should conclude with a brief statement of the expected performance of the products.
 4. When preparing the requirements for a request for proposals, the required performance must be clearly defined. Vendors are free to propose alternate products or services that will meet required performance standards.
 5. Multiple award criteria also may be specified. The basic criteria used at CWU include such considerations as ability to meet functional specifications, cost, references, warranty, and delivery. Additional criteria can be added to meet specific needs and help in the selection of compliant products.
 6. Federal funding for items greater than \$3,499 requires CWU to obtain three quotes or utilize existing competitively bid contracts. Documentation must be maintained to prove that this determination was completed.
 7. Bids \$10,000 and above generally are left open for a minimum of 7 to 10 days. Formal bids (complex projects or price only criteria) generally are left open for at least 30 days. Bid solicitations may be left open for longer than the period indicated, should the situation warrant.

(6) Diverse Business Inclusion Requirements

- A. Washington State and Central Washington University encourage participation from minority and women owned businesses.
- B. All informal competitive processes require that at a minimum one certified minority and one certified woman owned business are invited to participate.

Appendix C - Sole Source Procurement

(1) General

- A. It is the intent of the State of Washington and Central Washington University to promote open competition and transparency in the procurement of goods and services.
- B. Sole source purchases are defined by RCW 39.26.010(23) as a contractor providing goods or services of such a unique nature or sole availability at the location required that the contractor is clearly and justifiably the only practicable source to provide the goods or services.

(2) Sole Source Determination and Justification

- A. If the purchasing office believes that a sole source contract is justified and necessary, the purchasing office must:
 - 1. Validate that the proposed contract meets the sole source definition in RCW 39.26.010 (23).
 - 2. Verify a competitive process is not warranted. See (3) Vendor Notice below.
 - 3. Prepare the sole source contract and collect related supporting documentation necessary to initiate the approval process, including a sole source justification from the department.

(3) Vendor Notice

- A. In addition to collecting the required supporting documentation, the purchasing office must give vendors notice and an opportunity to demonstrate that a sole source contract is not justified. Accordingly, and unless otherwise exempt, state law requires that at a minimum, sole source contract opportunities must be posted on the State of Washington's online vendor registration system (WEBS). The purchasing office must:
 - 1. Use/choose applicable WEBS commodity codes for the product or services being procured including those used by the prospective sole source vendor.
 - 2. Use WEBS to post a notice of intent to award a sole source contract for not less than five working days. The notice must include:
 - a. A description of the purpose and scope of the contract.
 - b. The criteria or rationale justifying the sole source contract.
 - c. The name of the prospective contractor.
 - d. The projected contract value.
 - e. The period of performance, including options for extensions.
 - f. The process for vendor inquiries or responses, including timelines and requirements.

(4) Approval Process

Unless otherwise exempt, pursuant to RCW 39.26.140(2) and RCW 28B.10.029 no sole source contract shall be made binding unless it is first approved by the director of contracts and procurement or the director's designee. Departments are encouraged to budget ample lead time to accommodate the approval process, vendor notice requirements, and transparency requirements. In determining whether to approve a sole source contract filing, the director will review all information submitted including vendor challenges and the agency response.

(5) Transparency for the Public

RCW 39.26.140(1) requires that prior to the contract start date, sole source contracts must be made available for public inspection for a period of not less than 10 working days. The University must post on its website and on WEBS the sole source contract(s) or notice and instructions on how to obtain a copy of sole source contracts.

(6) Exemptions

- A. The following types of contracts are exempt from this Sole Source Contracts policy:
1. Qualified master contracts and direct buy procurements.
 2. Qualified contracts with community rehabilitation programs under RCW 39.26.230.
 3. Original equipment manufacturer (OEM) maintenance service contracts and parts purchases when procured directly from the OEM.
 4. Software maintenance and support services when procured from the proprietary owner of the software. The procurement of software maintenance and support from third party vendors is not exempt from this policy.
 5. Contracts where the vendor is specifically required by a grant or legislation.
 6. Expert witness contracts with the attorney general's office or agencies with administrative adjudicative authority.
 7. Contracts entered into pursuant to medical, surgical and dental decisions made by medical professionals.
 8. Contracts related to educational curriculum.
 9. Contracts with Correctional Industries established under RCW 39.26.251.
 10. Contracts related to collaborative research.
 11. Interagency and interlocal agreements.
 12. Contracts for services related to banking supervision.
 13. Postal and postal service when not using consolidated mail.

14. Utilities such as garbage, heat, sewer, cable television, power, water, fire protection and recycling services.
15. Contracts and procurements related to professional development such as conferences, seminars, professional licenses and memberships, professional organizations, and professional publications.
16. Replacement or repair of rental equipment when required by the rental agreement.
17. Contracts with instate nonprofit agencies for the blind under RCW 19.06.020.
18. Contracts awarded from non-state funds.
19. Mass media services (e.g. newspapers, journals, television, radio, or billboards), only when no comparable competition exists for reaching the target audience with the intended media type.
20. Used goods, including equipment, vehicles and furniture, only when no comparable competition exists.

Appendix D - Online Purchase Requisition

(1) General

- A. All purchase requisitions are created using the university's e-procurement module in the PeopleSoft Financial Management System (FMS). University departments use online purchase requisitions to initiate the purchase of goods and services through the purchasing office.
- B. Online purchase requisitions serve to:
 - 1. Initiate acquisition of goods and services by purchase order or contract
 - 2. Initiate establishment of blanket orders for goods and services
 - 3. Initiate establishment of a university contract for goods or services
 - 4. Initiate renewal of blanket orders or contracts
 - 5. Request prepayment for allowable items (memberships, subscriptions and copyrighted material)
 - 6. Request reimbursement to employees for purchases with personal funds, that do not qualify for petty cash reimbursement ([see petty cash procedure](#)).
- C. Departments are encouraged to use a university issued [Procurement Card \(pro-card\)](#) for allowable purchases up to \$5,000, when appropriate.

(2) Ordering Departments Responsibilities

- A. The ordering department is responsible for ensuring that adequate funds are available to purchase the ordered items.
- B. The ordering department should identify minimum technical and customer specifications, quantities, funding source, and delivery requirements for goods and services.
- C. The ordering department recommends a sole source, then completes a [Sole Source Justification Form](#)

(3) Purchasing Office Responsibilities

- A. The purchasing office authorizes employee access to the e-procurement system, verifies that all proposed purchases are appropriate and in accordance with the policies, rules and laws of CWU, The State of Washington, and The Federal Government. The purchasing office also determines the method of procurement (pro-card, direct buy, or bid) as well as, appropriate vendor selection.

(4) Who Can Initiate a Requisition?

- A. University employees with authorized access to the PeopleSoft FMS must submit a request [form](#) and complete the required training program. Requestors must be trained prior to using the online purchase requisition module. Requestors can contact the purchasing office for training and may access the requisition user guides on the purchasing website for reference materials.
- B. All approvers including, but not limited to, department/project managers, fund managers (funds 000, 145 & capital) and vice presidents will be set up with access to view and approve requisitions. Training for approvers is available by request by contacting the purchasing office.

(5) Online Requisition Approval Process

- A. When a requestor initiates and submits an online purchase requisition into the workflow approval process, the following approvals are required:
 - 1. Department/Project manager approval for all speedkeys identified on the requisition
 - 2. Information Services approval for all information technology related goods and services on the requisition
 - 3. Fund manager approval when the following funds are used: foundation (000), grants (145), and all capital funds
 - 4. Vice president approval for all requisitions of \$25,000 or more

(6) Additional Information

Departments are encouraged to visit the purchasing website or contact the purchasing office at 509-963-1001. The purchasing office can assist with any purchasing related questions/concerns prior to, or, during the procurement process.