Purpose:
To establish Purchasing Guidelines and Policies requiring Competitive Solicitation

The administrative rules provided in the Georgia Procurement Manual (GPM) govern the purchasing activities of all state government entities subject to DOAS’s authority pursuant to the State Purchasing Act (Official Code of Georgia Annotated (O.C.G.A.) Section 50-5-50 et seq.), including state offices, agencies, departments, boards, commissions, institutions, and other entities of the state, unless specifically exempted by statute or regulation.


The administrative rules published in the GPM are intended to support the following purposes:
• Simplify and clarify the state of Georgia law governing procurement;
• Establish consistent procurement regulations among the various state government entities;
• Provide increased public confidence in the procedures followed in public procurement;
• Ensure the fair and equitable treatment of all persons who deal with the procurement system of Georgia;
• Provide increased economy in state procurement activities and maximize to the fullest extent possible the purchasing value of public funds;
• Obtain, in a cost-effective and responsive manner, the materials, services, and construction, required by state entities, in order for those state entities to better serve Georgia’s businesses and residents;
• Foster effective broad-based competition in the marketplace; and
• Provide safeguards for the maintenance, quality, and integrity of the procurement system.

Although competition is not required for Open Market Purchases up to $25,000, with the passing of House Bill 863, which was signed into law by the Governor on May 1, 2012, and became effective on July 1, 2012 (http://www.legis.ga.gov/Legislation/en-us/display/20112012/HB/863), SPD recommends the comparison of products and prices from at least three suppliers, including any applicable convenience statewide contracts, prior to acquisition. All purchases made by a state entity should be based on competitive bidding whenever possible. A state entity may not split reasonably foreseeable or related purchases into two or more transactions for the purpose of circumventing the requirement that any purchase of $25,000 or more be based on competitive bidding (Ref: GPM 1.3.4.5. @ http://pur.doas.ga.gov/gpm/MyWebHelp/GPM_Main_File.htm).
Policy:
Abraham Baldwin Agricultural College purchasing practices are governed by laws of the state of Georgia, policies of the Board of Regents of the University System of Georgia, regulations of the state’s Department of Administrative Services (DOAS), regulations of the Georgia Technology Authority (GTA), and regulations of the Office of the State Treasurer (OST).

http://doas.ga.gov/Pages/Home.aspx
http://ost.georgia.gov/

O.C.G.A. §50-5-69 states that for supplies, materials, equipment and non-public works services that can be procured for less than $25,000 [given the item(s) are not on a mandatory statewide contract or available from any other required source] may be done so in a manner that is without competitive bidding; however, in an effort to be duly diligent, for requests valuing up to $24,999.99, ABAC’s Office of Procurement, or the end-user departments, are to obtain competitive pricing in the form of three quotes or provide justification for procuring without the three quotes (i.e., sole source, item only available from two distributors etc.). This due diligence process demonstrates that ABAC will continue to seek competitive, fair, and reasonable pricing, while benefitting from the decreased administrative burden and time restraints associated with the increased competitive bid threshold, as detailed in O.C.G.A. §50-5-69.

Additionally, although O.C.G.A. §50-5-69 requires competitive bidding for all open-market purchases anticipated to be $25,000 or more, O.C.G.A. § 50-5-83 sets the legal Single Transaction Limit (STL) for a P-Card transaction at $5,000, unless made against a Statewide Contract or in compliance with State procurement policy. Use of the P-Card as a method of payment does not relieve the program participant or University of these responsibilities.

Purchasing Ethics:
ABAC subscribes to the University System of Georgia Ethics Policy and the State’s Code of Ethics for Governmental Service (Ref: O.C.G.A. §45-10-1).

http://www.usg.edu/audit/compliance/ethics
http://www.lexisnexis.com/hottopics/gacode/default.asp

Among the provisions relevant to the relationship between State staff and suppliers are the following:
All persons in government should:

• Uphold the Constitution, laws, and regulations of the United States and the state of Georgia and of all governments therein and should never be a party to their evasion;
• Never discriminate unfairly by dispensing special favors or privileges to anyone, whether for remuneration or not; and never accept for themselves or their families favors or benefits under circumstances which might be construed by responsible persons as influencing the performance of their governmental duties;
• Make no private promises of any kind binding upon the duties of office, since a government employee has no private work which can be binding on public duty;
• Engage in no business with the government either directly or indirectly which is inconsistent with the conscientious performance of their governmental duties;
• Never use any information divulged to them confidentially in the performance of governmental duties as a means for making private profit; and
• Expose corruption whenever discovered.

Unauthorized Purchases:
A purchase that is contrary to the laws, rules, policies, and regulations of the state of Georgia, the Board of Regents of the University System of Georgia, the state’s Department of Administrative Services (DOAS) State Purchasing Division (SPD), the Georgia Technology Authority (GTA), and/or the Office of the State Treasurer (OST) shall be void and of no effect. Any official of a state entity or institution who willfully purchases or causes to be purchased any materials, supplies, or equipment, contrary to the laws, rules, policies, and regulations, will be personally liable for the cost thereof. If paid for from state funds, the amount may be recovered in the name of the state (Ref: O.C.G.A. § 50-5-79). ABAC expects all faculty, staff, and administrators to adhere to the policies and guidelines governing purchasing practices. Failure to do so can result in disciplinary action up to and including employment termination.

Examples of unauthorized purchases include, but are not limited to, purchases of restricted items of any price (e.g., food or personal items), purchases requiring pre-approvals without such approvals, and sequential, repetitive purchases made in an attempt to avoid the bid threshold. Accordingly, the bid threshold may not be circumvented by making repetitive purchases from the same vendors, on the same day, or on consecutive working days; by charging part of a purchase to one account and part to another account; or, by having two or more people buy separate parts of an order. If purchases are made in these or any other manner to avoid the bid limit, they may be disallowed and become the responsibility of the individual making the purchase.

The Office of Procurement will monitor and audit purchases on an ongoing basis to identify findings and possible violations. Specific documentation may be requested to determine if a policy or procedure violation has occurred.

Written notifications of any findings will be issued to departments and staff where discrepancies are found, with regard to applicable purchasing policies and procedures. A copy of the notification will be provided to the immediate Supervisor, Department Head, and Business Affairs Manager (as applicable). Any action required by the notification letter should be handled on a priority basis.

Some findings may only warrant a violation warning, unless routine abuse is noted by the Office of Procurement.

In accordance with the provisions of HB1113 (http://www.legis.ga.gov/Legislation/en-US/display/20072008/HB/1113), violations involving employee malfeasance must be reported to ABAC’s Department of Public Safety, ABAC’s Office of Internal Audit, and the USG Office of Internal Audit (which
will forward communication to the Attorney General’s Office. Employee malfeasance generally includes instances of embezzlement, misappropriation, alteration or falsification of documents, false claims, theft of any asset, etc.

Additionally, it is unlawful for the College to make purchases for the personal use of its employees (Acts of 1939 40-1936 and HB1113). While it is difficult to specifically define all such goods and services, the following list includes examples of items which could be denied for purchase on the basis that the apparent end-use is mostly personal in nature:

- Holiday decorations and greeting cards
- Cut flowers / plants
- Coffee makers, water purifiers, refrigerators, and microwaves
- Entertainment, alcoholic beverages and/or refreshments
- Table radios, brief cases, and similar items
- Watches, groundbreaking shovels, and other items to be granted as a donation or gratuity in favor of a person, corporation, or association for individual ownership
- Dues to a Chamber of Commerce or dues for individuals to be members in organizations not required by the duties of the position
- Employment agency placement fees
- Clothing, such as tuxedos, used for commencement services or other personal use
- Personal moving expenses
- Retirement gifts or gifts of any nature, gift cards

**Procedures:**

1. Campus end-users create a purchase requisition providing the Office of Procurement with an accurate description of the item(s) to purchase. The end-user is responsible for providing specifications of the item(s) so that Procurement personnel can determine what is being requested for purchase. The end user must also include any particular delivery method that is needed and the quantities to be purchased.

2. Purchase Request, located on the Procurement website [http://www.abac.edu/more/businessoperations/procurement](http://www.abac.edu/more/businessoperations/procurement) must be filled out by the initial approver and also signed by the approval such as the Supervisor. Prior to submitting the request to Procurement, the Purchase Request will then be forwarded to the VP for his/her signature if required. Also, all IT purchases must have the IT manager’s signature. All proper documentation must be attached to the request such as quotes, etc. Signatures must match up according to the authorization signature form located on the Business Office website.

3. For purchases up to $24,999.99, the end-user may obtain and attach three quotes or provide justification for procuring without three quotes (i.e., sole source, item only available from two distributors etc.). If the preceding documentation is not attached or provided, the Office of Procurement will obtain the necessary quotations to proceed with the purchase. Procurement
staff will review the requisition and documentation and will release a purchase order once all requirements have been satisfied.

4. Within the review, Procurement staff will ensure that the items requested are not required to be purchased from a mandatory statewide contract or any other required source. However, if the items are required to be purchased utilizing a mandatory statewide contract or other required source, the Procurement Office may submit a waiver to State Purchasing on behalf of the end-user, once the end user has provided substantial justification of benefit to the College.

5. The Office of Procurement will issue a purchase order to the end-user’s recommended vendor for these types of purchases, once the following determinations are made:

   a) Items are not available on a mandatory statewide contract;
   b) Items are not required to be purchased from a mandatory source or other required source; or
   c) A waiver is granted from State Purchasing.

6. All invoices received by the departments or Procurement office must be date-stamped in order to comply with the 30 day payment rule per the GPM.

7. Departments are responsible for their items and must sign off on packing slips with signatures notifying Procurement that the goods are in excellent condition and accounted for in order to make payment. Packing slips must be forwarded to Procurement along with the invoice.

8. Internal audits are performed on Procurement Activities such as payments after they are processed. Payments, such as Direct Vouchers and Purchase Orders are checked for accuracy and completeness of information produced by the entity’s departments. Audits on payments are performed weekly. The audit reviews the following items:

   a) Vendor name
   b) Invoice due date
   c) Address
   d) Quantities/Prices
   e) Department budget
   f) Approval for signatures
   g) Account #
   h) Check matches voucher information

9. ABAC follows BOR USG Record Retention Policy. Link provided http://www.usg.edu/policymanual/section10/C442/

10. Contract Assessment Report (SPD-CP019) found on DOAS website under 7 Stages of


In general, College departments are not authorized to make fiscal commitments against College funds, unless covered by another procedure, Petty Cash Fund procedures, Direct Payment Voucher procedures, ABAC’s Travel Expense Reimbursement procedure, or as outlined in the P-card Manual. All other purchases of goods and services must be obtained via an official purchase order, issued by the Office of Procurement, and signed by an authorized signatory.

If an unauthorized charge purchase is submitted for payment or reimbursement, it will be reviewed by an appropriate level of College Management and a case-basis determination will be made as to its disposition. A letter will be required explaining the circumstances of the transaction and why College purchasing procedures were not followed, along with an assurance that steps will be taken to avoid future violations of this nature.