

2.07 – PURCHASING AND CONTRACTS

Effective: November 1, 2025

Purpose: This policy is created to establish the framework for procurement of supplies, materials, equipment, goods, property, printing, services, and leases of real property by the University.

Scope: This policy applies to all eligible University employees.

Responsible Office: Business & Finance Office; Controller's Office

Policy Statement: This policy is established pursuant to K.S.A. 76-769 and KBOR Policy which excepts the University from certain state requirements and permits the University to promulgate its own policies and procedures regarding purchasing. The University's procurement policies and procedures are intended to:

- Focus on the stewardship of public funds;
- Advance and support the mission of the University;
- Promote a competitive and fair procurement environment; and
- Adhere to the Kansas Open Records Act.

As permitted by Kansas Board of Regents policy, the University's President (or designee) may delegate purchasing authority to appropriate officers, subject to this policy and implementing procedures. University units are expected to conserve financial resources while maintaining the highest possible integrity, broad-based competition, and fair and equal treatment of the business community.

The President, and those persons or positions that have received the express delegation of specific contracting authority from the President, are the only persons or positions that have been authorized to contractually bind the University by the execution of a contract, in accordance with applicable law, policy, regulation, and process. Written documentation of those persons or positions that have received the express delegation of specific contracting authority from the President shall be maintained by the Office of General Counsel and provided to the Kansas Board of Regents as may be required by Board policy. All University contracts must be in writing and must be in the name of Emporia State University. Contracts made by the Emporia State University Foundation shall not be binding on ESU.

The following thresholds apply to purchases made pursuant to this policy.

- **Purchases up to \$24,999** – May be made via preferred vendor, retail pricing, or authorized purchase card, without formal competition, subject to budget availability and vendor suitability.
- **Purchases from \$25,000 to \$49,999** – Require at least three informal quotations (written or electronic) when practicable, and documentation of vendor selection.

- **Purchases exceeding \$50,000** – Require formal solicitation (Request for Proposals or Invitations to Bid) with public notice, evaluation criteria, documented vendor selection, and required approvals.
- **Procurements of high risk / complex services or technology** – Regardless of dollar amount, may require formal competition, vendor qualification, evaluation committees, contract review, and senior-level approval.
- **Leases of real property** – Require review by the procurement office and Office of General Counsel, and shall follow the Kansas Board of Regents' and University's real property leasing procedures and approvals.

The University retains the ability to use State contracts for any and all purchases and encourages cooperative purchasing opportunities with other public universities or other state agencies to achieve the lowest competitive price, including purchasing from current State central purchasing contracts, state travel services, and products pursuant to the Prison Made Goods Act, if it is in the best interest of the University.

All contracts shall be managed and reviewed through an internal workflow process administered by the University's Office of General Counsel prior to their execution. All contracts shall meet all state and Kansas Board of Regents' contracting requirements, but any exception or alteration to such requirements must receive the approval of the University's Office of General Counsel prior to their execution. Appropriate assignment of a contract's signatory shall be made by the Office of General Counsel unless otherwise directed by the President.

The purchase, lease, and/or license of computers, printers, scanners, cameras, other devices containing internal memory or memory cards or other devices, all related equipment, peripherals, hardware, software, and other information technology must be approved by the University's IT department on a purchase requisition to ensure the item is in compliance with and can be supported by the University's technology architecture and information security policies and procedures. The IT department may sometimes publish lists of pre-approved items that can be relied on when purchasing, leasing, and/or licensing information technology.

All promotion and publicity of the University requires Marketing and Media Relations' approval. It is Marketing and Media Relations' responsibility to establish and maintain the required standards/guidelines for the use in promotion, publicity, and/or marketing materials of University trademarks and service marks, institutional names, designs, logos, graphics, video files, audio files, text, photographs, and other materials. Promotion or publicity of a specific school, college, unit, or organization (including Recognized Student Organizations "RSOs") must comply with these standards/guidelines for all promotion, publicity, and/or marketing of the respective school, college, unit, or organization.

The Business Procurement Card (BPC) may be used for purchases in accordance with the Department of Administration's procedures..

Leases of Real Property

Lease of Real Property between the University and any other party may require Board of Regents approval. All leases of real property shall be managed and reviewed through an internal workflow process administered by the University's Office of General Counsel prior to a lease agreement's execution. All such agreements shall meet all state and KBOR contracting requirements applicable to such agreements, and any exception or alteration to such requirements must receive the approval of the University's Office of General Counsel prior to their execution.

Memoranda of Understanding or Agreement

As ordinarily used by the University and its affiliated entities, a memorandum of understanding (MOU) or memorandum of agreement (MOA) is generally considered to be a contract, and as such, must receive the approval of the University's Office of General Counsel prior to their execution and shall be managed and reviewed through an internal workflow process administered by the University's Office of General Counsel prior to their execution. In addition, any agreement made for the purpose of creating a student internship, regardless of the format of the agreement, is subject to these same policy requirements.

Insurance

University units may purchase insurance on behalf of the University in accordance with the policies of the Kansas Board of Regents and the University.

Definitions: All words and phrases shall be interpreted utilizing their plain meanings unless otherwise defined in University or Board of Regents policy or by statute or regulation.

Contract – Any agreement or promise which purports to obligate the University to perform some responsibility or to take some specific action(s).

Emergency Procurement – Procurement in a situation where there is an imminent threat to health, safety, campus operations or a deadline that could not be anticipated.

Lease of Real Property – An agreement to lease or rent real property:

- between the University and any of its affiliated corporations;
- between the University and a municipality;
- between the University and any other party for vacant space that is less than 10,000 square feet; OR
- between the University and any other party for a term not to exceed twenty-four (24) months.

The term, "lease of real property" also includes any agreement to lease or rent real property from the University and any agreement to lease real property to the University.

Sole Source - Procurement in which goods, services, or equipment are available from only one known supplier that is capable of providing the required product or service, and no reasonable alternative source exists. A sole source determination must be based on documented evidence demonstrating that:

- *Uniqueness*: The good or service has unique characteristics, features, or capabilities that are essential to the University's requirements and cannot be met by any other supplier or brand.
- *Compatibility*: The good or service must be compatible with existing equipment, systems, or programs, and obtaining another brand or vendor would cause substantial duplication of cost or inefficiency.
- *Availability*: The good or service is only available from a single manufacturer, distributor, or provider, and no comparable or equivalent product or service can reasonably meet the same need.
- *Public Interest*: In rare circumstances, it is in the best interest of the University to procure from a single source to ensure continuity of research, instruction, safety, or operations.

Payments and Deposits

All payments by the University for goods or services shall comply with the Kansas Prompt Payment Act (K.S.A. 75-6401 et seq.), including the timelines for processing vendor invoices and the assessment of interest for untimely payments when applicable.

As a general rule, the University does not prepay for goods or services prior to their delivery or performance. Payment shall ordinarily occur after receipt and acceptance of goods, completion of services, or as otherwise specified in a valid purchase order or contract.

The university may authorize prepayment in limited circumstances when doing so is in the best interest of the institution and where:

- The vendor must make a significant monetary or time investment prior to delivery of the good or performance of the service (e.g., fabrication of custom equipment, securing specialized materials, or arranging event or travel logistics);
- The prepayment is a standard commercial practice or an industry norm (e.g., conference registrations, software licensing renewals, or subscriptions requiring advance payment); OR
- The risk of nonperformance has been mitigated through appropriate contract terms, vendor reputation, insurance, or other safeguards.

When a deposit is required as part of a contractual obligation, the University shall ensure that deposit terms are reasonable, proportionate to the vendor's upfront costs, and clearly stated in the contract. Deposits shall be treated as partial payments and applied toward the final invoice unless otherwise agreed in writing. Any prepayment exception must be approved in advance by the Chief Financial Officer or their designee.

Procedures: All procedures linked and related to the policies above shall have the full force and effect of policy if said procedures have first been properly approved by the University's administrator in charge of Business and Finance.

[Hyperlink to Business and Finance procedures]

Related Policy Information: For additional information see the Procurement Policies at <http://www.emporia.edu/busaff>.

IT policies and procedures can be found at <http://www.emporia.edu/it/about/policies.html>.

ESU Marketing and Media Relations. Standards/Guidelines can be found at <https://www.emporia.edu/marketing/styleguide>.

A complete list of State contracts can be found at <http://www.admin.ks.gov/>.

History: Adopted: Unknown [Included in UPM as Policy 3N.01]
Revised: 09/22/2004 [Purchasing]
Revised: 10/15/2010 [Purchasing]
Revised: 10/01/2014 [Purchasing]
Revised: 08/15/2024 [Policy format revised as part of UPM Revision]
Revised: 11/01/2025 [Policy updated for clarity, flexibility, and to alter purchasing thresholds]