

**MONMOUTH
UNIVERSITY**

Purchasing Manual

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I. Functions and Objectives

1.01 Objectives

To fulfill its mission, the Purchasing Department: develops and maintains reliable sources of supply; obtains competitive bids; negotiates major contracts; consolidates University purchases; and awards all relevant purchase orders. It also creates and ensures standards of quality, safety, and compatibility; and acts as the University's designated agent as delegated by the President of the University and Trustees for the commitment of resources.

1.02 Conflict of Interest Policies

All purchasing activity is to be conducted in accordance with the Monmouth University conflict of interest policies. See Attachments 6.01, Conflict of Interest (Students and Employees) and 6.02 Conflict of Interest Statement for Purchasing Activities.

1.03 Board of Trustees Code of Ethics

Purchasing shall be done in accordance with the Monmouth University Board of Trustees Code of Ethics. See Attachment 6.03.

II. Procurement Procedures

2.01 Purchasing Card

The Monmouth University Purchasing Card Program has been established to provide a convenient means with which to make small dollar purchases. A Purchasing Card is a charge card issued to an employee for the purpose of making authorized purchases of less than \$1,000. Each month the Purchasing Card bill is sent directly to the University for payment and an informational statement is sent to the cardholder to acquire authorization and retain documentation of the purchase. All purchases are subject to the Monmouth University Purchasing Card Policy and Procedures manual. Potential cardholders must be regular employees of the University and receive approval from their department head, divisional vice president, or cabinet officer.

For more information, contact the Purchasing Card Program Coordinator located in the Controller's office on extension 5391, or refer to the Purchasing Card Policies and Procedures manual.

2.02 Purchase Requisitions

Standard Requisition (Green Form) (Attachment 6.06)

The Standard Purchasing Requisition is used for:

- All purchases of supplies and equipment, except for those processed on the Quick Order Form and Purchasing Card.
- All professional and contracted services including legal, auditing, architectural, engineering etc., where total cost of service has been determined. Attach a copy of the contract to the requisition. A Purchase Order will not be issued for hourly or per diem consultations. When a bill is received for such services, it should be signed by the appropriate cabinet officer, indicating the account number to be charged and forwarded to Accounts Payable.
- Pre-payments are processed on a Standard Requisition.

Upon receipt of a Standard Requisition, the Purchasing Department will prepare a Purchase Order within two working days. The requisition must contain the necessary approvals, order description, and account information. Failure to do so will result in a processing delay. Sufficient funds must be available in the account specified.

Freight Charges

Freight charges, if applicable, should appear on the standard requisition form as a separate item. It is important to ascertain freight charges when ordering furniture, computer equipment, or other large and heavy items that may incur substantial shipping charges.

Quick Order Form (3 part) (Attachment 6.05)

The Quick Order form is used for off campus purchases, when:

- Purchasing card is not available, purchase is under \$200 **and** item is physically picked up the same day.
- Service-related repairs on office equipment and maintenance supplies delivered by service personnel.
- Emergency situations over \$200. Emergencies are defined as cases of urgent need, occurring outside of normal business hours, to keep vital equipment operative or eliminating a life safety hazard. The Quick Order form is to be issued to the vendor only if the vendor will not proceed without a purchase order number (Quick Order forms have a vendor copy). If the vendor does not require a purchase order, the department can proceed with obtaining the emergency service and forward the vendor's work order or invoice, along with a properly executed Quick Order form "after the fact" to the Purchasing Department. The emergency nature of the situation should be substantiated in writing on the Quick Order.

The above procedure is to be used only when the emergency occurs outside of normal business hours. During normal business hours, a properly executed Standard

Requisition form should be brought to the Purchasing Department and a formal Purchase Order will be issued.

The copy distribution for the Quick Order form is as follows:

- White copy to vendor.
- Blue copy to Accounts Payable with itemized register receipt, invoice or work order (whichever is applicable) attached for Quick Orders and service-related repairs.
- Pink copy retained by the requisitioner.

2.03 Purchase Order

A Purchase Order can only be issued by the Purchasing Department. The Purchase Order is a five (5) part form that is used to place orders with vendors for materials, parts, supplies, equipment, repairs, or services. In addition to being the official order form of Monmouth University, it is the mechanism by which encumbrance information is transmitted to Accounts Payable. It contains the Standard Terms and Conditions under which the University does business with vendors.

When a Purchase Order is generated, copies are transmitted to the vendor, requisitioner, and the Receiving and Accounts Payable Departments. The Purchasing Department maintains an office copy.

2.04 Blanket Purchase Order

A Blanket Purchase Order is an order in which a vendor agrees to provide goods or services to the University on a demand basis. The Purchase Order generally establishes prices, terms, conditions, and a period of time covered. Shipments are to be made as required by the University. The Blanket Purchase Order is useful when:

- Purchasing goods or services from the same vendor on a regular basis over a period of no more than one budget year.
- To realize additional discounts through purchasing in quantity.
- To eliminate small repetitive purchases of supplies.
- To reduce paperwork.

2.05 Change Order

A change order is issued when the substance or value of the original Purchase Order is altered. Change orders are to be processed on a Standard Requisition form and forwarded to the Purchasing Department. The change order requisition should indicate the original

Purchase Order number. All change order requisitions exceeding \$25,000, must be signed by the President and Vice President of Finance. In addition, all change orders are to be accompanied by documentation explaining the reason for the additional charge.

2.06 Canceling a Purchase Order

The Office of Purchasing will be notified by the department when a Purchase Order needs to be cancelled, giving the nature of the change and the reason why. Purchasing will contact the vendor to verify that the merchandise has not shipped and cancel the order in writing.

2.07 Receiving Merchandise

Delivery tickets are to be prepared for merchandise received by the mailroom indicating that the number of packages/boxes shown on the packing slip are received. A copy of the packing slip should be forwarded to the user department with the package. User departments should count contents of packages/boxes and notify the Purchasing Department if items are missing or damaged. If delivery is made directly to the user department, the packing slip should be verified, signed off as “received” and forwarded to the Purchasing Department.

2.08 Returning Merchandise

When merchandise is to be returned for refund, credit, repair or replacement, the vendor must first be contacted for return approval and shipping instructions. The user department will arrange to have the item delivered to the mailroom. The mailroom will send it back to the vendor.

2.09 Routing of Invoices and Packing Slips

In the event that a department receives an invoice or packing slip from a vendor, it is to be date stamped and approved for payment (“OK to Pay”), then forwarded to the Purchasing Department with all copies attached. The Purchasing Department should have the original invoice in order to approve payment.

III. Vendor Selection and Quotation Procedure

3.01 Bidding Procedures

All purchases of goods, supplies and services fall under the bid policy defined below, with the following exceptions:

- Certain professional services including legal, auditing, architectural, actuarial, engineering and related consulting services, performing arts, lecturing, medical services, and print design.
- Item available from sole source.
- State contract pricing. (See Section 3.03)

- Used equipment. Cost of new equipment should be verified for comparative purposes.
- Maintenance contracts, which should be put out for bid at least every three years.
- Emergency situations, which are defined as cases of urgent need, keeping vital equipment operative or eliminating a life safety hazard.
- Manufacturer Direct purchases.

For purposes of the bid policy, purchases fall into three categories:

- **Goods.** Includes purchases of equipment, furniture, vehicles, supplies etc. where no significant service is involved. Delivery and routine installation are not considered significant service for purposes of this definition.
- **Combination of Goods and Services and Non-professional Services.** Examples are construction, building and mechanical systems repair and maintenance, landscaping, rental of equipment or facilities, printing, catering, software licenses, software maintenance, waste removal, etc.
- **Professional Services** Which are exempt from the bidding procedure, as noted above.

Guidelines for obtaining quotes and bids are as follows:

- **Purchases of Goods and Non-professional Services less than \$10,000.** Quotations are not required. The Purchasing Department may solicit written quotations, take phone quotes, or place orders immediately depending on the competitive nature of the items on the requisition and benefits to the user department. The user department has the option of selecting the vendor. Vendor selection may be reviewed by the Director of Purchasing.
- **Purchases of Goods and/or Services (Except Professional Services) between \$10,000 and \$49,999.** The Purchasing Department or user department will obtain at least three written quotations. Written quotes on vendor letterhead, as opposed to quotes received verbally, are required. User departments are encouraged to develop specifications and obtain quotes or bids from vendors. These are subject to review by the Director of Purchasing. If three qualified vendors cannot be found, that conclusion and the steps taken to identify qualified vendors should be documented. Generally speaking, purchases will be awarded to the vendor who gives the lowest quote and meets specifications. Selection of a vendor not giving the lowest quote or bid must be documented and authorized by the Director of Purchasing. The Vice President of Finance will review differences of opinion regarding vendor selection. If the issue cannot be resolved at that level, it will be decided by the President.

- **Purchases over \$50,000**

Sealed bids are to be received from vendors directly by the Purchasing Department from at least three qualified vendors (exceptions as noted in Bidding Procedures 3.01). Bids will be opened by the Purchasing Director, or a designee in his or her absence, and a representative from the user department. User departments and the Director of Purchasing are jointly responsible for identifying qualified bidders based on previous experience, research and networking with other institutions. Generally speaking, purchases will be awarded to the vendor who gives the lowest bid and meets specifications. Selection of a vendor not giving the lowest bid, must be documented and authorized by the Director of Purchasing. Differences of opinion regarding vendor selection will be reviewed by the Vice President of Finance. If the issue cannot be resolved at that level, it will be decided by the President. In emergency situations, the President or his designee has the authority to override the bid process.

- **Bid Openings**

Bid openings are conducted in the Office of the Director of Purchasing when sealed bids are required. In attendance are the Director of Purchasing, or designee in his or her absence and a representative from the user department.

3.02 Sole Source Purchase

The procurement of materials, parts, supplies, equipment or services without competition, is done under exceptional and limited circumstances.

Sole source items require detailed documentation from the requisitioning department to justify their purchase and to ensure that the cost charged by the vendor is reasonable and customary. In some circumstances, documentation maybe required directly from the vendor. A sole source purchase is subject to the same approval process and requirements as all other purchases. Sole source purchases can be used in the following instances:

- When products or services can be obtained only from one vendor.
- When competition is precluded because of the existence of patent rights, copyrights, secret processes, control of raw material or other such conditions.
- When procurement is for utility services where it would not be practical to allow a contractor other than the utility company itself to work upon the system.
- When the procurement is for technical services in connection with the assembly, installation or servicing of equipment of a highly technical or specialized nature.
- When the procurement is for parts or components to be used as replacements in support of equipment specifically designed by the manufacturer.

- Contractor is already at work on the site (based on an existing purchase order) and it would not be practical to engage another contractor.

3.03 State Contract Pricing

The State of New Jersey enters into contracts with various vendors to insure consistent and competitive pricing. All tax-exempt institutions in the State may avail themselves of the contract pricing. Departments may use State contracts without the necessity of going out to bid. The State contract number for goods and services must appear on the Standard Requisition and Purchase Order. A list of the New Jersey State contracts are available at <https://www.state.nj.us/njbusiness/contracting/index.shtml>.

IV. Special Procurement Policies

4.01 Purchasing On the Web

The University P-Card enables departments to make purchases up to \$999.99 in a quick and efficient manner, without the need for a purchase order. Review your P-Card manual for information regarding use and restrictions.

- Departments may make purchases on the web using their P-Cards.
- It is important to do business with a reputable company.
- Make sure you are not charged a sales tax.
- Take note of excessive freight and handling charges.
- Print the order page from the web to have verification of your order.

4.02 Processing Orders for Computers, Network, & Multimedia Equipment

To keep track of equipment and for inventory purposes, green requisitions must be processed in the following way:

- The Standard Purchase Requisition must be approved by one of the following as appropriate:

VP for Information Management
Assoc. VP for Information Operations or the Logistics and
Security Director
Assoc. VP for Information Support

- All Purchase Orders should indicate a ship-to address of “Information Management, Edison Science Hall”
- Equipment will be tagged for inventory upon receipt.

4.03 Approval Dollar Limits

The Executive Committee of the Board of Trustees must approve contracts costing between \$250,000 and \$500,000. The full Board of Trustees must approve contracts over \$500,000.

4.04 Vehicle Leasing/Purchase

The Director of Purchasing is authorized to make application for, execute and deliver agreements for purchase, leasing, or financing of vehicles on behalf of the University. All such transactions must be within approved budget.

4.05 Uniform Guidance for Federal Award Purchases (Effective 7/1/18)

The procurement standards included in the Uniform Guidance apply to the procurement of goods, supplies, services or other property directly charged to a Federal award. The standards have a strong emphasis on procurement methodology to achieve the goals of increased accountability and competition.

In reviewing the general procurement standards, here are some key items that must be followed:

- **Competition** – A nonfederal entity must provide for full and open competition in procuring goods and services. This means situations must be avoided that may prevent competition, such as placing unreasonable requirements on firms in order to qualify, noncompetitive pricing practices between firms or affiliated companies or specifying only a “brand name.”
- **Documented policies** – Nonfederal entities must document procurement procedures and policies. These procedures must ensure all solicitations clearly and accurately describe the requirements of the goods or services to be procured and identify all requirements that bidders must fulfill and the factors used in evaluating bids.
- **Oversight** – A nonfederal entity must monitor contractors to ensure they perform in accordance with the terms, conditions and specifications of their contracts or purchase orders. This requirement supplements a similar requirement in which contracts only are awarded to those that use funds responsibly and in accordance with the terms of the agreement.
- **Standards of conduct** – A nonfederal entity must have written policies about conduct of its employees involved in the selection, award and administration of contracts. These policies must cover both organizational and personal conflict of interest to prevent unfair or noncompetitive awards being provided.
- **Necessary purchases** – A nonfederal entity must avoid unnecessary or duplicative purchases. To this end, an entity should consider the most efficient and effective approach to purchases, *e.g.*, bulk purchasing, lease versus purchase, agreements for use of common or shared goods and services, use of federal excess and surplus property as opposed to purchasing new equipment, etc.
- **Records** – A nonfederal entity must maintain documentation to support the history of the procurement, *e.g.*, rationalization for method used, contractor selection or rejection, basis for contract price, etc.

After considering the general requirements for procurement, the Uniform Guidance specifically outlines five allowable methods:

- **Micropurchases** – This method is for purchases of supplies or services in which the aggregate dollar amount is less than the micropurchase threshold – currently \$10,000. Purchases may be made without cost or price analysis or soliciting any quotes or bids if the nonfederal entity considers the price to be reasonable. Under this method, the entity is encouraged to distribute these purchases among qualified suppliers. When applying the micropurchase threshold, a nonfederal entity should note the threshold applies to the aggregate purchase amount rather than the cost of individual items.
- **Small purchase** – This method is for purchases of services, supplies or other property above the micropurchase threshold but below the Simplified Acquisition Threshold as defined by the Federal Acquisition Regulation—currently \$250,000, adjusted periodically for inflation. Price or rate quotations must be obtained from more than one qualified source. This doesn't mean formal bids and solicitations for quotes must be made; these procedures are meant to be simple and informal. Quotes may be obtained from a variety of simple sources, *e.g.*, Internet search, vendor price listing, verbal quotes, etc. Similar to the micropurchase method, no cost or price analysis is required. A nonfederal entity may compare pricing based on an Internet search between a local supply store versus a national chain and select a vendor based on these quotes.
- **Sealed bids (formal advertising)** – This method is for purchases greater than the Simplified Acquisition Threshold which is currently \$250,000. Bids are publicly solicited and a firm fixed-price contract is awarded to a responsible bidder that has the lowest price and conforms to all the material terms and conditions of the invitation for bid. Price is a significant factor in this method and generally is the preferred method for procuring construction. This method is used if bids may be solicited from an adequate number of suppliers (three or more), a complete and realistic specification or purchase description is available, the purchase results in a firm fixed-price contract and the selection may be made based on price. A cost and price analysis must be performed for these purchases, and the entity must make independent estimates before receiving bids or proposals.
- **Competitive proposals—requests for proposal (RFP)** – This method is for purchases greater than the Simplified Acquisition Threshold, which is currently \$250,000, in situations where sealed bids aren't appropriate. This may be the case when price isn't the only factor in awarding a contract. In general, this results in a fixed-price or cost-reimbursement type contract. Under this method, the following requirements apply:
 - RFPs must be publicized and identify all evaluation factors and their relative importance
 - Proposals must be solicited from an adequate number of qualified sources
 - The entity must have a written method for their evaluation and selecting recipients
 - Contracts must be awarded to a responsible firm

Similar to sealed bids, a cost and price analysis must be performed for these purchases.

- **Noncompetitive proposals** – This method results in solicitation from a sole source and may be used if one or more of the following conditions apply:
 - Item is available only from one source
 - Public emergency won't permit a delay resulting from competitive solicitation
 - Awarding agency authorizes noncompetitive proposals in response to a written request from the nonfederal entity
 - After solicitation of a number of sources, competition is determined to be inadequate

Sole-source purchases are applicable at any level when one of the aforementioned criteria is met and require approval from the federal or pass-through funding source.

With any of the above methods, the procurement standards also emphasize contracting with small and minority businesses, women's business enterprises and labor surplus area firms. A nonfederal entity must ensure these firms are used when possible. Methods used to ensure their inclusion include soliciting pricing from them when they are potential sources, breaking up projects or orders into smaller tasks to permit participation by these firms or requiring contractors to follow these guidelines for subcontracts.

As previously mentioned, regardless of what method is used and decision made, documentation must be kept of the procurement, *e.g.*, maintaining printouts of Internet searches for quotes or documenting in a memo the reasons for acceptance or rejection of bidders in sealed bids or competitive proposals.

It should always be noted on the submitted internal M.U. Green Purchase Requisition Form that the requested purchase of goods, supplies, services or other property are being made with Federal award funds.

V. Miscellaneous

5.01 Sale/Trade-In/Disposal of Equipment

Departments that wish to sell equipment must submit a request (Attachment 6.04) to the Purchasing Department for approval. The appropriate Department Head/Budget Manager must authorize the request. An email will be sent by the Purchasing Department to determine if there is a need for the equipment elsewhere on campus. At the end of five working days, if the response is negative, the Purchasing Department and the user department will agree on a selling price. Trade-in or disposal of equipment is to be approved by the Purchasing Department as well. The Purchasing Department will notify the Controller's Office when equipment has been sold, traded in, or disposed of, so that equipment inventory records can be updated. Equipment purchased with governmental funds must be disposed of in compliance with the terms of the grant agreement.

5.02 Unauthorized Purchases

Individual employees and students of Monmouth University do not have the authority to enter into purchase contracts or otherwise obligate the University. An exception to this would be the use of the Quick Order form for items costing under \$200 and picked up the same day. Any obligation entered into without the proper authorization may be considered a personal obligation of the individual with that vendor. Purchases for personal use or benefit are a personal obligation.

5.03 Unauthorized Signing of Contracts

Individual employees and students of Monmouth University are not authorized to sign contracts on behalf of the University, including those for professional and consulting services, insurance, construction, performing arts and lectures, facilities and equipment rental, grants and loan agreements. A Board of Trustees resolution dated 2/2/94 designates the authority for signing contracts to the President. The Vice President for Finance has the authority to sign contracts as well and in the President's absence, grant documents. The Vice President for Student Services is authorized to sign contracts with performers appearing on campus.

The by-laws of the University state that the President may designate signing authority to other officers of the University. A list of the type of contracts signed by each Officer and the dollar level authorized is to be approved by the President and maintained on file in the President's office. It is the responsibility of individual Officers to update these lists as new contract situations arise.

Original contracts are to be maintained on file in a central location designated by the President. Contracts involving payment of \$250,000 or more require Board of Trustee or Executive Committee approval. All University contracts are to be reviewed and approved by the General Counsel Office prior to signing.

MONMOUTH UNIVERSITY POLICIES AND PROCEDURES

Policy Name: Conflict of Interest (Students and Employees)

Revision Date: June 28, 2001

Original Issue Date: June 22, 1995

Issued By: Board of Trustees

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Approved By: Board of Trustees

All employees (faculty, staff & administrators) and students of Monmouth University have an obligation to avoid activities or situations which may result in a conflict of interest. Full-time employees are expected to place their primary professional loyalty with the University. All employees are expected to arrange their outside obligations, financial interests, and activities so as not to conflict with their commitment to the University. Employees must not use their official positions to secure unwarranted privileges or advantages for themselves or others.

The potential for a conflict of interest extends across a wide range of activities in the University. Conflicts of interest which must be avoided by employees and students include, but are not limited to:

1. Personal Relationships in the Workplace and Classroom
 - A. Members of the same family working in a direct supervisory relationship within the same department of the University or in a faculty/student relationship.
 - B. Consensual amorous or sexual relationships (including relationships with students) in connection with the supervision or evaluation of others which involve activities or communications which exceed the recognized boundaries of faculty/student, coach/athlete or supervisor/employee relationships.
 - C. Employees and students serving upon any committee or group responsible for the supervision or evaluation of others with whom they have a familial, amorous or sexual relationship.

11. Outside Activities
 - A. Volunteer activities (except for professional organizations, conferences, seminars, etc.) which interfere with commitments to the University or activity which is not authorized by the University which explicitly holds the employee or student out as being an official representative of the University or that the University endorses an organization or activity.

Attachment 6.01

- B. Partisan political activity prohibited by federal and state law or regulations, when on University property, during working hours or using University resources or the University name.
- C. Outside business conducted during working hours, using the University resources or name (except for professional activities which increase job skills and are of direct benefit to the University). (Refer to the Monmouth University-Faculty Association Agreement for policy on consulting and the Non-Academic Employee Handbook for policy on consulting/outside employment).
- D. Outside businesses owned by an employee which directly compete with the University, sell goods or services to the University, or receive funding from the University. (Refer to the conflict of interest statement in the University Purchasing Manual and the Policy on Conflict of Interest in Sponsored Research).

111. Purchasing and Contracts

A. Negotiation, authorization or execution of purchasing agreements or other types of contracts with the University in situations where the individual has a direct or indirect financial or other interest or the acceptance of gifts, favors or other things of value from vendors and contractors. (Refer to the conflict of interest statement in the University Purchasing Manual).

IV. Fundraising

A. Acceptance of gifts from donors under circumstances in which an employee or others on their behalf, will personally benefit from the gift. (Refer to Office of Institutional Advancement Policies and Procedures Manual for Development Activities) This policy shall not prohibit employees from applying for and receiving grant funds which are connected with academic scholarship or official University activities.

V. Attendance at Vendor Sponsored Event

A. Employees of the University shall not attend any event, function, conference or other activity for which their expenses or costs (including items such as transportation, lodging and food) are paid for or provided, in whole or in part, by a vendor doing business with the University, or actively seeking business with the University, under circumstances whereby it would be a conflict of interest, or create an appearance of impropriety, for the employee to attend the event, function, conference or other activity. In determining the propriety of attending any event, function, conference or other activity under this policy, the following factors shall be considered:

1. The identity of the employee and the nature of the employee's responsibility for dealing with the vendor including whether the employee has primary responsibility for the selection of the vendor and supervision of the vendor's activities on behalf of the University.
2. The nature and value of the benefits which are to be provided by the vendor.
3. Whether the vendor is currently seeking, or will in the near future be seeking an initial contractual relationship or a renewal of its contractual relationship with the University.
4. Whether an issue currently exists with regard to a vendor's services to the University where it might be perceived that the vendor's actions are an attempt to influence a determination on that issue.

The prohibitions set forth in this policy shall also apply to members of the employee's family or other individuals receiving such benefit from a vendor due to their relationship with the employee.

Individual employees receiving an invitation from a University vendor or from a vendor actively seeking to do business with the University for any benefit described in this policy shall review the circumstances of the invitation with the University's Vice President and General Counsel prior to acceptance of any invitation.

It is not the intent of this policy to prohibit the receipt of gifts for nominal value or occasional meals paid for by a vendor. It is also not the intent of this policy to prohibit the receipt of benefits from a vendor when the acceptance of such benefits would not create a conflict of interest or an appearance of impropriety.

All employees and students have an obligation to examine any situation in which they may have a conflict of interest and take steps to resolve the conflict. Any employee who is concerned that a conflict may exist or how to resolve it should consult with his or her department head. Students should consult with the Vice President for Student Services. Upon determination that a conflict of interest exists, appropriate action will be taken, through refusal, reassignment or other means to resolve the conflict of interest. No action will be taken without the opportunity for the involved employee or student to be heard with regard to whether a conflict of interest exists and what action, if any, should be taken.

In addition, any employee who is aware of a conflict of interest on the part of a co-worker or supervisor is encouraged to discuss the matter with the appropriate level of management. No employee or student shall retaliate, in any manner, against an individual who reports a perceived conflict of interest matter pursuant to this policy. Any employee or student who makes such a report in bad faith shall be subject to disciplinary action.

Attachment 6.01

MONMOUTH UNIVERSITY
Conflict of Interest Statement for Purchasing Activities

1. Gifts and Gratuities

In order to avoid a conflict of interest or the appearance of a conflict, at no time should an employee solicit or accept gifts valued at \$100 or more from an individual, incorporated or unincorporated entity that conducts, or proposes to conduct, business with the University. For purposes of this policy, the term “gift” is meant to include favors, services or other things of value. If the value of the gift is undetermined it should be returned. Ordinary business courtesies on an occasional basis, such as payment for a modest lunch or dinner, are acceptable. Gifts which are promotional items without significant value, and which are distributed routinely by the vendor to its customers or clients, are also acceptable. Any employee who receives any gift, favor, service or other thing of value under circumstances from which it is clear that the offering was made for the purpose of influencing the employee to provide business to a particular vendor should report such occurrences to the General Counsel of the University for appropriate handling.

II. Contracting with Related Parties

The University Policy on Conflicts of Interest for Trustees states that the negotiation, authorization, or execution of purchasing agreements or other types of contracts by a trustee with, or on behalf of the University, which results in a direct financial benefit to the trustee, is not permitted.

The University Code of Ethics for Employees (faculty, staff, and administrators) states that the sale of goods and services to the University by employees and their outside businesses may represent a conflict of interest. The University permits the purchasing of goods and services from employees and their outside businesses, subject to limitations which are outlined below. These limitations also apply to the purchasing of goods and services by the University from alumni and donors.

- (1) An employee may not sell or lease products or services to his/her own department. No contracts will be made with a University employee or his/her outside business if that employee has been involved with the development or design of specifications for that contract, or is negotiating or approving that contract on behalf of the University.
- (2) The employee, alumni or donor must demonstrate that he/she operates an ongoing, preexisting business, according to the following criteria:
 - a. The business must have been in existence for at least one year prior to doing business with the University.
 - b. The business cannot generate more than 25% of its gross annual sales from sales to the University.
 - c. The employee, alumni or donor must file an initial disclosure statement with the Purchasing Department, before being eligible to do business with the University. The disclosure must be resubmitted annually if the employee wants to continue to do business with the University.

- (3) Competitive pricing is required. Purchases of equipment, goods and supplies, contracts for construction, renovation and repair, leases and rentals and other non-professional services are subject to the University's bid policies as outlined in the Purchasing Manual. Competitive pricing will not be the sole criteria for awarding contracts for professional services. Cabinet Officers, and for contracts for professional services greater than \$100,000, the Board of Trustees, are responsible for awarding contracts on the basis of superior expertise, reputation, and financial stability of the awardee as well as competitive pricing considerations.
- (4) The University reserves the right to deny purchases or other contracts with employees, alumni, donors and their outside businesses on a case-by-case basis if it is determined by the Vice President for Finance, the President and/or the Board of Trustees that the purchase or contract is not in the best interests of the University.

Any employee who has a question regarding this policy or believes that they may have a conflict of interest is encouraged to consult with their supervisor or the University's General Counsel.

MONMOUTH UNIVERSITY POLICIES AND PROCEDURES

Policy Name: Board of Trustees Code of Ethics **Revision Date:** February 27, 1997

Original Issue Date: June 22, 1995

Issued By: Board of Trustees

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Approved By: Board of Trustees

The Board of Trustees of Monmouth University has an obligation to avoid activities or situations which may result in an actual conflict of interest or the appearance of a conflict of interest. Trustees are expected to arrange their outside obligations, financial interests, and activities so as not to conflict with their commitment to the University. Trustees must not use their official positions to secure unwarranted privileges or advantages for themselves or others.

The potential for a conflict of interest, or the appearance thereof, extends across a wide range of activities in the University. Conflicts of interest which must be avoided by trustees include, but are not limited to:

I. Employment by the University

A. Employment by the University, either directly or as an independent consultant.

II. Outside Activities

A. Outside activities which conflict with commitments to the University, or imply that the University endorses an organization or activity or constitute an unauthorized use of the University's resources or name.

B. Partisan political activity prohibited by federal and state law or regulations, when on University property, or using University resources or the University name.

C. Outside businesses in which the trustee has an ownership interest or serves as a paid employee or officer which compete with the University, sell goods or services to the University (applicable only if

more than 5% of the business' sales are with the University), or receive funding from the University. (Refer to the conflict of interest statement in the University Purchasing Manual and the Policy on Conflict of Interest in Sponsored Research).

III. Purchasing and Contracts

A. Negotiation, authorization or execution of purchasing agreements or other types of contracts with the University in situations where the trustee has a direct or indirect financial or other interest or the acceptance of gifts, favors or other things of value from vendors and contractors connected with the University. (Refer to the conflict of interest statement in the University Purchasing Manual).

IV. Fundraising

A. Acceptance of gifts from donors under circumstances in which a trustee or others on their behalf, will personally benefit from the gift. (Refer to Office of Institutional Advancement Policies and Procedures Manual for Development Activities).

V. Resolution of Possible Conflicts of Interest

A. All trustees have an obligation to examine any situation in which they may have a conflict of interest and take steps to resolve the conflict. Any individual who is concerned that a conflict may exist or how to resolve it should consult with the University's general counsel.

B. Trustees who have declared or who have been found to have a conflict of interest shall refrain from participating in consideration of matters before both committees and the full board of trustees unless for special reasons they are requested to provide specific information or an interpretation regarding the matter. Trustees with conflicts shall not vote nor be present at the time of the vote on the particular matter for which they have a conflict of interest.

C. Trustees will be required to file annually, the "Conflict of Interest Disclosure for Trustees" and update these disclosures on a continuing basis as required.

D. A conflict of interest may be permitted by the Executive Committee of the Board of Trustees, in accordance with any specified conditions, when after full disclosure by the affected trustee, the Executive Committee of the Board of Trustees determines that the affected trustee will not receive any direct financial benefit as a result of the conflict of interest, the University will benefit from the conflict

of interest and that permitting the conflict of interest is in the best interests of the University. Such a determination by the Executive Committee of the Board of Trustees shall be reevaluated upon any substantive change in the circumstances surrounding the conflict of interest. The Executive Committee of the Board of Trustees may, in its sole discretion, withdraw any permission granted with regard to a conflict of interest and upon so doing shall notify the affected trustee of such action.

SALE / TRADE-IN / DISPOSAL OF EQUIPMENT

Date _____

Department _____ **Account No.** _____

Description of Equipment: _____

Bldg. _____ **Floor** _____ **Room** _____

Original Cost _____

I Request That the Equipment Be (Check One)

Disposed Of _____

Traded In _____

Sold _____

Signature _____
(Department Head / Budget Manager)

Signature _____
(Purchasing Director)

SUBMIT TO PURCHASING DEPARTMENT

