

MOUNTWEST COMMUNITY & TECHNICAL COLLEGE
INSTITUTIONAL BOARD OF GOVERNORS
POLICY NO. F-6
PURCHASING

1. General

1.1 Scope

This policy establishes the governing rules for the purchase, acquisition, inventory management, and disposal of materials, supplies, equipment, services, construction, and printing by Mountwest Community & Technical College (“the College”).

1.2 Authority

This policy is adopted pursuant to the authority granted under:

- **West Virginia Code §18B-5-4 through §18B-5-9;**
- Additional applicable provisions of West Virginia Code, including but not limited to **§5A-3, §12-3, and §29B;**
- Procedural Rule **135CSR30 – Purchasing**, promulgated by the Council.

1.3 Applicability

This policy applies to all College divisions, employees, and units engaged in purchasing, procurement, receiving, inventory management, or surplus property activities.

1.4 Relationship to Procedures

The administrative processes required to implement this policy are contained within the College’s **Purchasing Procedures Manual**, which is incorporated by reference and maintained by the Chief Procurement Officer. Should conflict occur, state law and this policy shall control.

2. Definitions

2.1 Adoption of Statutory Definitions

The College adopts for purposes of this policy the definitions included in **WV Code §18B-1-2** and other relevant procurement statutes.

2.2 Additional Definitions

Operational definitions such as “Chief Procurement Officer,” “sole source,” “competitive sealed bidding,” and similar terms shall be defined within and governed by the **Purchasing Procedures Manual**.

3. Authority of the Governing Board

3.1 General Authority

In accordance with **WV Code §18B-5-4**, the Institutional Board of Governors (“the Board”) shall adopt policies governing and controlling the acquisition, purchase, inventory management, and disposal of materials, supplies, equipment, services, construction, and printing.

3.2 Delegation to the President

The Board delegates to the President the authority and responsibility to administer and oversee the purchasing and procurement system of the College.

4. Responsibilities of the President

The President shall:

- 4.1 Administer and ensure compliance with this policy, state law, Council rules, and applicable state-level requirements.
 - 4.2 Recommend policy revisions to the Board as necessary for effective and efficient procurement management.
 - 4.3 Approve, issue, and maintain administrative guidelines, manuals, forms, and procedures, including the Purchasing Procedures Manual.
 - 4.4 Provide for periodic internal or external audits to ensure compliance.
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5. Chief Procurement Officer

5.1 Appointment

The President shall appoint a **Chief Procurement Officer (CPO)** as required by **WV Code §18B-5-4**, with such appointment filed with the Vice Chancellor for Administration, the State Auditor, and the Attorney General, as applicable.

5.2 Delegated Authority

Unless otherwise stated in writing, the CPO shall serve as the President's designee for all procurement and inventory functions, including purchasing, acquisition, receiving, inventory management, and disposal of surplus or obsolete property.

5.3 Duties

The CPO shall perform all duties required by law, including but not limited to:

- Administering competitive bidding and proposal processes;
- Managing purchases above and below statutory thresholds;
- Approving sole source, single source, and emergency procurements;
- Enforcing vendor registration, bond, and compliance requirements;
- Maintaining all procurement records consistent with law;
- Applying resident vendor preferences as required by WV Code;
- Ensuring adherence to the **WV Governmental Ethics Act** (WV Code Chapter 6B);
- Filing contracts and purchase orders as required with the State Auditor or Attorney General.

Procedural details related to these duties are established in the Purchasing Procedures Manual.

6. Purchasing Standards

6.1 Compliance with State Law

All purchases shall comply with **WV Code §18B-5-4 et seq.**, applicable sections of **WV Code §5A-3**, and procedural rules of the Council.

6.2 Competitive Bidding and Thresholds

The College shall utilize competitive sealed bidding or proposals when required by law. Specific thresholds, required advertisements, procedural steps, timelines, and documentation requirements are detailed in the Purchasing Procedures Manual.

6.3 Alternative Procurement Methods

The CPO may authorize:

- Sole source or single source procurement;
- Competitive selection of professional services;
- Emergency purchases;
- Use of cooperative agreements, consortia, statewide contracts, and federal contracts;

all in accordance with applicable provisions of the West Virginia Code and state rules.

7. Purchasing Card (P-Card)

The College shall comply with the State of West Virginia Purchasing Card Program as authorized by **WV Code §12-3-10a and §12-3-10b** and Legislative Rule **155 CSR 7**.

Procedures relating to card issuance, allowable and prohibited purchases, documentation requirements, reconciliations, audits, and cardholder responsibilities are established within the Purchasing Procedures Manual.

8. Inventory and Surplus Property

Inventoring of materials, supplies, and equipment, and the disposal of obsolete, surplus, or unusable items shall be conducted in accordance with **WV Code §18B-5-7 through §18B-5-9** and consistent with the Purchasing Procedures Manual.

9. Ethics and Standards of Conduct

All College employees engaged in purchasing or procurement activities shall comply with:

- The **WV Governmental Ethics Act (Chapter 6B)**;
- Conflict-of-interest provisions;
- Restrictions on gratuities, rebates, and vendor relationships;
- Applicable sections of **WV Code §5A-3-28 through §5A-3-31**.

Ethical guidance and procedural expectations are detailed in the Purchasing Procedures Manual.

10. Vendor Protests, Reconsideration, and Suspension

Procedures for filing and resolving vendor protests, reconsideration requests, and vendor suspension decisions shall comply with **WV Code §18B-5-4** and related state requirements.

Operational processes are outlined in the Purchasing Procedures Manual.

11. Incorporation by Reference

The Purchasing Procedures Manual is hereby incorporated by reference as the official administrative guide for the implementation of this policy. The President, through the Chief Procurement Officer, is responsible for maintaining and updating the Manual to reflect changes in law, regulation, or institutional needs.

12. Effective Date

This policy shall become effective upon approval by the Institutional Board of Governors.