

**TITLE 752. UNIVERSITY HOSPITALS AUTHORITY
CHAPTER 10. PURCHASING RULES [REVOKED]**

752:10-1-1. Purpose [REVOKED]

~~—The purpose of this Chapter is to describe the rules governing the purchasing requirements of The University Hospitals and the operation of the Purchasing Department. The Purchasing Department is an internal department of The University Hospitals. It provides the mechanism for the acquisition of goods and services for the operation of The University Hospitals. Goods and services are purchased under guidelines approved by The University Hospitals Authority and in compliance with all applicable state statutes.~~

752:10-1-2. Definitions [REVOKED]

~~The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:~~

~~**"Acquisition"** means all types of purchases and rentals, whether bought or leased by contract or otherwise, and includes every means by which The University Hospitals obtains for its use any materials, supplies, service or equipment.~~

~~**"Authority"** means the University Hospitals Authority which is the governing body of the University Hospitals.~~

~~**"Award"** means when the Authority, Chief Executive Officer, department, the Purchasing Director, or other person authorized to make the acquisition, agree on a suitable vendor for a competitive bid and the Purchasing Director, or designee, notifies the successful vendor.~~

~~**"Chief Executive Officer"** or **"CEO"** means the highest ranking administrator at The University Hospitals.~~

~~**"Commodity code"** means a group of like products or services.~~

~~**"Department"** means a department within The University Hospitals.~~

~~**"EEOC"** means Equal Employment Opportunity Commission.~~

~~**"Equipment"** means all personal property acquired for TUH use which is in the nature of a tool, device, or machine and shall be deemed to include all personal property used or consumed by The University Hospitals and is not included within the category of materials and supplies.~~

~~**"Goods"** means products, material, supplies and includes all property except real property acquired by The University Hospitals for its use or consumption, except equipment.~~

~~**"Invitation to Bid"** or **"ITB"** means a document issued which describes the goods or services for which offers are being solicited.~~

~~**"Professional services"** means services which are predominantly advisory or intellectual in character, or involve support rather than supplying equipment, supplies or other merchandise. Professional services include those services requiring special, usually advanced education or skill.~~

~~**"Purchasing"** means the Purchasing Department of The University Hospitals.~~

~~**"Purchasing Director"** means the Purchasing Director of The University Hospitals.~~

~~**"Services"** means labor rendered by a person to another as distinguished from providing tangible goods. It shall include any type of personal or professional service, employment or undertaking except the employment of regular officers and employees by a state agency or such extra seasonal help as is authorized by law and is regularly used.~~

~~**"TUH"** means The University Hospitals.~~

~~**"University Hospitals"** means the entity governed by the authority which operates University Hospital, the Children's Hospital of Oklahoma, the Child Study Center, and the O'Donoghue Rehabilitation Institute.~~

752:10-1-3. General purchasing provisions [REVOKED]

~~(a) The University Hospitals has the statutory authority to directly purchase or acquire:~~

- ~~(1) Human organs;~~
 - ~~(2) internal prosthesis;~~
 - ~~(3) Emergency repairs of equipment and machinery;~~
 - ~~(4) Products and Services;~~
 - ~~(5) Utility services regulated by a city ordinance, or state or federal regulatory commission.~~
- ~~(b) Goods and services shall be acquired by one of the following methods and in accordance with the statutes of the State of Oklahoma:~~
- ~~(1) Direct purchase order for products and/or services to the vendor within the authorized dollar amounts and other limitations contained in this Chapter.~~
 - ~~(2) Acquisition of products and/or services through organized buying groups such as General Services Administration contracts, state-wide Department of Central Services contracts ("00 contracts"), or the University Hospital Consortium.~~
 - ~~(3) Competitive bid of products and services by TUH.~~
 - ~~(4) Competitive bid of products or services by the State Department of Central Services.~~
 - ~~(5) Sole source acquisitions according to the procedure in 752:10-1-15.~~
 - ~~(6) Donation to The University Hospitals.~~
 - ~~(7) Purchases from other governmental agencies.~~
- ~~(c) The goods and services shall meet the specifications required, be cost effective, and be the best product for the best price.~~
- ~~(d) Except for acquisitions requiring the approval of the Authority or the CEO, TUH Purchasing, in consultation with the requesting department, shall determine the best product or service for the best price, and shall document that determination.~~
- ~~(e) All change orders and amendments to any contract shall be initiated by the requesting TUH department, but must be approved by the Purchasing Director.~~
- 752:10-1-4. Vendor registration [REVOKED]**
- ~~(a) Any vendor wishing to do business with TUH should be on the hospital's vendors bidders list maintained by the hospital's Purchasing Department. Any vendor who wants to be on the bidders list must register with Purchasing to receive copies of bids for the commodities or services which the vendor wishes to sell. All vendors are eligible for consideration.~~
- ~~(b) Vendors wishing to be added to the bidders list should write, fax, or visit Purchasing and ask for a vendor registration packet. The packet contains an application, forms that request information about the company and services and products or groups of like items that the vendor is interested in providing.~~
- ~~(c) The vendor shall complete the information requested in the packet and return the information to Purchasing. Upon receipt, Purchasing will review the registration for completeness. Purchasing may return the registration form for additional information if necessary.~~
- ~~(d) Upon the receipt of a completed registration packet, Purchasing will ascertain what classification(s) the vendor has identified an interest in supplying and will provide to the vendor an itemized listing of products and commodity codes for the vendor. The vendor will complete the listing and return it to Purchasing.~~
- ~~(e) Upon receipt of the completed itemized listing of products and commodity codes, the information will be encoded into Purchasing's data system. As a service to the vendor, the vendor will be mailed copies of the ITB for those products and commodity codes for which the vendor is registered.~~
- ~~(f) It is the vendor's responsibility to review the ITB's on file at Purchasing. Purchasing will not be responsible for any ITB's the vendor did not receive via mail or for delays in the receipt of bids.~~
- ~~(g) It is the responsibility of the vendor to update their file on an ongoing basis. Purchasing will retain all vendor information on file for three years.~~

752:10-1-5. Vendor retention and removal from bidders list [REVOKED]

~~(a) To ensure that vendors will perform in the best interest of TUH, it is necessary to address problems in a swift and equitable manner for all concerned. In addition, varying degrees of vendor misconduct can cause irreparable harm to TUH and its departments. It is therefore recognized that penalties for poor vendor performance and/or violation of state statutes must be addressed.~~

~~(b) Removal from the bidder's list may be considered for the following infractions:~~

~~(1) Three consecutive no responses on each class of item on the invitation to bid. (A bid submitted and marked NO BID is a response).~~

~~(2) Repeated failure on the part of the vendor to meet promised and/or required delivery dates and prices.~~

~~(3) Delivery by the vendor of substitutes in lieu of the items(s) specified on the approved bid and/or purchase order.~~

~~(4) Failure on the part of the vendor to meet EEOC and other requirements mandated by public legislation or The University Hospitals Authority.~~

~~(5) Problems created by the vendor regarding incorrect or inappropriate billing adjustment for goods and/or services furnished.~~

~~(6) Failure to support purchased products by not supplying necessary information, required maintenance and/or parts.~~

~~(7) A conviction or plea of guilt to a felony involving fraud, bribery, corruption or sales to the state or to any of its political subdivisions.~~

~~(c) If the Purchasing Director believes that a vendor has committed any act constituting grounds for removal from the bid list, he shall promptly notify the bidder in writing of a date and time to appear and show cause why the vendor should not be removed from the list. The notice shall state the allegations or facts which serve as the basis for such removal. The Director shall select a date not less than seven (7) days from the date the notice is mailed, at which time the vendor may appear or provide a written response to rebut the allegations. The Director may extend this date for good cause. After the vendor has been given the opportunity to respond, the Director shall either decide that grounds do not exist for removal, or shall decide to remove the vendor from the bidder's list. The Director may, in his or her discretion, remove a vendor from the bidder's list for up to three (3) years, depending on the severity of the vendor's conduct. If the grounds for removal are for a felony or other conviction under (b)(7) of this Section, the removal shall be for an indefinite duration. Appeals from decisions of the Director shall be done in the same manner as established in §752:10-1-13(d). Any vendor may petition the Director for reinstatement. Such a vendor has the burden of demonstrating that it has the capability to responsibly do business with the state, and that the conditions leading to its removal have been remedied. In the case of removals based on criminal convictions, a vendor may only be placed back on the bidder's list if it can show the vendor has disassociated itself from the individuals responsible for the acts giving rise to the conviction.~~

752:10-1-6. Vendor samples [REVOKED]

~~(a) Vendors who provide samples for evaluation will be accepted if they meet the following conditions:~~

~~(1) The product is one which is of a type presently in use or is of potential use to the hospital. Samples of goods not likely to be purchased will not be accepted.~~

~~(2) The quantity or size of the sample is relatively small and of low value. The object of a sample is the examination of its fitness for hospital use.~~

~~(3) If vendor supplied samples are accepted, they shall be promptly conveyed to the department for evaluation.~~

~~(4) If a vendor sample is an item of equipment, the item must be inspected and approved by TUH Biomedical Services prior to the delivery to the area requesting the sample.~~

~~(5) Any manufacture warranty and liability will be in effect for any product samples being evaluated by the hospitals.~~

~~(6) The vendor may follow up with the appropriate buyer on any sample left for evaluation.~~

~~(7) Under no circumstances will TUH purchase products for the purpose of evaluation.~~

~~(b) Samples not destroyed by examination and testing or retained for comparison will be returned at cost to the vendor upon written request.~~

752:10-1-7. Submission of bids [REVOKED]

~~(a) If a vendor wishes to bid on the item(s) listed in an ITB, the vendor shall complete the bid via the instructions provided with the ITB. It is the vendor's responsibility to read and understand the instructions and terms and conditions provided with the invitation to bid. Failure to comply with the instructions and terms and conditions in the ITB may disqualify the bid as per §752:10-1-11. Any questions should be directed to the TUH Purchasing buyer listed on the bid.~~

~~(b) If the vendor does not wish to bid on the items, the vendor should fill in the vendor name, address, and write "No Bid" in the unit price column and return the bid to Purchasing.~~

~~(c) It is the responsibility of the vendor to ensure delivery of a bid to Purchasing at or prior to the designated time on the ITB. The hospital will not be responsible for late bids.~~

752:10-1-8. Bid openings [REVOKED]

~~(a) All sealed bids will be stamped with the time and date upon receipt at Purchasing. The bids will be placed in a secured bid file until time for the scheduled bid opening. Access to the file is limited to the Purchasing Director or designee until the bid opening.~~

~~(b) Bids will be opened at the designated date and time of closing by TUH purchasing personnel. A bid opening record will be completed and maintained in the bid file.~~

~~(c) Public openings may be requested by a vendor and/or interested parties prior to the bid opening. The request may be oral or written and must include the requisition number and closing date.~~

~~(d) No award will be made at routine or public openings. Award recommendations are made in writing upon conclusion of the bid evaluation.~~

~~(e) All bids and bid records are open to the public during normal working hours, after the bid opening, and in accordance with 51 O.S. 1991, Sections 24A.1 et seq., as amended. Copies may be requested in writing from the Purchasing Director.~~

752:10-1-9. Bid tabulations [REVOKED]

~~(a) After the bid opening, the TUH purchasing personnel will utilize a spread sheet referred to as the "bid tabulation sheet". A bid tabulation sheet will be completed for each ITB. The vendor's bid will be reviewed for compliance with the instructions, compliance with the terms and conditions, and for compliance with the bid as per §752:10-1-10 and 10-1-11.~~

~~(b) The bid tabulation sheet will be provided to the hospital's department requesting the ITB for their evaluation.~~

752:10-1-10. Award of bid [REVOKED]

~~(a) The ITB, the bid tabulation sheet, and the literature and/or samples provided by the vendor will be forwarded to the requisitioning department. The department will review the information to determine compliance with the bid specifications. The department will make a written recommendation of award based on the information provided. The recommendation will be reviewed by Purchasing to ensure compliance with all TUH rules, policies and procedures.~~

~~(b) Purchasing has the right to waive minor deficiencies or informalities in a bid provided that, in the buyer's judgement, the best interest of the state would be served without prejudice to the rights of the other bidders.~~

~~(c) Tie bids may develop between bidders. If these bidders are equal in price and all specifications, the award will be determined as follows:~~

- ~~(1) A tie between out-of-state and Oklahoma firms will automatically go to the Oklahoma firm.~~
- ~~(2) A tie between Oklahoma firms will be made as deemed in the best interest of the State using the criteria in (d) of this Section.~~
- ~~(d) Lowest and best bid will be determined by applying the following criteria:~~
- ~~(1) The bid that most closely matches the specification set forth by the utilizing department.~~
- ~~(2) The administrative costs of Purchasing often vary when the bids are partial or by lot. Administrative costs shall include direct personnel and other tangible costs associated with processing purchase orders and payments to the vendor. These administrative costs may be considered when determining whether to make partial awards on a single bid. Prompt payment discounts will be accepted but will not be considered in the determination of lowest price.~~
- ~~(3) Where earlier delivery date would be of great benefit to the hospital, this may be considered in the bid award, when so specified in the ITB.~~
- ~~(4) Where the vendor has a particular expertise or recognized ability to provide certain services, or has provided exemplary performance on previous contracts, this will be a consideration in the award.~~
- ~~(e) A differential of up to 5% will be allowed in the cost of Oklahoma produced materials, supplies and provisions of equal quality, if the preference is claimed at the time of the bid. An article shall be considered to be produced, manufactured or grown within this State if done so by any person, partnership, company association, or corporation that meets the requirements as set forth in 74 O.S. 1991, Section 85.32 et seq.~~
- ~~(f) A differential of up to 5% will be allowed in the cost to a certified minority business (if noted on the invitation to bid) which means any business that is properly certified as a minority business enterprise through the Minority Business Assistance Program as provided in 74 O.S. 1991, Sections 85.45 et seq.~~
- ~~(g) Oklahoma is an energy conservation state and as such will reserve the right to give considerations to energy efficiency and total use cost (life cycle costing) in all awards.~~
- ~~(h) TUH reserves the right to accept by item, group of items, or by the total bid, whichever is deemed to be in the best interest of TUH.~~
- ~~(i) TUH reserves the right to reject in part or whole any bid.~~
- ~~(j) No award will be made if TUH determines the lowest bid totals more than the money available for purchase or if the lowest bid exceeds the reasonable market price.~~
- ~~(k) TUH will send a purchase order or a notice of award as acceptable notification of a valid and binding contract with a vendor.~~
- ~~(l) All awards will be made under the terms and conditions as outlined in §752:10-1-11 and any additional terms and conditions as described in the invitation to bid.~~
- ~~(m) The ITB together with the successful vendor's responsive bid shall constitute a binding contract and will be interpreted under Oklahoma law.~~
- 752:10-1-11. Terms and conditions for acceptable bids [REVOKED]**
- ~~(a) All bids submitted are subject to TUH policy and procedure and/or any special conditions and specifications listed in this Subchapter, all of which are made a part of the ITB.~~
- ~~(b) Sealed bids will be opened by Purchasing at the time and date shown.~~
- ~~(c) Bids received after the closing time will not be considered. Envelopes must contain only one bid, be sealed and the name and address of the bidder inserted in the upper left hand corner. The requisition number and closing date must appear on the face of the envelope.~~
- ~~(d) The bid shall be in strict conformity with the instructions to the bidders and shall be submitted on the approved form. The quotations must be typewritten or written in ink, and corrections must be initialed by a representative of the vendor prior to the submission of the bid. Corrections made by~~

~~correction fluid or by correctable typewriter ribbons will not be accepted unless initialed. Pencil bids will not be accepted.~~

~~(e) The bid may be awarded on an all or none basis, by item or groups of items, whichever is in the best interest of TUH. Awards will be made to the lowest and best bidder as described in §752:10-1-10(d).~~

~~(f) All bidders must guarantee that the quoted unit price in a bid is correct.~~

~~(g) Purchases by TUH are not subject to any sales tax or federal excise tax. Exemption certificates will be furnished upon request.~~

~~(h) Prices shall be bid F.O.B. TUH and include packaging, handling, shipping, and delivery charges prepaid by the bidder.~~

~~(i) The bidder shall deliver the merchandise or services as bid. Any deviation must be approved in writing with the TUH Purchasing Buyer.~~

~~(j) If a vendor wishes to claim the in-state preference referred to in 752:10-1-10(c), the vendor must place an asterisk (*) by each item so claimed and identify where it is produced, grown, or manufactured in Oklahoma. The proof of qualification rests with the bidder. If a preference is claimed under the Minority Business Assistance Program, the bidder shall so state and provide their certification number.~~

~~(k) Any questions pertaining to the clarification of the bid shall be directed to the Buyer shown on the ITB.~~

~~(l) Oklahoma is an energy conservation state and welcomes any comments on the bid that would indicate energy savings.~~

~~(m) Any manufacturer, trade names, brand names, information and/or catalog numbers listed in the specification are for information and are not intended to limit competition. The bidder may offer any brand which meets or exceeds the specification for any item(s). If the bid is based on equivalent products, the bidder shall indicate on the bid form the manufacturer's name and number. The alternate bid shall be accompanied with sketches, descriptive literature, and/or complete specifications. Samples of the alternate item(s) are recommended. Reference to literature submitted with a previous bid will not satisfy this provision. If necessary, the bidder shall also explain in detail the reason(s) why the proposed requirements may be satisfied with a substitute product. Bids lacking any written indication of intent to quote an alternate brand will be received and considered in complete compliance with the specifications as listed on the bid form.~~

~~(n) A bid constitutes a legal offer which becomes a contract upon acceptance by TUH pursuant to §752:10-1-10(m).~~

~~(o) The ITB must be made out in the name of the bidder and must be fully and properly executed by an authorized person, signed in ink, and notarized with full knowledge and acceptance of all its provisions.~~

~~(p) In accepting a contract with TUH, the bidder must agree to an audit clause which provides that books, records, documents, accounting procedures, practices or any other items of the bidder relevant to the contract are subject to examination by TUH, and the State Auditor and Inspector.~~

~~(q) Failure to comply with the terms and conditions will subject the bid to disqualification.~~

752:10-1-12. Challenge of award [REVOKED]

~~(a) Any bidder may challenge the award of a bid. A challenge may be based on the following grounds:~~

~~(1) Error in the calculation of price.~~

~~(2) The bid of the successful vendor did not meet the bid specifications in a material way.~~

~~(3) The bidding procedure was done in violation of University Hospitals Authority rules; or~~

~~(4) University Hospitals personnel handling the bidding procedure acted in a willful or capricious manner.~~

~~(b) After the award is made, the protesting bidder will deliver a written explanation of the reason for the challenge to the office of the Purchasing Director, within five (5) working days of the time the hospital selects a successful bidder.~~

~~(c) The Purchasing Director will review the protesting bidder's challenge of award, as well as the hospital's selection process, and rule on the challenge. The decision will be in writing and shall address each ground raised by the bidder challenging the bid, specifically referring to the facts and documents supporting his decision.~~

~~(d) Any bidder may also request that the Purchasing Director delay the implementation of the contract being protested pending the outcome of the protest. This request must also be in writing and the decision to delay implementation of a contract shall be left to the discretion of the Purchasing Director.~~

752:10-1-13. Administrative review [REVOKED]

~~(a) If the protesting bidder does not agree with the Purchasing Director's decision on the challenge of award, the protesting bidder may request an administrative review. Any protesting bidder may appeal a decision by the Purchasing Director to the CEO. In order for the claim to be eligible for administrative review, the appeal must have been through the challenge of award process as per §752:10-1-12.~~

~~(b) The protesting bidder must file a notice of appeal with the CEO within seven (7) working days of the date of the letter notifying the bidder of the decision by the Purchasing Director of the challenge of award by the protesting bidder, or the postmark of such letter, whichever is later. The letter shall contain the following:~~

~~(1) The letter must state all the facts and arguments giving rise to the claim of controversy and the appeal.~~

~~(2) The letter must also state clearly and separately the alleged error by the Purchasing Director or other University Hospitals personnel and the relief sought with the appeal to the CEO.~~

~~(3) The letter must clearly and separately state that the vendor is requesting an opportunity to be heard in pursuit of the appeal.~~

~~(c) Upon receipt of a properly perfected notice of appeal, the CEO shall review the appeal himself or appoint a designee to conduct the administrative review. The CEO may appoint any officer of TUH or may appoint an attorney licensed to practice law to conduct the review. The person conducting the review shall promptly set a time period in which a review will be conducted that will be not more than forty five (45) days in length beginning from the date the notice is filed. The person conducting the administrative review will set a date in which the vendor must produce or identify all the documents or other supporting data (verbal or written) which supports his appeal, which date must be within the forty-five (45) day time period above. The person conducting the administrative review may schedule a meeting with the vendor to discuss the appeal and issues raised, and will examine all such documents and supporting data.~~

~~(d) Within twenty (20) working days after the administrative review period, the person conducting the administrative review shall notify the protesting bidder and the apparent successful bidder of the decision by certified mail. The decision by the person conducting the administrative review shall include findings of the facts and conclusions supporting the decision to uphold the award or set the award aside. This decision shall be final and conclusive.~~

752:10-1-14. Group purchasing acquisition [REVOKED]

~~(a) TUH may use organized buying groups as reviewed by the CEO and the Purchasing Director and approved by the Authority, for the acquisition of products and services. The organized buying group shall have written policies and procedures which describe their bidding and acquisition process.~~

~~The products shall be of a sufficient quality, competitively priced, and meet the standards as set forth by the Authority.~~

~~(b) Some organized buying groups may require "precommitment documents" prior to issuing contracts. A precommitment document is a document which states that TUH will purchase a specific minimum number of the type of product to be purchased. All precommitment documents shall be reviewed by the affected departments and by the Purchasing Director to ensure that the terms and conditions of the contract are in the best interest of the hospital. After review by the department manager and the Purchasing Director, the documents will go to the CEO for his review and approval.~~

~~(c) Approved precommitment documents are mailed back to the organized buying group and a copy is maintained in the purchasing department.~~

~~(d) If an acquisition is to be made from a General Services contract or "00 contract" from the State Department of Central Services, the requesting TUH department must document that the acquisition constitutes the lowest and best bid among the prices quoted for the goods or pieces of equipment possessing comparable specifications available on the contracts. The acquisition must also be approved by Purchasing.~~

752:10-1-15. Sole source contracts [REVOKED]

~~TUH need not seek competitive bids if the person with authority to make the acquisition affirms that the goods or services may only be obtained from a single or sole source. The person wishing to make an acquisition through a sole source shall sign an affidavit prepared on a form approved by the Purchasing Director, which gives all the reasons why the specifications to fill the need restricts the item or service to one person or business. The affidavit shall be reviewed by the Purchasing Director and approved by the CEO. A sole source acquisition may only be approved if it meets one or more of the following criteria:~~

~~(1) Replacement or repair parts require the same brand.~~

~~(2) Compatibility of equipment from the same vendor is an essential factor for effective utilization of the product.~~

~~(3) The product or item is the only one of its kind that will fulfill the need of the agency.~~

~~(4) The product or service furnished by the vendor is very specialized or the vendor providing the service possesses great acquired expertise, and the vendor is the only one singularly and peculiarly qualified to provide such service or product.~~

752:10-1-16. Emergency acquisition process [REVOKED]

~~(a) TUH has the authority to acquire human organs, internal prosthesis, and the emergency repair of equipment without use of the competitive bidding process pursuant to 74 O.S.1991, Sections 85.7 and 85.12.~~

~~(b) The department manager or designee will complete a purchase requisition with the appropriate justification form stating the reason for the emergency acquisition and forward the paperwork to Purchasing.~~

~~(c) The TUH Purchasing Department buyer will review the requisition and justification forms to ensure all required information is complete. Incomplete forms will be returned to the department for correction.~~

~~(d) The buyer will issue a purchase order to the vendor selected by the department. The buyer will hand carry the purchase order to the Purchasing Director for signature. The buyer will contact the vendor and place the order.~~

752:10-1-17. Delegation of authority [REVOKED]

~~The authority to procure needed products and services for TUH has been delegated to the Authority from the Oklahoma Legislature. The Authority delegates procurement authority to the CEO and other Authority officers and personnel according to the dollar limits and types of products~~

~~stated in (1), (2) and (3) of this Section. Within this authority, the CEO may delegate in writing to other specific individuals the responsibility for the performance of the procurement duties.~~

~~(1) Supply and Non-Professional Services Acquisitions: Each department manager may initiate any supply or non-professional services acquisition which is within his or her authorized and approved department budget. Any single acquisition of this kind over \$50,000 up to \$500,000 must be approved by the CEO. Any single acquisition of this kind over \$500,000 must be approved by the Authority.~~

~~(2) Capital Equipment: Acquisitions of capital equipment from \$0 up to \$250,000.00 must be approved by the CEO. For acquisitions over \$250,000, the CEO shall notify the members of the Authority that an ITB is being sent out. An analysis of the submitted bids, and a recommendation of a vendor, shall be presented by the CEO to the Authority, and the Authority shall make the award.~~

~~(3) Professional Service Contracts: Acquisitions of professional services from \$0 up to \$50,000 must be approved by the CEO except for auditing and legal services, which must be approved by the Authority. All other professional service contracts over \$50,000 must be approved by the Authority.~~

752:10-1-18. Authority order [REVOKED]

~~(a) Any acquisition or contract for an amount of \$2,500.00 or less shall be exempt from the competitive bidding procedures. The items may be acquired by an authority order issued directly to the vendor.~~

~~(b) Purchasing will monitor authority orders to see if the combined usage from the various departments for the same items exceeds the dollar for authority orders. When this happens, the departments will have to prepare competitive bid specifications.~~

752:10-1-19. Purchases in excess of \$2,500 and not exceeding \$10,000 [REVOKED]

~~(a) If the acquisition is for an amount exceeding \$2,500, but is not more than \$10,000, price quotations shall be solicited from three or more vendors. Upon the vendors request, a solicited vendor shall be afforded at least 24 hours in which to prepare and provide a quotation.~~

~~(b) One or more of the solicited vendors shall be a certified minority business if any are registered for the commodity or service to be acquired.~~

~~(c) If a sole brand name or sole vendor is required, a written justification shall be filed for the record.~~

~~(d) The acquisition shall be made from the solicited vendor providing the lowest and best quotation. If the acquisition is not made from the vendor providing the lowest price quotation, a written explanation shall be filed for the record.~~

~~(e) If the goods or services are available from Oklahoma State Industries, they must be acquired through OSI, or a waiver from OSI must be obtained [57 O.S. 1991, Sections 549.1, et seq.].~~

~~(f) If the goods or services being acquired are included in the procurement schedule by the Committee on Purchases of Products of the Severely Handicapped, they must be acquired through that program [74 O.S. 1991, Sections 3001, et seq.].~~

~~(g) If the goods or services are available on a current group purchasing contract, they should be acquired from that contract.~~

~~(h) State manufacturers and certified minority businesses are entitled to certain bid preferences [74 O.S. 1991, Sections 85.32 and 85.45]. For any other preferences which may apply, or for assistance in calculating bid preferences, contact the Central Purchasing Division of the State Department of Central Services.~~

~~(i) The Purchasing Director may request waivers from the State Purchasing Director of certain requirements, if such waivers are permitted and/or mandated by law, and the receipt of such a waiver is in the best interests of TUH.~~

~~(j) All records and documentation shall be made available to the Director of Central Services or his/her designee, and/or to the State Auditor and Inspector, upon request. Further, all purchasing records required to be open under the Open Records Act [51 O.S. 1991, Sections 24A.1 et seq.], shall be available from Purchasing.~~

~~(k) Bids may be solicited by phone or facsimile machine. If the acquisition is for an amount over \$2,500.00, the vendor's bid must be in writing and received in a sealed condition. Such bid shall be opened and reviewed after the specific time and date stated or designated by TUH personnel.~~

752:10-1-20. Professional service contracts [REVOKED]

~~(a) Purchasing is the official repository for all original professional service agreements/contracts except as otherwise authorized by the CEO. Departments must forward to Purchasing all original agreements/contracts in their files. A standard format for all agreements will be on file and any changes will be coordinated with Purchasing. Any correspondence affecting the contract must also be forwarded to Purchasing. Purchasing staff will provide copies of documents requested from the files. Purchasing's central file will contain:~~

- ~~(1) Official copy of the agreement/contract~~
- ~~(2) Amendments~~
- ~~(3) Compliance audits or reviews~~
- ~~(4) Historical vendor performance~~
- ~~(5) The requisition~~
- ~~(6) Other related documents~~

~~(b) TUH may not enter into a professional service contract with any person who has been employed by TUH within one year after the termination date of the individual's employment, unless specifically permitted by statute. This shall not apply to contracts with qualified interpreters for the deaf.~~

~~(c) The travel expenses to be incurred by the vendor pursuant to the contract for services shall be included in the total amount of the contract award, unless TUH decides to reimburse the vendor under state statutes for such expenses, and informs vendors of such reimbursement in the ITB or request for proposal. The contractor shall be responsible for all travel arrangements and provide supporting documentation when submitting claims for reimbursement.~~

~~(d) An annual performance evaluation is required of the services provided under a professional service contract. Such evaluations shall assess the performance of the vendor during the contractual period. Evaluations shall be completed by the department responsible for initiating the contract no less than 90 days after the end of the contract. A copy of each evaluation is forwarded to Purchasing for filing in the contract file.~~

~~(e) If the final product of a contract is a report, the vendor must deliver two copies of the report to Purchasing.~~

~~(f) Contract terms and price must be definite and fixed.~~

~~(g) The following professional services are exempt from competitive bidding:~~

- ~~(1) Physician, Surgeon or doctor of medicine;~~
- ~~(2) Osteopathic Physician or Surgeon;~~
- ~~(3) Chiropractor;~~
- ~~(4) Chiropodist podiatrist;~~
- ~~(5) Optometrist;~~
- ~~(6) Veterinarian;~~
- ~~(7) Architect;~~
- ~~(8) Attorney;~~
- ~~(9) Dentist;~~
- ~~(10) Public Accountant;~~
- ~~(11) Psychologist;~~

- ~~(12) Physical Therapist;~~
- ~~(13) Registered Nurse;~~
- ~~(14) Professional Engineer; and~~
- ~~(15) Land Surveyor.~~

~~(h) All other professional service contracts must be competitively bid pursuant to this Chapter. In preparing bid specifications for professional service contracts, a minimum of 25% of the evaluation must be based on price.~~

~~(i) The requirement for competitive bidding may not be avoided by entering into a contract with an individual licensed in one of the professional categories identified in (g)(1) through (g)(15) of this Section, to perform non-germane services. For example, a lawyer may not be given a contract to serve as an investment counselor without competitive bidding.~~