

Contact: Andrea Anania

REVISIONS TO THE BOARD OF REGENTS POLICY MANUAL – CHAPTER 7

Recommended Action: Approve the proposed revisions to Chapter 7 – Purchasing for publication in the Board of Regents Policy Manual.

Executive Summary: Board Policy Manual §7.06(B)(12)(c) authorizes the Executive Director to approve emergency purchases that exceed \$1,000,000 to be followed by Board ratification and references the definition in Iowa Administrative Code §681 - 8.9, which was removed.

The proposed changes to Board Policy Manual Chapter 7 define “emergency purchases” and require that they be approved by certain institutional personnel prior to submission to the Executive Director.

The process for revisions involves initial review and comment by the Board (“first reading”) and final Board approval for publication at a subsequent Board meeting. This is the second and final reading of the proposed revisions as illustrated below:

B. ORGANIZATION AND RESPONSIBILITIES

12. DEFINITIONS

- c. The Executive Director may approve emergency purchases which exceed \$1,000,000 to be followed by Board ratification.

Emergency purchases are defined in ~~681 IAC 8.9(4)~~ as “Purchases from such individuals that are critical to sustaining patient care or human life, maintaining critical research equipment, or similar instances. Emergency purchases may also be defined as those purchases that are time sensitive.

- d. Before submission to the Executive Director for approval, emergency purchase requests must be approved by the vice president for business and finance, superintendent, or equivalent title, or their designees, with subsequent ratification by the Board of Regents at the next scheduled meeting.

- ~~de.~~ Any request submitted to the Board Office for approval pursuant to sections 12(~~bc~~) and 12(~~ed~~) of this policy will include the following information regarding the equipment to be purchased:

E. COMPETITIVE CONDITIONS

4. EMERGENCY PURCHASES. The Regents recognize that in some emergency situations the taking of competitive bids or quotations is not feasible or possible. In such situations the requirements to do so may be waived. Emergency purchases are defined in ~~681 IAC 8.9(4)~~ Policy Manual §7.06B(12)(c).

Background:

Emergency purchases had been defined in Iowa Administrative Code (IAC) §681 - 8.9. At its October 2010 meeting, the Board approved amending IAC §681 - 8.9 to reflect current Iowa Code §68B3 and §68B4. The amendment removed the definition of emergency purchases. http://www.regents.iowa.gov/Meetings/DocketMemos/10Memos/October2010/1010_ITEM06n.pdf

Board Policy Manual §7.06

<http://www.regents.iowa.gov/Policies/Chapter%207/chapter7.06.htm>

Iowa Administrative Code §681 - 8.9 (Prohibited Interest in Public Contracts – page 84)

<https://www.legis.iowa.gov/DOCS/ACO/IAC/LINC/02-06-2013.Agency.681.pdf>

Iowa Code §68B3 (When Public Bids Required—Disclosure of Income from Other Sales)

Iowa Code §68B4 (Sales or Leases by Regulatory Agency Officials and Employees.)

<https://www.legis.iowa.gov/DOCS/ACO/IC/LINC/Chapter.68B.pdf>