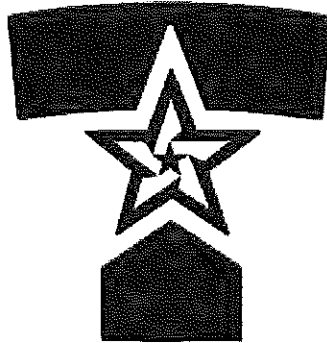


# **THE TEXAS STATE UNIVERSITY SYSTEM**



## **RULES AND REGULATIONS**

LAMAR UNIVERSITY  
LAMAR INSTITUTE OF TECHNOLOGY  
LAMAR STATE COLLEGE - ORANGE  
LAMAR STATE COLLEGE - PORT ARTHUR  
SAM HOUSTON STATE UNIVERSITY  
SUL ROSS STATE UNIVERSITY  
SUL ROSS STATE UNIVERSITY RIO GRANDE COLLEGE  
TEXAS STATE UNIVERSITY

**Adopted September 1, 1980  
Amended August 17, 2017**

System, any of its Components, or of the Board by any member of the respective faculties or staffs of the System or any of its Components except:

- 16.1 In accordance with general or special budgetary apportionments authorized in advance by the Board and entered into its minutes; or,
- 16.2 In accordance with authority specifically vested by the Board in a committee of the Board; or,
- 16.3 In accordance with authority to act for the Board when it is so specifically vested in the Component President and with the monetary limitations as set forth by these *Rules and Regulations* or by special action by the Board.
- 16.4 It shall be the duty of the several Component administrative officers to see that all claims for payments of items not authorized as indicated above are refused and returned unpaid.
- 16.5 There shall be no sale to or purchase from the System or its Components by the Component President, unless purchased as surplus property and/or at a duly authorized public auction. This *Subsection* shall not apply to goods and services which the system or its Component universities make available for purchase by faculty and staff or on the open market by the general public.

**17. "BEST VALUE" PROCUREMENT.**

*Section 51.9335(a)-(e) of the Texas Education Code* authorize institutions of higher education to use "best value" procurement process which provide greater autonomy and flexibility in the procurement of goods and services. The following guidelines shall govern "best value" procurement for the System and Components.

- 17.1 The System and Components may acquire goods and services by the method that provides the "best value" to the institution, including:
  - (1) competitive bidding;
  - (2) competitive sealed proposals;
  - (3) catalogue purchase;
  - (4) group purchasing program; or,
  - (5) an open market contract.
- 17.2 In determining what is "best value" the System and Components shall consider:
  - (1) the purchase price;

- (2) the reputation of the vendor and of the vendor's goods and services;
- (3) the quality of the vendor's goods and services;
- (4) the extent to which the goods or services meet the Component's needs;
- (5) the vendor's past relationship with the Component and/or the System;
- (6) the impact on the ability of the Component to comply with laws and rules relating to historically underutilized businesses and to the procurement of goods and services from persons with disabilities;
- (7) the total long-term cost to the Component of acquiring the vendor's goods or services;
- (8) the use of material in construction or repair to real property that is not proprietary to a single vendor unless the Component provides written justification in the request for bids for use of the unique material; and,
- (9) any other relevant factor that a private business would consider in selecting a vendor

17.3 The System and each Component shall establish purchasing rules and guidelines based upon the procurement rules established by the Board. All procurements shall be made in accordance with all applicable federal, state and local laws, *Rules and Regulations*, and the Board's "best procurement" *Rules and Regulations*.

#### 18. HISTORICALLY UNDERUTILIZED BUSINESSES.

- 18.1 Purpose. The Texas State University System Board of Regents promotes full and equal opportunity for all businesses to provide the goods and services needed to support the mission, administrative, and logistical operations of system Components. The Board commits its Components to a good faith effort to increase purchases and contract awards with Historically Underutilized Businesses (HUB) firms through race, ethnic, and gender neutral means and consistent with the state's goals for HUB participation and overall social advancement and economic prosperity.
- 18.2 Scope. This policy applies to acquisition of commodities, professional and other services, and construction by the System Administrative Office and Component institutions, including auxiliary enterprises, regardless of funding source (treasury or non-treasury funds).
- 18.3 Incorporation by Reference. The Historically Underutilized Business Program *Rules and Regulations* promulgated and, from time to time, amended by the Texas Procurement and Support Services (TPASS) are