

KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM
BUSINESS PROCEDURES MANUAL

Procedure 4.1
Page 1 of 3

Effective Date: September 15, 2009
Supersedes: Procedure 4.1 dated September 1, 2005
Applies To: Colleges and the System Office
Procedure Responsibility: KCTCS Purchasing

Purchasing Authority

Sections:

- 4.1.1 – General
- 4.1.2 – Delegation – Duties and Responsibilities
- 4.1.3 – Violations of Purchasing Procedures and Unauthorized Acts

Section 4.1.1 – General

Purchases for the Kentucky Community and Technical College System (KCTCS) are made within the framework of the Commonwealth of Kentucky Statutes. Statutory authority governing procurement and contracting is established by Kentucky Revised Statutes (KRS) Chapter 45 and 45A, (The Kentucky Model Procurement Code), 57, 164A and KAR Title 739. These Statutes contain the following major provisions:

1. Affixes the responsibility for procurement of supplies, equipment and services with the Board of Regents of KCTCS in accordance with KRS Chapter 164A.
2. Restricts sale, transfer, salvage and condemnation of supplies, equipment and real property.
3. Requires maintenance of inventories of plant and equipment.
4. Prescribes policies and procedures for establishment and administration of Imprest Cash and Petty Cash.

Section 4.1.2 – Delegation – Duties and Responsibilities

- A. In accordance with the provisions of the above statutes and the authority contained therein, the KCTCS Board of Regents has elected to perform purchasing versus having state government perform this function.
- B. The KCTCS Board of Regents has delegated the authority for procurement to KCTCS Purchasing. No employees or officers of KCTCS not named in the respective board resolutions or regulations are authorized to make oral or written contracts or binding commitments in the name of KCTCS, regardless of the source of funds unless authorized by specific expressed delegation by KCTCS Purchasing.

- C. KCTCS Purchasing has the sole responsibility with the authority to delegate for the procurement of all goods and services and for making the final determination of source of supply and adherence to KCTCS procedures. These decisions will be made in conjunction with the end user, and as appropriate, at the discretion of the authorized Purchasing Officer. KCTCS Purchasing shall serve as the exclusive channel through which all formal purchase order contracts, sealed bids and requests for proposals are handled. The end user may request informal proposals, obtain prices or technical details as necessary through correspondence with suppliers.
- D. The administrative head of the KCTCS Purchasing is the KCTCS Director of Purchasing, who is responsible for executing and supervising the following:
1. The purchase of (or delegation of authority to purchase) all equipment, supplies and services required by KCTCS.
 2. The execution of (or delegation of the authority to execute) rental and lease agreements on equipment and service contracts. Note: rental and lease agreements on Real Property are managed by KCTCS Facilities Management.
 3. The adherence to state statutes and administrative regulations pertaining to procurement.
 4. The establishment of standards and specifications for materials and supplies, where and when practical.

Section 4.1.3 – Violations of Purchasing Procedures and Unauthorized Acts

- A. The following sections of this procedure provide guidance regarding policies and requirements to be followed by KCTCS personnel for the purchase of supplies, equipment, and services. Questions regarding any part of the Purchasing policies, procedures and/or practices should be directed to KCTCS Purchasing, ATTN: KCTCS Director of Purchasing.
- B. The KCTCS' purchasing procedures are based on the provisions of KRS 45,45A, 57, 164A and KAR Title 739. They further embody sound business principles. Personnel who violate purchasing procedures or otherwise act outside their authority, do so at their own personal risk. Violators may be subject to disciplinary action as well as be personally liable for payment of the impermissible purchase. Violations of purchasing procedures may be referenced in personnel files and performance evaluations.

KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM
BUSINESS PROCEDURES MANUAL

Procedure 4.1
Page 3 of 3

- C. Purchases or other contracts made without proper authority are not binding upon KCTCS. If a purchase or other contract is made without proper authority, the KCTCS Director of Purchasing or their delegated representative may authorize payment of the obligation if not in conflict with the provisions of the above referenced statutes and regulations. A request for consideration of payment for unauthorized commitments must be fully explained in writing by the person who made the commitment to the KCTCS Director of Purchasing or their delegated representative. As a condition of payment, said person(s) shall acknowledge and commit to following KCTCS purchasing procedures in the future.
- D. If the KCTCS Director of Purchasing or their delegated representative does not ratify the payment of an unauthorized commitment, the obligation remains the personal obligation of the person making the commitment who shall act immediately to remove the name of KCTCS as being party to the transaction.
- E. The tax-exempt number of KCTCS shall only be used for official KCTCS procurement transactions. No purchases of any commodities or services by employees, students or other parties for their personal benefit shall be made in the name of KCTCS. Such an act shall be construed as misappropriation of funds and the person(s) committing such an act shall be subject to disciplinary action. Disciplinary action may include termination of employment with KCTCS or pursuit of legal action as deemed appropriate.
- F. A purchase may not be made from an employee of KCTCS nor may an employee have any interest, directly or indirectly, in any purchase made by KCTCS.
- G. Purchases for KCTCS are made for the purpose of meeting program requirements of the various colleges and KCTCS as a whole. Commodities purchased for a particular unit may be disposed of only through utilization by the unit, by inter-business unit transfer or by declaring items surplus to the needs of the unit, with disposition in accordance with KCTCS policy and procedures. Sales to individuals (faculty, staff or students) may be made only through and by a service unit or activity operating in its normal capacity as a retail outlet.

END OF PROCEDURE