

COLORADO ELECTRIC TRANSMISSION AUTHORITY

**A RESOLUTION ADOPTING A PURCHASING POLICY FOR THE
COLORADO ELECTRIC TRANSMISSION AUTHORITY**

WHEREAS, the Colorado Electric Transmission Authority (“Authority”) is a political subdivision of the State of Colorado, by virtue of organization under Title 40, Article 42, C.R.S., and is governed by its Board of Directors (“Board”);

WHEREAS, the Authority’s Board of Directors (“Board”) is responsible for the management, control and supervision of all of the business and affairs of the Authority, including financial matters;

WHEREAS, the Board continues to seek the most efficient and cost-effective means for the Authority to purchase necessary products and services from private vendors and pay ongoing bills; and

WHEREAS, in furtherance of these goals, the Board desires to adopt the attached Colorado Electric Transmission Authority Purchasing Policy.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Colorado Electric Transmission Authority that:

1. **Section 1**. The Board of Directors hereby approves the attached Colorado Electric Transmission Authority Purchasing Policy.

PASSED AND RESOLVED by the Board of Directors of the Colorado Electric Transmission Authority Purchasing Policy.

Adopted this 14th day of June, 2023.

COLORADO ELECTRIC TRANSMISSION
AUTHORITY

By: 
Kathleen Staks, Chair

Attest:



Michelle Zimmerman, Secretary

EXHIBIT A

**COLORADO ELECTRIC
TRANSMISSION AUTHORITY
("CETA")**

Purchasing Policy

Approved Effective June 14, 2023

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INTRODUCTION

I. General

The Board of Directors has primary responsibility to ensure the Colorado Electric Transmission Authority (“CETA”) expends funds wisely and in accordance with both public policy and public law. The Board has retained an Executive Director who is charged with the day-to-day administration of CETA and with carrying out the policies of the Board.

The purpose of this Purchasing Policy is to delineate the Board policies necessary to guide CETA’s purchasing and contract activities and is intended to ensure adequate and uniform control of CETA’s purchasing and payment activities.

This Policy encompasses all purchasing activity conducted on behalf of CETA. Any questions on any purchasing or payments situation should be directed to the Executive Director for assistance.

II. Goals and Objectives

The purpose of this Purchasing Policy is to guide CETA’s purchasing and contracting in an efficient and timely fashion and allow for the purchase of needed equipment, materials, supplies and services and favorable prices in keeping with suitability, appropriate quality and reliable vendor performance.

The goals of this Policy include:

- A. A process streamlined enough to keep pace with new technology and procedures
- B. Adequate controls which are not at the expense of efficiency
- C. A minimum of paperwork
- D. Single signature policy on all small dollar purchases
- E. An emphasis on quality and results
- F. To make purchases within approved and appropriated budgeted amounts.

GENERAL RESTRICTIONS AND GUIDELINES

I. General

All purchases shall be made in accordance with the policies prescribed in this Purchasing Policy. Any agreement made contrary to these policies shall not be binding to CETA. The Executive Director is responsible for developing and implementing procedures in compliance with this Policy.

II. General Provisions/Restrictions

- A. No personal purchases may be made using CETA's funds.
- B. Purchases must be charged to the proper account, regardless of budget availability in that particular line item.
- C. Alcohol may not be purchased with CETA funds.
- D. Sales tax is not to be charged on any purchase. CETA's tax-exempt numbers should be given to the vendor before the sale is completed. CETA's tax-exempt certificate is available from the Executive Director or designee.
- E. No multi-year financing obligations (i.e. space rentals, copier leases, etc.), regardless of price, may be entered into without the review and approval of the Executive Director, and must be subject to annual appropriation of the Board unless funds for future years have been appropriated.
- F. All parties involved in the negotiation, performance or administration of procurement and/or contracts for CETA shall act in good faith.
- G. All procurements should be made for the purpose of meeting CETA's current and future needs and budget goals.

DEFINITIONS

- A. Advertising**
The act or practice of calling public attention to one's product, service or need.
- B. BidNet**
An online purchasing system that provides registered vendors with easy access to bid opportunities from local government agencies, all in one centralized location.
- C. Bid Package**
Documentation prepared and distributed by CETA in the solicitation of bids.
- D. Business**
Any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture or any other private legal entity.
- E. Change Order**
A written order signed by the Executive Director or designee, directing the contractor to make changes, or changing non-contractual information on the CETA's purchasing system (i.e., account number, budgeted amount, etc.)
- F. Check Request**
A Check Request is a non-purchase order payment.
- G. Construction**
The process of building, altering, repairing, improving, or demolishing any public structure or building, or other public improvements of any kind to any public real property.
- H. Consulting Services**
Services provided by individuals possessing specialized educational qualifications, practical expertise or professional certification, including without limitation to architects, engineers, legal counsel, planners, accountants, and actuaries, where the final product is predominantly oral or written advice or information.
- I. Contract**
All types of CETA agreements, regardless of what they may be called, for the procurement or disposal of supplies, services, or construction. The term shall not include intergovernmental agreements or any interest in real property by CETA or another governmental body.
- J. Cooperative Purchasing**
Procurement conducted by, or on behalf of, more than one (1) governmental body.

- K. Designee**
A duly authorized representative of a person holding a superior or equal position.
- L. Governmental Body**
Any department, division, commission, council, board, bureau, committee, institution, legislative body, agency, government corporation, or other establishment of CETA.
- M. Informal Bids**
An unsealed competitive offer or price quote conveyed by letter, or other electronic means under conditions different from those required for formal bidding.
- N. Invitation for Bids**
All documents, whether attached or incorporated by reference, utilized for soliciting bids.
- O. Non-Capital Purchases**
Services, supplies and non-tangible property.
- P. Person**
Any business, individual, union, committee, club, other organization, or group of individuals.
- Q. Professional Services**
Services of a specialized nature, including, but not limited to: architecture, engineering, legal, accounting, hiring screening process (drug testing, psych testing, etc.), equipment repair and maintenance, etc.
- R. Purchase Order**
An approved request to purchase goods or services typically provided to the vendor as a confirmation of CETA's commitment to purchase.
- S. Purchase Requisition**
The form used to initiate award of Purchase Order, Blanket Order, or any other type of award including but not limited to Leases, Construction Contracts, and Consulting Services Agreements.
- T. Purchasing / Procurement**
The process through which solicitations are issued, advertisements run, vendors selected, and goods or services received.

U. Request for Proposals (RFP)

A process used to acquire supplies and services that involve the review of written proposals from qualified suppliers, following submission of which changes in proposals and pricing are allowed, and the offer deemed by the Board to be most advantageous in terms of criteria as designated in the RFP is accepted. This process may also include the use of a Request for Information (RFI) as a preliminary step to the RFP process in an attempt to gather information and pre-qualify prospective bidders.

V. Services

The furnishing of labor, time, or effort by a contractor not involving the delivery of specific end product other than reports which are merely incidental to the required performance, or repairs to an existing product.

W. Specification

Any description of the physical or functional characteristics, or the nature of a supply, service, or construction item. It may include a description of any requirement for inspection, testing, or preparing a supply, service, or construction item for delivery.

X. Supplier / Vendor

Any person or entity having or soliciting a contract, professional service agreement, purchase order arrangement or any other agreement to provide goods or services for CETA.

PURCHASING AUTHORITY

I. Up to \$10,000.

The Executive Director may approve purchases of \$10,000 or less that have been budgeted and appropriated.

II. \$10,001-\$50,000.

The Board Treasurer and Executive Director may jointly authorize purchases of more than \$10,001 and up to \$50,000. If the Treasurer is unavailable at the time purchase authorization is required, then the Board President, or the Vice President if the President is unavailable, may authorize purchases within the Treasurer's limits.

III. Over \$50,000.

All purchases in excess of \$50,000, or which have not been budgeted or appropriated for the year of the purchase, require the approval of the Board.

IV. Board-Selected Consultants.

Regardless of total contract price, selection of the following consultants will be determined by the Board: the auditor, accounting firm, and general and special legal counsel. The Board, upon direction to the Executive Director, may also designate other contracts as required to come before the Board for approval.

V. Board Notification.

The Executive Director will notify the Board of Directors of any purchases or payments made, or contracts executed in excess of \$10,000 at the next regular meeting of the Board following such payment or contract execution.

VI. Contract Authority.

The Executive Director, Deputy Director and Treasurer have authority to sign contracts corresponding to their respective purchasing authority limits without separate Board approval if the purchase of goods or services have been identified in CETA's current budget and the necessary funds have been appropriated.

INFORMAL QUOTES AND FORMAL COMPETITIVE BIDDING

I. General

CETA's goal is to obtain the best products and services at competitive prices. A combination of obtaining informal quotes and formal competitive bidding is utilized to achieve that goal. The purpose of these bid specifications is to promote overall economy for the purposes intended and encourage competition in satisfying CETA's needs, without being so unduly restrictive as to limit competition or CETA's purchasing abilities.

II. Types of Competitive Bidding.

A. Informal Quotes.

1. Employees are encouraged, but not required, to obtain informal quotes for all purchases up to \$50,000.
2. Purchases in excess of \$50,000 and up to \$120,000 require the solicitation of at least three informal quotes, either in person or, electronic means to obtain prices for the purchase of the supplies, materials, equipment, goods or services. The appropriate vendor shall be selected based on the lowest responsible and responsive quote. For repetitive purchases, it is not necessary to obtain quotes with each purchase, but the Board encourages staff to seek requests for quotes annually for recurring purchases.

- C. **Formal Bids.** Formal competitive bids or proposals are required for purchases above \$120,000; or as otherwise required by the Board. Competitive bids may be solicited either by an Invitation for Bid or a Request for Proposal to be issued by CETA staff, unless the Board specifically requests Board approval of the RFP.

III. Invitation for Bids.

- A. **Specifications.** The design of the Invitation for Bids is critical to every procurement. Basic considerations include the contractual terms and conditions which must be written to protect the interests of CETA; openness of specification; requirements for transportation and delivery; and instructions as to how to submit the proposal. The specifications, delivery requirements, plans, drawings and other items must be determined and finalized prior to the bid package being issued.

- B. Bid Opening. All competitive sealed bids shall be publicly opened at the hour and date specified in the solicitation. Bids received after the bid opening time shall not be opened and shall be rejected as a late bid. The basic responsibility to ensure bids are received prior to the opening date and time rests with the vendor. Bids shall be opened at the CETA offices or other designated location and read aloud in the presence of one or more witnesses. All bid openings shall be open to the public and/or interested parties. The price, delivery, discounts, and product identification shall be a part of this record, along with the name of each bidder. Except for those items identified as proprietary information or trade secrets, all information regarding any particular bid becomes public information immediately after a decision or award relating to that bid has been made.
- C. Modification or Withdrawal. Bids may be modified or withdrawn in writing prior to the date and time set for bid openings. The Executive Director may allow a bid to be withdrawn after bid opening but prior to award provided (i) that the bidder provides evidentiary proof that clearly and convincingly demonstrates that a mistake was made in the costs provided; (ii) the mistake(s) is/are clearly evident on the face of the bid; and (iii) the Executive Director finds it unconscionable not to allow the bid to be withdrawn.

IV. Requests for Proposals

- A. RFP. Factors to be considered in determining whether RFPs are practical include whether:
- (a) The contract needs to be other than fixed-price type;
 - (b) It may be necessary to conduct oral or written discussions with offerors concerning technical and price aspects of their proposal;
 - (c) It may be necessary to afford offerors the opportunity to revise their proposals, such as providing best and final offers;
 - (d) It may be necessary to base award on comparative evaluation as stated in the RFP of differing price, quality and contractor factors in order to determine the most advantageous offering to the Board; and
 - (e) The primary consideration(s) in determining award may be factors other than price.

Examples where an RFP may be appropriate include design services, professional services, janitorial services, specialized equipment purchases, etc.

- B. Content. The RFP shall contain the following at a minimum: 1) A scope of services and/or detailed specifications; 2) The required time schedule; 3) General requirements; 4) Terms and Conditions; 5) Location, date and time for submittal of the proposal and how the proposal is to be received; 6) Evaluation criteria to be used for selection and award; 7) A statement that discussions may be conducted

with offerors who submit proposals determined to be reasonably likely to be selected for award, but that proposals may be accepted without discussion; 8) A statement of when and how price(s) should be submitted; and 9) A statement that RFPs will be submitted with 1 hard copy and 1 electronic copy by the due date determined.

- C. Modification or Withdrawal of Proposal. Proposals may be modified or withdrawn by any offeror prior to the established due date and time.
- D. Receipt of Proposals. Proposals may not be opened publicly until the hour and date specified in the solicitation. A register of proposals shall be maintained to include the name of each offeror and a description sufficient to identify the supply, service, or construction item(s) offered.

V. Competitive Bid Process. The following process shall apply to both Invitations to Bid and RFPs:

- A. Time for Solicitation. Whenever possible, the minimum time for solicitation of bids should be 10 calendar days. The Executive Director may lengthen or shorten the bid time, but the time cycle shall not be shortened for the purpose of reducing competition.
- B. Receipt of Bids. Upon receipt, each bid shall be time-stamped and stored in a secure place until bid opening time. Bids shall not be opened upon receipt,
- C. Public Notice. Invitations for Bids or notices of the availability of Invitations for Bids and RFPs shall be furnished to a sufficient number of prospective bidders to secure adequate competition and posted on CETA's website and/or listed on BidNet.
- D. Pre-Bid Conferences. A pre-bid conference may be conducted for the purpose of explaining the procurement requirements. The conference should be held long enough after the Invitation or RFP has been issued to allow bidders to become familiar with the Invitation or RFP, but with adequate time before bid opening to allow consideration of the conference results in preparing the bid. Nothing stated at such conference shall change the Invitation for Bids or RFP unless a change is made by written amendment.
- E. Cancellation of Invitation for Bids or RFP. An Invitation for Bids, RFP, or any other solicitation may be canceled, or any or all bids or proposals may be rejected in whole or in part as may be specified in the solicitation, when it is in the best interests of CETA. The reasons therefore shall be put in writing and made part of the contract file.
- F. Bid Evaluation. Bids shall be evaluated based on the requirements set forth in the bid package, which may include criteria to determine acceptability such as

inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs, and total for life cycle costs. The bid package sets forth the evaluation criteria to be used. No criteria may be used in the bid evaluation that is not set forth in the bid package.

- G. Award. Vendors will be selected by the Executive Director, or a selection committee designated by the Executive Director, unless the Board specifically requests the Board act as the Committee. Depending on the nature of the product or service, bids are not necessarily awarded based on price alone. The contract shall be awarded with reasonable promptness to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the bid package, unless the Committee or the Board, as applicable, determines that the public interest will be better served by accepting a different bid. When the award is not given to the lowest bidder, a complete statement of the reasons for placing the order with another bidder shall be made available to all bidders upon request.

EXCEPTIONS TO BIDDING REQUIREMENT

I. Emergency Procurement

An emergency condition is a situation that creates a threat to public health, welfare, or safety, or a need to protect CETA assets. Potential causes include, but are not limited to, floods, epidemics, riots, equipment failures, operational work stoppages, or other similar reasons proclaimed by the Board President. Upon such proclamation and a determination that the existence of such condition creates an immediate and serious need for goods or services which could not be met using normal procurement methods in a timely measure, the Board President may temporarily suspend this Policy for thirty (30) days, or until reinstated by proper Board action, whichever comes first, and the Executive Director and/or Treasurer may make or authorize others to make emergency purchases. The Board may extend any temporary suspension of this Policy for any period of time deemed appropriate. Written documentation of the basis for the emergency and for the purchase or selection of the particular vendor or contractor shall be included with the purchase documentation (invoice, purchase order, etc.) and all emergency purchases shall be reported to and ratified by the Board at the next regular meeting of the Board.

II. Sole Source

Sole source purchases are appropriate when a product is available from only a sole supplier. Examples of potential sole source purchases/services include:

- a) Compatibility of equipment, accessories, replacement parts or other products or services to be purchased are of paramount consideration;
- b) Required and appropriate specifications can be met by only a single source; or
- c) A sole supplier's product or services are needed for trial or testing;
- d) State bid, engineering or other professional or consulting services, items for resale, matching existing equipment, custom items, paint, prime lumber (except for large quantities), new technology services or equipment, on site repairs (such as heating, air, plumbing, phone etc.) and utilities.

The purchaser shall make a written determination as to why the purchase should be sole source, shall negotiate the price, terms and delivery of the procurement action, and shall attach such information to the purchasing documentation (purchase order, contract, invoice, etc.).

III. Single Source Supplier

Single source purchasing is the purchase of goods or services from one supplier, distributor, or vendor even when other vendors, suppliers or distributors are able to provide similar products or services. Single source purchasing is appropriate following a thorough analysis of a range of possible suppliers and when working with one vendor allows CETA to negotiate more favorable terms, reduces the administrative overhead required to research products and negotiate prices with multiple vendors, and/or results in receiving a better quality of goods or services.

DEBARMENT OR SUSPENSION

I. General

The Executive Director is authorized to debar or suspend a vendor or contractor from bidding if the vendor or contractor has:

1. Committed a fraud or a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract or in the performance of such a contract or subcontract;
2. Been convicted or indicted under a state or federal statute of embezzlement, theft, forgery, bribery, falsification, or destruction of records, or receiving stolen property;
3. Been convicted or indicted under a state or federal antitrust statute;
4. Failed or defaulted without good cause to perform in accordance with the terms of any contract or unsatisfactory performance of any contract; or
5. Been debarred, disqualified, or suspended by another government entity for any reason.

The period for debarment shall be determined by the Executive Director on a case by case basis. A list of debarred or suspended vendors or contractors must be maintained by the Executive Director. Specific details must be included as to the purpose and reason for such determination.

PURCHASE ORDER POLICY

I. General

A Purchase Order is required to purchase goods or services that total \$10,000 or more. The term Purchase Order is used generically throughout this policy to include all service / maintenance agreements, construction agreements and any other types of agreements in excess of \$10,000.

A Blanket Purchase Order is a Purchase Order initiated for repetitive purchases to be made from the same vendor over an extended period of time not to exceed one year.

All Purchase Orders shall have all necessary approvals before the requested goods or services are received and CETA funds obligated. The need for a purchase order may be waived only with the approval of the Executive Director. All Purchase Orders must be for amounts that are budgeted and appropriated.

II. Objectives

The primary reasons for issuing a purchase order are as follows:

- 1) To facilitate prior approval for large dollar purchases,
- 2) To ensure adequate funds and to encumber funds on the accounting system,
- 3) To ensure adequate product specification for vendors, and/or
- 4) To facilitate vendor requirements.

III. Procedures

- A. A Purchase Order is initiated by a Purchase Requisition. At the time of construction contract award, or prior to the purchase of goods or services that total \$10,000 or more, a Purchase Requisition must be completed, authorized and submitted to the Accounting Professional.
 1. All Purchase Requisitions must include the following:
 - a. Requisition Date
 - b. Item to be purchased (including item #, quantity, description)
 - c. Account Number to be charged
 - d. Amount - projected cost of purchase
 - e. Authorized signature
 - f. Informal quote or formal bid documentation should be attached to request over \$10,000.
 2. Should a vendor require a Purchase Order for an item less than \$10,000, a Purchase Requisition may be submitted, and a Purchase Order generated.
- B. The Purchase Requisition is reviewed by the Accounting Professional and entered into the accounting system. A Purchase Requisition number will be generated at the time of entry. At the time of entry, the funds are encumbered on the system appropriately decreasing funds available.

- C. Once the Purchase Requisition has been entered a copy of the Purchase Order will be printed for the requisitioner. Should additional copies be required, the Executive Director or designee can print additional copies. The original Purchase Requisition containing adequate authorization shall be retained by the Executive Director or designee for audit and internal control purposes.
- D. A Blanket Purchase Order may be obtained for recurrent purchases. A Blanket Purchase Order is used for purchases which are for the same item(s) made frequently from the same vendor but with differing quantities and dollar amounts.

As long as individual purchases do not meet the dollar amounts required for bidding, Blanket Purchase Orders may be created without bid. Otherwise, Blanket Purchase Orders must follow the same procedures outlined herein for all Purchase Orders.

Blanket Purchase Orders may be issued for a “not to exceed” amount. Depending on the nature of the Blanket Purchase Order, funds may be encumbered in the accounting system.

- E. If an original purchase order needs to be modified, a change order should be sent to the Executive Director or designee. All change orders should reference the purchase order number which they are modifying. Once received by the Executive Director or designee, the purchase order will be modified on the system.
 - 1. If the change order does not modify the dollar amount of the purchase and does not significantly change the purpose of the original order, no additional authorization is required.
 - 2. If the change order increases the dollar amount above the signature authority threshold of the original requisitioner, but within the budgeted and appropriated amount, additional authorization will be required.
 - 3. If the change order modifies the account number, no additional authorization is required as long as the original signer had signature authority for the account to be charged.
 - 4. If the change order, or the cumulative amount of multiple change orders, exceeds the amounts appropriated and budgeted for this purchase or contract, the Board of Directors shall approve the change order(s).

- F. All invoices should be directed to:
CETA
Attn: Executive Director
165 S. Union Blvd., Suite 785
Lakewood, CO 80228
mgalbraith_ceta@outlook.com

- G. If, upon receipt of goods or services, the vendor provides an invoice for the item purchased, the requisitioner or other responsible employee should sign the invoice, using the check request stamp, indicating receipt of goods or services, and return the invoice to the Executive Director or designee. No additional approvals are required at the time, only verification of receipt of goods.
- H. If the invoice you are forwarding to the Executive Director or designee represents the final payment on a purchase order, the signer should indicate final payment of any remaining balance on the purchase order may be unencumbered. For construction projects, a copy of the public notice advertising final payment should be included.
- I. If the goods or services received are in different quantities or types from your order, and additional goods or services are forthcoming, the balances of the purchase order will remain encumbered until indication of final payment is received by the Executive Director or designee.

CHECK REQUEST

I. Procedures

- A. Appropriate bidding procedures should be followed and attached to the check request as applicable.
- B. The original vendor's invoice must be turned into the Executive Director with the following information readily identified:
1. Purchase Order #
 2. Vendor Number
 3. Dollar Amount
 4. Account Number
 5. Fixed Asset? Yes_____ No_____
 6. Authorized By
 7. Approval Date

A red or black ink stamp may be utilized to facilitate this process.

- C. There are certain vendors that CETA remits payment from statements rather than individual invoices. Examples are phone and utility companies. In these situations, invoices/receipts shall be forwarded to the Executive Director or designee within three business days of the purchase and shall include, at a minimum, the information required in Section I.B. 3-7 above.
- D. Check requests should be submitted to the Executive Director or designee in sufficient time to allow payments to be made by vendor due dates.

REFUNDS

I. General

Refunds of money paid to CETA are to be initiated by the authorized staff member responsible for the revenue collection. All refunds must be run through the Executive Director or designee.

II. Procedures

- A. A Check Request must be completed, authorized and submitted to the Executive Director or designee.
- B. Refunds for overpayment of on-going receipts may be given in the form of a credit on a future billing.

EXHIBIT A: SUMMARY OF PURCHASING THRESHOLDS

Thresholds:

Purchase Orders	above \$10,000
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Signature Authority Guidelines:

Executive Director	up to \$10,000
Treasurer and Executive Director	\$10,001 – \$50,000
Board of Directors	over \$50,000; and auditor, accounting firm, and legal counsel contracts

Bidding Thresholds:

Buyer's judgment (discretionary informal quotes)	\$0 - \$50,000
Informal quotes (3 verbal or written quotes)	\$50,001-\$120,000
Formal competitive bidding:	over \$120,000

Note: Exceptions to the bidding thresholds may be made on a case by case basis as allowed within this purchasing policy.