



Susan Cochran
Telephone: (510) 987-0887
Email: susan.cochran@ucop.edu

Chair of the Assembly of the Academic Senate
Faculty Representative to the Regents
University of California
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200

May 2, 2023

DOUGLAS HAYNES, VICE PROVOST
ACADEMIC PERSONNEL & PROGRAMS

Re: Systemwide Review of Revisions to Presidential Policy BFB-BUS-43 Purchases of Goods and Services; Supply Chain Management

Dear Vice Provost Haynes:

As requested, I distributed for systemwide Senate review the proposed revisions to Presidential Policy BFB-BUS-43 (Purchases of Goods and Services; Supply Chain Management). Nine Academic Senate divisions submitted comments. These comments were discussed at Academic Council's April 26 meeting and are attached for your reference.

While we support the values motivating the Small Business First policy, we remain unable to support it in its current form given numerous questions and concerns from faculty about its purpose and consequences, including concerns that the program will increase costs for the University and individual faculty and will add to the bureaucratic burden of faculty and staff.

In 2021, the Senate reviewed an earlier version of this policy that first introduced the Small Business First program requiring UC to award all procurements valued between \$10,000 and \$250,000 to small businesses or disabled veteran-owned businesses where practicable. The Senate expressed strong concerns then about potential delays in time-sensitive procurements necessary for faculty research, increased costs of services and equipment, new administrative burdens, and limitations on the products and services small businesses could provide in specialized research areas. The Academic Council asked that the next version of the policy include a cost-benefit analysis with data projecting the number of UC purchases affected by the policy, and its impact on costs, procurement timelines, and research. Additionally, Council asked for easy and quick exceptions to the policy for faculty who need to purchase technical materials from specific sources.

UC Procurement officials joined Council in spring 2021 to discuss the concerns and assured faculty that exemptions and waivers would be granted liberally. They also agreed to develop a

summary sheet of resources and campus contacts to help support campus faculty with questions about the policy or wanting to request a waiver.

The current revisions come with a cover memo indicating that the revisions aim to address feedback from the 2021 systemwide review by eliminating inconsistencies, formatting errors, and unnecessary jargon, and by separating aspects of policy from procedure.

Senate reviewers found that the current version of the policy meets some of these goals and improves the clarity of the language, although they also identified several instances where the document remains complex and difficult to understand and where the new edits include a few ill-defined terms and contradictions. However, the primary concern of the Senate is that the substantive matters raised in 2021 were deemed out of the scope of the revision, leaving the core of the policy essentially unchanged. This raises questions about the prior policy review process and subsequent editing decisions made in response to the 2021 Senate feedback.

By requiring principal investigators to file additional paperwork to justify their purchases when a local supplier is not used, the policy affects the overall efficiency of the purchasing process. It also encourages business decisions by outside vendors that might take advantage of the UC. Faculty and staff will spend additional time waiting for a part or service from a small business that might otherwise have been obtained more quickly and/or additional effort to prepare a waiver application to demonstrate that it is not possible to buy necessary items from a small business.

UC should support small California businesses and encourage purchasing from them, but not at the expense of increasing workload and costs that impede faculty research progress. Faculty face challenges in advancing their research, teaching, and service because of a growing number of bureaucratic systems, policies, and compliance requirements that require more of their time and labor and contribute to fatigue and disengagement. While faculty are, of course, happy to follow reasonable, thoughtful, and efficient policies, more care must be taken to mitigate excessive and unnecessary bureaucracy. The latter also increases the workload for faculty-facing staff.

We encourage the most lenient possible implementation of this policy for faculty. We recommend that all research expenditures be exempt from its requirements and encourage campuses to use waivers judiciously and issue blanket waivers for certain groups or across certain cost thresholds. To minimize disruptions to research, UC campuses will need additional funding to bolster the support infrastructure, training to help faculty and staff navigate the complex policies and procedures, and reliable lists of small business suppliers. We also reiterate our request for the faculty information and resources promised in response to feedback from the 2021 review.

More generally, we encourage administrators to be sensitive to how new internal UC policies may impose unfunded mandates on campuses and burden faculty and staff with unnecessary compliance and regulatory requirements. Systemwide policies that impact budgetary and resource decisions should always include a cost analysis to enable stakeholders to comment on their campus effects. We understand that UCOP plans to add a new requirement that all policy proposals include an analysis of financial and staffing impact. We strongly encourage such a requirement for this and all future policies.

We appreciate the opportunity to comment and would welcome a chance to meet with the policy owners to discuss these issues further at a future Academic Council meeting. Please do not hesitate to contact me if you have additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Susan Cochran', with a stylized flourish at the end.

Susan Cochran, Chair
Academic Council

Cc: Academic Council
Campus Senate Executive Directors
Executive Director Lin

Encl.



April 20, 2023

SUSAN COCHRAN
Chair, Academic Council

Subject: Systemwide Review of Proposed Presidential Policy BFB-BUS-43 Purchases of Goods and Services; Supply Chain Management

Dear Chair Cochran:

On April 3, 2023, the Council of the Berkeley Division (DIVCO) discussed the proposed revisions to the *Presidential Policy BFB-BUS-43 Purchases of Goods and Services; Supply Chain Management*, informed by written comments from the Committees on Academic Planning and Resource Allocation (CAPRA) and Research (COR), which DIVCO endorsed in full.

We understand that this round of revisions is a response to the previous systemwide review in 2021 and that it attempts to provide more clarity on what the policy does and does not allow, to address inconsistencies and formatting errors, and separate aspects of policy from procedures. There are a few places where formatting and editing could still use improvement; for details, please refer to the CAPRA letter.

Both CAPRA and DIVCO were chagrined that the revised policy does not reflect any response to the comment the Berkeley Division made in 2021 about the proposed requirement that all purchases of a value of between \$10,000 and \$250,000 must first be bid with a certified small business or disabled veteran business. While expressing support in principle for preferential treatment for small business, DIVCO members observed both that the university's purchasing policies place an inordinate burden on researchers who may need to procure hard-to-find items quickly and on vendors and that the requirements for vendors (e.g. regarding insurance for individual vendors performing work such as translation or indexing) throw up considerable barriers for small businesses. Some DIVCO members argued that those barriers should be removed, which would not only benefit small businesses but also allow for a wider array of procurement options on campus. For example, a faculty shared that when they needed a particular product for their research and only a few large companies create that item, it can be very difficult to find a "certified small business" that creates that rare item, which can lead to delays and wasted time. We suggest that the policy be revised to allow purchasers the discretion to select a vendor if a product is not produced by small business vendors.

Some DIVCO members also observed that the effort to remove the words “should” and “should not” from the draft policy seemed to have resulted in a global search/replace operation that inserted the word “must” in some contexts for which it is inappropriate. In a number of passages, the result is to obscure the distinction between recommended best practices and absolute requirements, since both are described using the word “must.” One glaring example appears in Part 6 (D), paragraph 6: “Improper use of a procurement card by an employee may be grounds for disciplinary action and must result in cancellation of the individual's card.” The word “must” is unnecessarily strong here, implying that in this situation there is no other option than to cancel an improperly used card--whereas it seems to us that there could be mitigating circumstances that would justify not cancelling the card. (This contrasts with the use of “must” earlier in the paragraph requiring that any suspected misuse be referred to the appropriate campus authority.) Using “must” indiscriminately for all requirements ignores the fact that, in the case of some requirements, there is room for exceptions. It also lends the document an unnecessarily peremptory tone.

Other suggestions made by committee members at Berkeley included the idea of using fillable forms or checkboxes in which individuals could attest that they are not committing fraud or financial maleficence. DIVCO also reiterated the suggestion made about other presidential policies, that a cost-benefit analysis should be conducted before instituting any new policy.

We thank you for the opportunity to comment on the proposed revisions.

Sincerely,



Mary Ann Smart
Professor of Music
Chair, Berkeley Division of the Academic Senate

Enclosures

cc: Maximilian Auffhammer, Vice Chair, Berkeley Division of the Academic Senate
Holly Doremus, Chair, Committee on Academic Planning and Resource Allocation
Lia Fernald, Chair, Committee on Research
Jocelyn Surla Banaria, Executive Director
Deborah Dobin, Analyst, Committee on Academic Planning and Resource Allocation
Patrick Allen, Analyst, Committee on Research



March 29, 2023

PROFESSOR MARY ANN SMART
Chair, Berkeley Division of the Academic Senate

*Re: CAPRA comments on revised policy BFB-BUS-43, Purchases of Goods
and Services, Supply Chain Management*

At its March 22, 2023, meeting, CAPRA discussed the latest proposed revisions to BFB-BUS-43, Purchases of Goods and Services, Supply Chain Management. This revision follows the last review of the proposed revisions in 2021.

We understand that this revision is not intended to change policy, but to make the policy more readable, correct formatting, clarify policy requirements, and separate policy from procedure. We applaud those goals. The revised policy does use less jargon, takes fewer pages, and requires fewer definitions. It no longer uses the terms “should” and “should not,” clearly separating mandatory requirements (“must”) from what is allowed (“may”) or recommended.

The formatting is still rough in places, and there appear to be a number of typos, perhaps introduced by the challenges of reviewing a document with extensive tracked changes. We recommend another review of the clean copy before the document is finalized. None of the typos appear to have substantive impacts. We do, however, recommend that the terms “UCL” and “PCC” be included in the definitions. Both are currently defined in text that not all users are likely to read, and then used as acronyms thereafter.

CAPRA also reiterates the Berkeley Division’s comments on the prior revision, which incorporated the new UCOP “Small Business First” program. Our Division noted at the time that:

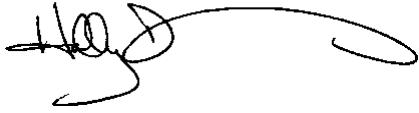
[T]here is a proposed requirement that all purchases of value between \$10K-250K must first be bid with a certified small business or disabled veteran business. While this is a laudable goal, this requirement could increase administrative overhead, delays, and bureaucracy for purchasing.

In general, before it imposes new requirements of this sort, we urge UCOP to explain more fully the basis for selecting threshold levels (for example, how \$10K purchases justify the additional bureaucratic requirements), and to seek information from the campuses about the expected workload increase. When

mandates are imposed without clear understanding of their consequences, UCOP should welcome data on their costs and benefits, and should withdraw them if it turns out the latter do not justify the former.

Thank you for the opportunity to comment.

With best regards,

A handwritten signature in black ink, appearing to read 'Holly Doremus', followed by a long, sweeping horizontal flourish that extends to the right.

Holly Doremus, Chair
Committee on Academic Planning and Resource Allocation



320 STEPHENS HALL
UNIVERSITY OF CALIFORNIA

March 27, 2023

CHAIR MARY ANN SMART
Academic Senate

*Re: Systemwide Review of Proposed Revisions to Presidential Policy BFB-BUS-43
Purchases of Goods and Services; Supply Chain Management*

Dear Chair Smart,

At its meeting on March 9, COR briefly discussed the Proposed Revisions to Presidential Policy BFB-BUS-43 Purchases of Goods and Services; Supply Chain Management. The committee endorses the revised policy, which provides clear and improved guidance for researchers.

We appreciate the opportunity to weigh in on these matters.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lia Fernald'.

Lia Fernald, Chair
Committee on Research

LF/pgs



DAVIS DIVISION OF THE ACADEMIC SENATE
ONE SHIELDS AVENUE
DAVIS, CALIFORNIA 95616-8502
(530) 752-2220
academicsenate.ucdavis.edu

April 19, 2023

Susan Cochran
Chair, Academic Council

RE: Proposed Revisions to Presidential Policy BFB-BUS-43, Purchase of Goods and Services

Dear Susan,

The proposed revisions to Presidential Policy BFB-BUS-43, Purchase of Goods and Services were forwarded to all standing committees of the Davis Division of the Academic Senate. The Committee on Planning and Budget (CPB) responded.

As in its previous review, CPB remains concerned about the costs of this policy and lack of transparency about those costs. CPB's comments are enclosed and relayed verbatim below. Page numbers reference the clean policy draft.

- It remains unclear how many purchases, in aggregate, this policy affects. Proposed revisions to policy which broadly impact budgetary and resource decisions should include a cost analysis to enable systemwide stakeholders to comment on the effects of this policy at the local level. For example, purchasing from small businesses will likely create more work and therefore may not be as "practicable" as the policy states. In the past, Supply Chain Management offices may have discouraged such purchasing because of the extra work created. These costs should be factored into any financial analysis of this policy.
- On page 8, the policy states: "UC supports small businesses through Small Business First, which requires all procurements valued between \$10,000 and \$250,000 annually be awarded to Small Businesses or Disabled Veteran Business Enterprises wherever feasible. See Section III, Part 3, Subsection C. Small Business First below for more details." Shouldn't this provision limit the price differential that may exist between small business price and those of the most competitive vendor? In addition, some large businesses are based in California and pay state taxes, some of which support UC. Why shouldn't all California-based businesses receive similarly favorable treatment? (Similar comment for Section C.1.a on page 9 and the "Small Business First" section on page 23.)
- On page 18, the policy states: "If the purchase will cost more than \$50,000, then consult UC Facilities Manual or UCOP Facilities Management Asset Management and Physical Planning Procedures and Guidelines to determine what type of purchase agreement, purchase order, or construction contract is appropriate." Why are special purchase/bid requirements needed for equipment/materials costing \$100,000 or more that do not require installation, but special purchase/bid requirements are required for equipment costing more than \$50,000 if the latter

requires installation? Why not have the same cost threshold (\$100,000) regardless of whether the purchase requires installation?

- On page 23, the policy states: “Small Business First: UC Sustainable Practices Policy includes the goal of awarding 25% Economically and Socially Responsible (EaSR) spend annually to small and diverse owned businesses.” While the committee agrees with the positive intentions of this provision, the current budget climate calls into question the feasibility of this goal. How much does this policy priority cost UC Davis or the UC system as a whole? Why should any California business (large or small) be disadvantaged in any way, especially since California businesses pay taxes that help support the University of California?
- On page 38, the policy defines the elements that constitute a “Good Faith Effort” on the part of a Principal Investigator (PI) to identify small business sources. However, what defines “reasonable effort”? How do we avoid making this an onerous or time-consuming requirement? This provision also raises the question of why California-based businesses (of any size) should be disadvantaged in this policy, given how the taxation of some large businesses contributes to supporting the UC.

The Davis Division appreciates the opportunity to comment.

Sincerely,



Ahmet Palazoglu
Chair, Davis Division of the Academic Senate
Distinguished Professor of Chemical Engineering
University of California, Davis

Enclosed: Davis Division Committee Responses

c: Monica Lin, Executive Director, Systemwide Academic Senate
Michael LaBriola, Assistant Director, Systemwide Academic Senate
Edwin M. Arevalo, Executive Director, Davis Division of the Academic Senate

April 5, 2023

Ahmet Palazoglu

Chair, Davis Division of the Academic Senate

RE: Proposed Revisions to Presidential Policy BFB-BUS-43, Purchases of Goods and Services

The Committee on Planning and Budget (CPB) has reviewed and discussed the proposed revisions to Presidential Policy BFB-BUS-43, Purchases of Goods and Services. While the CPB appreciates the many clarifications made in this revised policy, the committee is still very concerned about the cost of this program and the lack of transparency regarding its financial impact.

The CPB offers the following comments for further consideration (all page numbers reference the clean draft of the policy):

- It remains unclear how many purchases, in aggregate, this policy affects. Proposed revisions to policy which broadly impact budgetary and resource decisions should include a cost analysis to enable systemwide stakeholders to comment on the effects of this policy at the local level. For example, purchasing from small businesses will likely create more work and therefore may not be as “practicable” as the policy states. In the past, Supply Chain Management offices may have discouraged such purchasing because of the extra work created. These costs should be factored into any financial analysis of this policy.
- On page 8, the policy states: “UC supports small businesses through Small Business First, which requires all procurements valued between \$10,000 and \$250,000 annually be awarded to Small Businesses or Disabled Veteran Business Enterprises wherever feasible. See Section III, Part 3, Subsection C. Small Business First below for more details.” Shouldn’t this provision limit the price differential that may exist between small business price and those of the most competitive vendor? In addition, some large businesses are based in California and pay state taxes, some of which support UC. Why shouldn’t all California-based businesses receive similarly favorable treatment? (Similar comment for Section C.1.a on page 9 and the “Small Business First” section on page 23.)
- On page 18, the policy states: “If the purchase will cost more than \$50,000, then consult UC Facilities Manual or UCOP Facilities Management Asset Management and Physical Planning Procedures and Guidelines to determine what type of purchase agreement, purchase order, or construction contract is appropriate.” Why are special purchase/bid requirements needed for equipment/materials costing \$100,000 or more that do not require installation, but special purchase/bid requirements are required for equipment costing more than \$50,000 if the latter requires installation? Why not have the same cost threshold (\$100,000) regardless of whether the purchase requires installation?
- On page 23, the policy states: “Small Business First: UC Sustainable Practices Policy includes the goal of awarding 25% Economically and Socially Responsible (EaSR) spend annually to small and diverse owned businesses.” While the committee agrees with the positive intentions of this provision, the current budget climate calls into question the feasibility of this goal. How much does this policy priority cost UC Davis or the UC system as a whole? Why should any California business (large or small) be disadvantaged in any way, especially since California businesses pay taxes that help support the University of California?

- On page 38, the policy defines the elements that constitute a “Good Faith Effort” on the part of a Principal Investigator (PI) to identify small business sources. However, what defines “reasonable effort”? How do we avoid making this an onerous or time-consuming requirement? This provision also raises the question of why California-based businesses (of any size) should be disadvantaged in this policy, given how the taxation of some large businesses contributes to supporting the UC.

CPB appreciates the opportunity to comment.

April 19, 2023

Susan Cochran, Chair
Academic Council

Re: Systemwide Review of Proposed Revisions to Presidential Policy BFB-BUS-43

Dear Chair Cochran,

The Irvine Division discussed the proposed revisions to Presidential Policy BFB-BUS-43 Purchases of Goods and Services; Supply Chain Management at its Cabinet meeting on April 18, 2023. The Council on Planning and Budget (CPB) also reviewed the revisions. CPB highlighted that concerns it had previously raised during the 2021 review are yet to be addressed; the council's feedback is attached for your review.

Cabinet members shared CPB's concerns, especially about how the policy imposes additional administrative burdens and increased costs on faculty and the university. Members also noted that while some improvement has been made, the policy continues to be complex and difficult to understand.

The Irvine Division appreciates the opportunity to comment.

Sincerely,



Georg Striedter, Chair
Academic Senate, Irvine Division

Enclosure: CPB memo

Cc: Arvind Rajaraman, Chair Elect-Secretary
Jisoo Kim, Executive Director
Gina Anzivino, Associate Director



April 17, 2023

GEORG STRIEDTER, CHAIR
ACADEMIC SENATE, IRVINE DIVISION

**RE: Systemwide Revisions to Presidential Policy BFB-BUS-43 Purchases of Goods and Services;
Supply Chain Management**

At its April 12, 2023, meeting, the Council on Planning and Budget (CPB) discussed the proposed revisions to Presidential Policy BFB-BUS-43 Purchases of Goods and Services; Supply Chain Management.

Overall, the Council was disappointed to find that the revisions inadequately addressed the concerns expressed by CPB when this policy was previously reviewed in February, 2021. The Council offers the following comments:

- Justification for the policy remains unconvincing. The Council found no evidence supporting the claim that increased support for small businesses lead to more rapid economic growth in the state. CPB reiterated that, although the Council agrees that support of small businesses is a social good, absent an appropriate cost analysis, members were not convinced that this is sufficient reason for the UC to distort its purchasing and add an additional burden for faculty.
- There is no recognition that this policy may increase UC costs, including having to hire additional personnel to enforce this policy.
- It is unclear why costs of \$100K and under do not require competitive bidding. The amount seems arbitrary.
- The policy indicates that suppliers to all UC locations must pay a minimum wage of \$15 per hour to employees performing those services. Will this also apply to employees of a company working outside California, including other countries? (III. Policy Text, Part 1: Purchase Transactions, E. Purchase Limitations and Special Requirements, 1. Campus and LBNL, d. Fair Wage/Fair Work, 1. General Requirements).
- Under the definition for Disabled Veteran Business Enterprise (DVBE), the policy reads:

“The business must be at least 51% owned by one or more disabled veterans; if a limited liability company, the business must be wholly owned by one or more disabled veterans; daily business operations must be managed and controlled by one or more disabled veterans.”

The Council suggests the following for brevity, “if a limited liability company, the daily business operations must be owned, operated, managed and controlled by one or more disabled veterans.”

- The document remains complex and difficult to understand. Compliance will likely be difficult to implement. Additional thought and consideration is needed regarding implementation. Adding diagrams may help the staff and faculty to better understand and implement this policy.

The Council appreciates the opportunity to comment.



On behalf of the Council,

A handwritten signature in dark ink, reading "Alyssa A. Brewer". The signature is written in a cursive, flowing style.

Alyssa Brewer, Chair
Council on Planning and Budget

CC: Jisoo Kim, Executive Director, Academic Senate
Gina Anzivino, Associate Director, Academic Senate
Michelle Chen, CPB Analyst
Stephanie Makhoul, Cabinet Analyst

April 19, 2023

Susan Cochran
Chair, UC Academic Senate

Re: (Systemwide Senate Review) Proposed Revisions to Presidential Policy BFB-BUS-43 Purchases of Goods and Services; Supply Chain Management

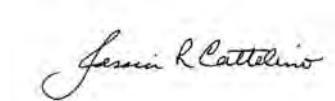
Dear Chair Cochran,

The divisional Executive Board, councils, and committees appreciated the opportunity to review the proposed revisions to Presidential Policy BFB-BUS-43 Purchases of Goods and Services; Supply Chain Management. The Executive Board (EB) reviewed the proposal at its meeting on April 13, 2023.

EB members voted to endorse the proposed policy. They indicated the importance of considering diversity, equity, and inclusion matters as they relate to the Small Business First Program. They also emphasized the need for amplified awareness of sustainable practices and greenhouse emissions in procurement and supply chain management.

More generally, members emphasized the challenges that faculty face in advancing their research, teaching, and service because of the cumbersome systems (including purchasing) that require ever-increasing time and labor. In the creation and review of related policies, the University should center the question of how they support the academic mission.

Sincerely,



Jessica Cattelino
Chair
UCLA Academic Senate

Cc: April de Stefano, Executive Director, UCLA Academic Senate
Andrea Kasko, Vice Chair/Chair Elect, UCLA Academic Senate
Shane White, Immediate Past Chair, UCLA Academic Senate



OFFICE OF THE ACADEMIC SENATE
PATTI LIWANG, CHAIR, ACADEMIC SENATE
senatechair@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED
5200 NORTH LAKE ROAD
MERCED, CA 95343

April 18, 2023

To: Susan Cochran, Chair, Academic Council

From: Patti LiWang, Chair UCM Divisional Council

Re: [Proposed Revisions to the Presidential Policy BFB-BUS 43 Purchases of Goods and Services; Supply Chain Management](#)

The proposed revisions to Presidential Policy BFB-BUS-43 Purchases of Goods and Services; Supply Chain Management was distributed for comment to the Merced Division Senate Committees and the School Executive Committees. The following committees offered several comments for consideration. Their comments are appended to this memo.

CAPRA believes that while the spirit of the proposed revisions are good, the committee strongly suggests not forcing all such purchases to be awarded to small businesses. While exceptions are allowed, it would require extra work as described in Part C of page 46. CAPRA is also concerned that the policy will add additional overhead in terms of time and effort to comply with such a policy and further slow the progress of faculty research.

LASC raised many of the same concerns that it had with the 2021 version of this policy. The committee asserts that if this policy is applied to the purchase of library information resources, it will be burdensome and will likely result in significant delays in the acquisition of information resources. Publishers of books, journals, databases, etc. are, by definition, sole source suppliers. The Copyright Act ensures this. Vendors that aggregate the provision of these materials to libraries are, due to their scale and technological capacity, effectively sole source suppliers, as are vendors that supply collections-related services, such as journal subscription management services. In almost all cases, these vendors are national corporations; publishers are both national and multi-national corporations. The necessity to seek waivers from Small Business First requirements will add an additional layer of bureaucracy to library procurement without any benefit to the University. LASC suggests that one alternative would be to seek exemptions by having Library agreements certified as sole source agreements. This may also add a significant administrative burden. This policy as written will be more or less burdensome to the Library depending on how it is implemented. LASC does foresee, however, some degree of negative impact due to the need to seek waivers or exemptions to the policy provisions.

Divisional Council reviewed these comments via email and supports the various points and suggestions.

The Merced Division thanks you for the opportunity to comment on the proposed revisions.

CC: Divisional Council
Monica Lin, Executive Director, Systemwide Academic Senate
Michael LaBriola, Assistant Director, Systemwide Academic Senate
Senate Office

UNIVERSITY OF CALIFORNIA, MERCED

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

ACADEMIC SENATE, MERCED DIVISION
COMMITTEE ON ACADEMIC PLANNING AND RESOURCE ALLOCATION
KEVIN MITCHELL, CHAIR
kmitche1@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED
5200 NORTH LAKE ROAD
MERCED, CA 95343

March 17, 2023

To: Patti LiWang, Senate Chair

From: Kevin Mitchell, Chair, Committee on Academic Planning and Resource Allocation (CAPRA)

Re: CAPRA Comments on the Presidential Policy BFB-BUS-43 Purchases of Goods and Services; Supply Chain Management

CAPRA reviewed the Presidential Policy BFB-BUS-43 Purchases of Goods and Services; Supply Chain Management and offers the below comments.

While the spirit is good, CAPRA suggests not forcing all such purchases to be awarded to small businesses. It should be voluntary rather than mandatory. According to Part 1: Purchase Transactions, B. Required Use (page 46 of BFB-BUS-43): "Items covered by Pool Purchase Orders shall not be purchased from other sources, unless the exception involves special delivery requirements, or there are substantial differences in specifications which preclude the use of the contract source. Such exceptions shall be approved by the campus Procurement/Supply Chain Director. Exceptions on any basis other than the above circumstances shall be approved by the Commodity Manager."

While exceptions are allowed, it would require extra work as described in Part C of page 46. Exception Reports. "Purchases from other than pool Purchase Order suppliers or commodity agreement sources shall be reported to the Commodity Manager. Such reports shall include copies of the purchase action".

This policy will add additional overhead in terms of time and effort to comply with such a policy. The current procurement policy is complicated and time-consuming, and this policy will simply add extra overhead and further slow the progress of our research work.

We appreciate the opportunity to provide these comments.

cc: Senate Office

UNIVERSITY OF CALIFORNIA, MERCED

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

ACADEMIC SENATE, MERCED DIVISION
COMMITTEE ON LIBRARY AND SCHOLARLY COMMUNICATIONS
MARIA DEPRANO, CHAIR
mdeprano@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED
5200 NORTH LAKE ROAD
MERCED, CA 95343

March 17, 2023

To: Patti LiWang, Chair, Academic Senate

From: Maria DePrano, Chair, Committee on Library & Scholarly Communications (LASC)
& LASC Committee Membership

Re: Presidential Policy BFB-BUS-43 Purchases of Goods and Services; Supply Chain Management

LASC writes in response to the proposed systemwide Presidential Policy BFB-BUS-43 Purchases of Goods and Services; Supply Chain Management.

LASC raises many of the same concerns that it had with the 2021 version of this Systemwide policy. (Please see our original February 16, 2021 memo.) If this policy is applied to the purchase of library information resources, it will be burdensome and will likely result in significant delays in the acquisition of information resources.

Publishers of books, journals, databases, etc. are by definition sole source suppliers. The Copyright Act ensures this. Vendors that aggregate the provision of these materials to libraries are, due to their scale and technological capacity, effectively sole source suppliers, as are vendors that supply collections-related services, such as journal subscription management services.

In almost all cases, these vendors are national corporations; publishers are both national and multi-national corporations. The necessity to seek waivers from Small Business First requirements will add an additional layer of bureaucracy to library procurement without any benefit to the University.

One alternative would be to seek exemptions by having Library agreements certified as sole source agreements. This may also add a significant administrative burden.

This policy as written will be more or less burdensome to the Library depending on how it is implemented. LASC does foresee, however, some degree of negative impact due to the need to seek waivers or exemptions to the policy provisions.

Thank you for the opportunity to opine.

Cc: Senate Office



CHAIR, ACADEMIC SENATE
RIVERSIDE DIVISION
UNIVERSITY OFFICE BUILDING, RM 225

SANG-HEE LEE
PROFESSOR OF ANTHROPOLOGY
RIVERSIDE, CA 92521-0217
TEL: (951) 827-4390
EMAIL: SANG-HEE.LEE@UCR.EDU

April 10, 2023

Susan Cochran, Chair, Academic Council
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

RE: Systemwide Senate Review of Proposed Revisions to Presidential Policy BFB-BUS-43 on the Purchase of Goods and Services and Supply Chain Management

Dear Susan,

The Riverside Executive Council discussed the Proposed Revisions to Presidential Policy BFB-BUS-43 on the Purchase of Goods and Services and Supply Chain Management during their April 10, 2023 meeting and had no comments to add to those in the attached memo from Riverside's Committee on Planning and Budget.

Sincerely yours,

A handwritten signature in cursive script, reading "Sang-Hee Lee".

Sang-Hee Lee
Professor of Anthropology and Chair of the Riverside Division

CC: Monica Lin, Executive Director of the Academic Senate
Cherysa Cortez, Executive Director of UCR Academic Senate Office

PLANNING AND BUDGET

April 3, 2023

To: Sang-Hee Lee, Chair
Riverside Division

From: Peter Atkinson, Chair 
Committee on Planning and Budget

RE: [Systemwide Review] *Proposed Revisions to Presidential Policy BFB-BUS-43 Purchases of Goods and Services; Supply Chain Management*

The Committee on Planning & Budget unanimously rejected the *Proposed Revisions to Presidential Policy BFB-BUS-43 Purchases of Goods and Services; Supply Chain Management*. The committee noted the description of the many changes made to the original document from 2021 with respect to the simplification of bureaucratic language. The committee recognized the intent of the revised policy to support local small businesses and is supportive of this intent in general terms but remained deeply concerned with the procedures proposed. Indeed, our concerns remain the same as those summarized by former Committee on Planning & Budget Chair Kinney in her memo to then Division Chair Stajich of February 18, 2021. It remains unclear to the committee whether the small business bid policy applies to faculty PIs and research grants. If so, the proposal will significantly increase the bureaucratic burden on faculty and staff, introducing needless additional paperwork where PIs will be requested to justify their purchases of office, laboratory, studio supplies, and equipment, when a local supplier is not used. The committee is dismayed that the core of this revision remains essentially unchanged despite our previous criticisms and despite the impact that the COVID-19 pandemic has had on UC Riverside staffing levels with the resulting additional burden on faculty.

Perhaps one solution is for the writers of this policy to identify potential small businesses relevant to the mission of the university that qualify as being close to each of the ten UC campuses. This list could then be circulated to the relevant procurement officers who could then circulate it to their departments. However, we again state that whatever administrative procedure is developed, it cannot increase the existing burden on faculty and the few support staff remaining in their departments.



OFFICE OF THE ACADEMIC SENATE

9500 GILMAN DRIVE
LA JOLLA, CALIFORNIA 92093-0002
TELEPHONE: (858) 534-3640
FAX: (858) 534-4528

April 14, 2023

Professor Susan Cochran
Chair, Academic Senate
University of California
VIA EMAIL

Re: Divisional Review of the Presidential Policy BFB-BUS-43 Purchases of Goods and Services;
Supply Chain Management

Dear Chair Cochran,

The proposed revisions to the Presidential Policy BFB-BUS-43 Purchases of Goods and Services; Supply Chain Management were distributed to San Diego Divisional Senate standing committees and discussed at the April 10, 2023 Divisional Senate Council meeting. Senate Council endorsed the proposal and offered the following comments for consideration.

Reviewers noted that this version of the policy is a significant improvement over the previous version as it was much clearer and easier to understand. It was noted, however, that the disadvantaged business enterprise (DBE) category was removed from this version of the policy and there was no explanation why. Given that the DBE category focused on socially and economically disadvantaged individuals and not only race or gender, Council recommended that DBE be restored, or redefined to further focus on social and economic disadvantage, and that it be fully incorporated for priority consideration along with the small business (SB) and disabled veteran business enterprise (DVBE) categories. Reviewers also reiterated a prior suggestion that the definition of Economically Disadvantaged Individuals or DBE be modified to include some description of geographical disadvantage (by zip code perhaps) to potentially include businesses that are enhancing the local economic climate/jobs in underprivileged locations.

The responses from the Divisional Committee on Planning and Budget and Committee on Diversity and Equity are attached. The Committee on Planning and Budget's response includes editorial suggestions for clarity.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Grey Postero".

Nancy Postero
Chair
San Diego Divisional Academic Senate

Attachment

cc: John Hildebrand, Vice Chair, San Diego Divisional Academic Senate
Lori Hullings, Executive Director, San Diego Divisional Academic Senate
Monica Lin, Executive Director, UC Systemwide Academic Senate

April 3, 2023

NANCY POSTERO, CHAIR
Academic Senate, San Diego Division

SUBJECT: Proposed Presidential Policy BFB-BUS-43, Purchases of Goods and Services

The Committee on Diversity and Equity (CDE) discussed the 2023 version of the proposed revisions to Presidential Policy BFB-BUS-43 at its March meeting. The current draft revises the 2021 proposal in response to comments about lack of clarity. The committee appreciates the clarification of language and formatting. The CDE does have one comment on the revised version.

When the committee last reviewed this policy and expressed concern that the Disadvantaged Business Enterprise (DBE) category was not included where specific priorities were outlined for Small Business (SB) and Disabled Veteran Business Enterprise (DVBE). In the current draft, all mention of the DBE has been deleted and, although this is nowhere explained, the committee assumes that the Section VI: Related Information reference to the Ninth Circuit Court of Appeals case (Monterey Mechanical) is the reason for this change. The committee, however, is disappointed that the University has not chosen to further challenge the issue, since the prior definition of DBE focuses primarily on disadvantage, and not race or gender. We recommend that DBE be restored, redefined to further focus on disadvantage, and that it be fully incorporated for priority consideration along with the SB and DVBE categories. We renew our prior suggestion that the definition on Economically Disadvantaged Individuals or DBE be modified to include some description of geographical disadvantage (by zip code perhaps) to potentially include businesses that are enhancing the local economic climate/jobs in underprivileged locations.

Sincerely,

Shantanu Sinha, Chair
Committee on Diversity & Equity

cc: J. Hildebrand

March 28, 2023

NANCY POSTERO, CHAIR
Academic Senate, San Diego Division

SUBJECT: Proposed Presidential Policy BFB-BUS-43, Purchases of Goods and Services

The Committee on Planning and Budget (CPB) discussed the 2023 version of the proposed revisions to Presidential Policy BFB-BUS-43 at its March meeting. The current draft revises the 2021 proposal in response to comments about lack of clarity. The 2023 version is a significant improvement. The document distinguishes more clearly which procedures are requirements, and which are simply allowed by policy (but not required). Professor Valerie Ramey was the lead discussant.

The CPB has a few minor suggestions to improve the policy's clarity and readability. These are listed below. The pages listed refer to the document without tracking that constitutes pages 1 – 46 at the end of the full 160-page pdf.

- Page 3. Since “Execute” is a verb it should not be defined as a noun.
- Page 3. At the end of the definition of “Personal Property,” “see below” is vague. Instead, “see definition below” would give clearer guidance for where to look.
- Page 5. The definition of “RFx Event” is difficult to understand. Another sentence to add clarification would be helpful.
- Page 6. The definition of “Strategically Sourced Agreements” gives no idea what the “strategically” part means.
- Page 9. I think that “*facilitate* competition” captures the meaning better than “*obtain* competition.” (*Ensure* would be another alternative.)
- Page 9. The phrase “Prior to releasing RFx Events” is difficult to understand since the definition of an RFx Event is difficult to understand.
- Page 9, 3.a., “manager” should be plural.
- Page 9, 3.b. “whether” is more appropriate than “if.”
- Page 10, 4.a. “spend” should be “spending.”
- Page 10, 13, 15, 35, 36, and many other pages. Semi-colons and commas are considered redundant when phrases are bulleted. It makes for cleaner reading to omit those types of punctuation in bulleted lists.
- Page 11 and elsewhere. The term “sustainability” is vague. It is not in the glossary and in a number of cases seems to include “diversity” as well, which seems odd.
- Page 13, 7.e. The last line is out of place in its use of the imperative. I recommend that the last sentence instead read “UC T&Cs may not be used when issuing sub-awards for research.”
- Page 15, first bullet in 1.a. – delete “s” from “exceeds.”
- Page 18, 2c. The use of the imperative is not consistent with rest of the document. I recommend replacing “consult” with “the” and adding “should be consulted” before “to determine what type”
- Page 23 B. seems to mix sustainability with diversity.
- Page 35. Part 5. The titles of A. and B. are missing a “must” or “may.” (Sections C, D, and E have them.)
- Page 36, Part V. Procedures, Part 1: Purchase Transactions has only two subcategories, “Unsatisfactory Performance” and “Systemwide Price Schedules” which don’t seem to go together in that the first is a problem and the second is a regular product, but which in some cases may not be competitively bid. Employing more parallelism across these two categories would increase the clarity. For example, between “Part 1” and “A” one could write an introductory sentence saying that the following outlines procedures to be followed in case of

unsatisfactory performance of a supplier or non-competitive bidding and then follow up with similar titles for the two subcategories.

Sincerely,

Michael Provence, Chair
Committee on Planning & Budget

cc: J. Hildebrand



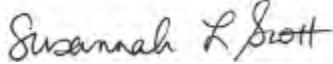
UC SANTA BARBARA

Academic Senate
Susannah Scott, Chair
Shasta Delp, Executive Director

1233 Girvetz Hall
Santa Barbara, CA 93106-3050
<http://www.senate.ucsb.edu>

April 18, 2023

To: Susan Cochran, Chair
Academic Senate

From: Susannah Scott, Chair
Santa Barbara Division 

Re: Proposed Revisions to Presidential Policy BFB-BUS-43 Purchases of Goods and Services; Supply Chain Management

The Santa Barbara Division distributed the Proposed Revisions to Presidential Policy BFB-BUS-43 Purchases of Goods and Services; Supply Chain Management to the Council on Planning and Budget (CPB), the Committee on Research Policy and Procedures (CRPP), the Committee on Library, Information, and Instructional Resources (CLIIR), and the Committee on Information Technology (CIT). CLIIR opted not to opine.

The Santa Barbara Division appreciates the intent to clarify the policy, but it is unable to endorse the current version. The reviewing groups express persistent and severe concerns about the vague and often inconsistent policy directives, shifting the burden of policy compliance to departments, units, and faculty who are ill-equipped for such tasks, the unnecessary duplication of infrastructure created by this model, and the lack of resources and training to support the policy's implementation. They also reiterate concerns about the incompatibility of many highly technical purchases associated with research with bureaucratic procurement limitations, and the potential chilling effect on research for early career faculty who are particularly dependent on state funds to launch their research programs. The individual group responses, which contain detailed questions and requests for clarification, are attached for your consideration.

We thank you for the opportunity to opine.

UNIVERSITY OF CALIFORNIA
ACADEMIC SENATE
SANTA BARBARA DIVISION
Council on Planning & Budget

March 8, 2023

To: Susannah Scott, Divisional Chair
UCSB Academic Senate

From: James Rawlings, Chair 
Council on Planning & Budget

Re: Policy BFB-BUS-43 Purchases of Goods & Services; Supply Chain Management

The Council on Planning & Budget has reviewed the proposed Presidential Policy BFB-BUS-43: Purchases of Goods & Services and Supply Chain Management. CPB commends the participating agencies for revisions that have significantly improved the clarity of the document. Overall, the policies are clear and offer sufficient flexibility to ensure reasonable practices that are consistent with the overall mission of the university.

However, there are several instances where the principal burden of compliance is pushed to lower levels of administration, where staff are already under-resourced and overburdened. This is significant because much of the needed infrastructure will be replicated unnecessarily across departments, colleges and UC campuses. Furthermore, some of the language is vague, which amplifies these concerns. Examples of the language driving these concerns include:

- On pg 11 (5c), the document states “UC may not allow a bidder to correct an error, take an exception to a specification, or waive an irregularity if it gives that bidder a material advantage over other bidders”. Conversely, on page 14 (4b), it states “UC may allow bidders to correct irregularities or clerical errors in quotes”. Which is it?
- On pg 11 (6b), the document states: “The weight for the financial component must be at least 25% and sustainability at least 15% in Best Value evaluations”. Neither “weight” nor “sustainability” are defined nor is it indicated who will or how they will be determined.
- Regarding public works in excess of \$1000, on pg 15 (b1), the document states: “UC requires prevailing wages for all public works maintenance projects”; this is followed in (b2) by a series of exceptions without justification. At no point does the document define “prevailing wage,” how it is to be determined, or who determines it.
- “....departments or individuals requesting services must provide completed tax classification forms prior to procurement of services.” (Bullet #4 on page 7 of 46 of the unmarked revision.) Compliance with classification requirements is often a tangled web, requiring significant experience to efficiently meet process requirements. As such, this activity should be supported with central staff at the campus level. Since campus

administration can use the policy as written to push this responsibility to the departments, the language should be changed to assign responsibility at that level.

- “Each UC location must develop supplier diversity plans.” (Bullet #3, page 23 of 46 of the unmarked revision.) While it is important to provide individual campuses with flexibility to account for local circumstances, it is highly inefficient to have each location develop such plans in a vacuum, uncertain as to whether or not they are consistent with UCOP’s intentions or other campus’ policies.
- Regarding Small Business Enterprise (SBE)/ Disabled Veteran Business Enterprise (DVBE) requirements, (Bullet B1., page 23 of 45 of the unmarked revision) how are “general requirements” conceivably achieved? And by whom? How does one go about proving a negative (i.e. “*There is no SBE or DVBE that fits this project.*”)? How are individuals supposed to determine whether or not suitable qualifier suppliers even exist to get the request quotes?
- “Waivers must clearly document the steps taken and research completed to sufficiently justify an exemption from SB First”. (Bullet #b, page 24 of 46 of the unmarked revision) This is incredibly vague and could be interpreted as a significant burden by those trying to move forward with procurement in a timely manner. The next bullet (#3 on page 24 of 46) provides ample exceptions – so much so that it makes one wonder whether one needs to even worry about B.1 in the first place.
- Item #1 (page 37 of 46), regarding the statement that the originating department is responsible for developing a small business subcontract plan. This is an unacceptable burden for departments that are awarded virtually no indirect cost recovery on contracts. This policy is written as though people managing contracts are given ample staff to handle this on a case-by-case basis, which is not consistent with our/faculty? experience.
- “Locations must monitor and report the extent of small business participation” (Bullet 4(a,b,c) on page 39 of 46, of the unmarked revision.) This is an unacceptable reporting/data management requirement on departments that manage large contracts, without an increase in staff support. Even if the memo intends that compliance checks and documentation are done at the level of Sponsored Projects (and not department financial officers), they are still woefully understaffed.

Finally, CPB notes that the document states (#2.d on page 32), that a goal of UCOP is to “assist UC in becoming a premier institution known for its procurement excellence.” The proposed policy implies this will be achieved by shifting activities and responsibilities to the department level, while simultaneously setting forth an extensive list of process requirements. One might reasonably argue that “a premier institution for procurement” is one that streamlines processes, centralizes data definition, collection and processing. Efforts to understand, implement and document best practices should not be replicated across multiple campuses doing exactly the same thing.

**Academic Senate
Santa Barbara Division**

April 7, 2023

To: Susannah Scott, Divisional Chair
Academic Senate

From: David Stuart, Chair 
Committee on Research Policy and Procedures

Re: Systemwide Review of Proposed Presidential Policy BFB-BUS-43 Purchases of Goods and Services; Supply Chain Management

At its meeting of March 10, 2023, the Committee on Research Policy and Procedures (CRPP) discussed the proposed Presidential Policy BFB-BUS-43 Purchases of Goods and Services; Supply Chain Management. The Committee has a number of questions and concerns about the policy, described below.

- Part III-1-B-1: More clarification on Small Business First. Why are just Small Business or Disabled Veteran Business Enterprises included? Why not include minority or women owned businesses? Is the requirement to award \$10,000 - \$250,000 in procurements a campus or systemwide total requirement? Does Gateway actually specify these businesses? If not, how do faculty know which business to use?
- Part III-1-B-2: Can negotiations be done orally? Eventually everything needs to be in writing. More clarification is needed.
- Part III-1-C-7-d: The types of special documents that would qualify need to be specified; it is too vague as currently written. Clarification on when they are needed and how to prepare special documents should be included, perhaps in an FAQ (of which there is none).
- Part III-1-D-2: The policy should define "exempt from competition".
- Part III-2-A-2: The language around "Good Faith Efforts - Locating Small Business Sources" is concerning, in that the policy states that PIs must work with support staff to do so. Specific staff requirements for PIs seems to be a creep of roles. Also, faculty will be expected to expend time to source small businesses. PIs are not trained to do this.
- The document jumps from competitive bidding straight to receiving and acceptance; it does not discuss the possibility for negotiations after receiving an offer. Is there any way for a PI to withdraw if they have had poor experiences with the selected vendor? Can PIs disqualify vendors before a bid? PIs know what they need to make the right choice; procurement offices generally do not. Faculty do not want a bad decision being made on their behalf and their research being harmed. The "total value" is more than cost; reliability and sustainability are also factors. PIs are best suited to assess those factors and should have input in the bidding and selection process. There is also the uncertainty cost of spending more time looking at all options to find the cheapest in terms of dollars. These costs are not calculated.

CC: Shasta Delp, Executive Director, Academic Senate

April 12, 2023

To: Susannah Scott, Divisional Chair

From: Frank Brown, Chair, Committee on Information Technology

Re: Proposed Revisions to Presidential Policy BFB-BUS-43 Purchases of Goods and Services; Supply Chain Management

The Committee on Information Technology (CIT) considered the proposed revisions to Presidential Policy BFB-BUS-43 Purchases of Goods and Services; Supply Chain Management at its meeting of March 3, 2023. The Committee raises a number of questions and concerns about the proposed revised policy, detailed below.

Overall, the proposed revised policy represents a significant burden for PIs and departmental staff as they navigate the intricacies of the various limitations and requirements imposed on procurement. Individuals involved in University research are well aware of the need for frugality, simply because they receive limited funding to accomplish their goals. In most cases, it is not necessary to “assist” researchers with identifying goods at lower costs because they have already carefully considered which potential purchases meet the University’s needs at the lowest possible cost. Further, research supplies are generally not commodities. In many cases, these supplies are highly specialized and it is essential for the researcher to purchase goods from one or two specific vendors because not all research materials are identical.

Imposing additional restrictions on state-funded spending disproportionately impacts faculty whose research is primarily supported by start-up funds. While most established PIs have federal funding, and can therefore avoid the additional restrictions related to small and diverse businesses, assistant professors will likely be subject to these regulations.

The revised language related to Strategically Sourced Agreements (p. 57-58, redline) seems to imply that the use of regional and systemwide agreements is now mandated. Whether intentional or not, this language should be clarified in order to prevent varied interpretations. One point of concern is that historically, our campus has identified qualified vendors in some market segments (e.g. networking) who are able to offer significantly lower pricing than those specified in systemwide agreements. CIT emphasizes that the ability to leverage these vendors when appropriate is an efficient use of campus resources and helps the UC meet its overall goal of economic benefit through effective procurement.

In sum, these layers of bureaucracy are often counterproductive to university research. It is unclear whether UC locations will be provided with additional funding in order to bolster the infrastructure that will be required to ensure BFB-BUS-43 compliance and reduce the impact on faculty and staff workload. Finally, substantial and ongoing training will be required to help establish fluency in these complex, and often vague policies and procedures.

The CIT suggests that all research expenditures be waived from the bureaucratic requirements of this policy.

CC: Shasta Delp, Executive Director



1156 HIGH STREET
SANTA CRUZ, CALIFORNIA 95064

Office of the Academic Senate
SANTA CRUZ DIVISION
125 CLARK KERR HALL
(831) 459 - 2086

April 18, 2023

SUSAN D. COCHRAN, Chair
Academic Council

RE: Proposed Presidential Policy BFB-BUS-43 - Purchases of Goods and Services; Supply Chain Management

Dear Susan,

The Santa Cruz Division of the Academic Senate has completed its review of the proposed Presidential Policy BFB-BUS-43 - Purchases of Goods and Services; Supply Chain Management, with the Committees on Research (COR) and Rules, Jurisdiction, and Elections (CRJE) providing comments. All references are to the untracked “clean” version of the policy.

CRJE wondered if environmental and ethical values should be included in the definition of “Best Value” (II. Definitions – Best Value, Page 2). They suggested that language could be included that allows Purchasers to account for environmental and other ethical factors in their decisions.

CRJE also recommended removing or replacing the adjective “total” in “total value” when total quantity is not specifically intended: i.e., “Such judgment considers total value to UC” (II. Definitions – Reasonable Price, page 5), “services that provide the highest total value to UC” (III. Policy Text – Part 1.A.1, Page 6). If “Best Value”, as defined on p. 2, is intended in both these places, then CRJE recommended that this term be used instead, potentially with a hyperlink to its definition.

Finally, CRJE found two minor grammatical issues on p. 2: the definition for Competitive Bidding begins with a stray comma (II. Definitions – Competitive Bidding, Page 2). In the definition for “Best Value”, the following phrase lacks a verb “. . . performance criteria that may include, but not limited to, price, features . . .” (II. Definitions – Best Value, Page 2). CRJE suggest that perhaps the phrase should read, “. . . performance criteria that may include, but not be limited to, price, features . . .”

COR was detailed in its response and provided a point by point commentary on the policy, as outlined below.

Chapter II: Definitions

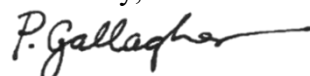
- Suggest defining “RFx” explicitly in Glossary. (RFx Event, Page 5).

Chapter III:

- Part 1:
 - Reasonable Price, Page 5: Is there a minimum number of responsive quotations that provide a successful market test?
 - D.1, Page 13: Who determines if goods/services are the sole source? Does the purchaser write a justification for review by procurement staff?
 - I.2, Page 19: Note that delegation must now be made in writing. A reasonable change that should be highlighted.
- Parts 2-3
 - Part 2.A.3 - Goods and Service Acceptability, Page 21: How is the quality of the strategically sourced material determined and, in the event that doing so requires specific expertise, how is the end user involved in the decision making process?
 - Part 3.A.3, Page 23: How is ‘small business’ and ‘diverse’ defined in the context of procurement? Who is the small business officer, is that a campus position?
 - Several minor typos noted.
- Parts 4-5
 - Part 4.A – Policy, Page 24: The definition of “personal property” is a bit vague. Are there minimum/maximum costs associated with it? An example or two would help.
 - Part 5.C. 2 a, Page 26: COR found this section to be vague and asked, if it is policy that “if the P/SCD (or designee) determines that the goods or services are not available from commercial sources or within UC”, then can UC enter into an agreement with any employee with an employee-supplier relationship, or only with an employee who has teaching or research responsibilities or with a student employee?
 - Part 5.D. 2.e. – Contents, Page 27: COR observed that the following was ambiguous and in need of further clarification: “Certify that no University time, material, equipment, or facilities have been or will be used in connection with any resulting procurement transaction.” What situation is the policy attempting to address?
- Part 6
 - C.2, Page 28: COR suggested that the phrase “. . . an Administrator oversee the local procurement card program” be edited to read “. . . an Administrator to oversee the local procurement card program.”
 - D – Specific Transactional Responsibilities and Separation of Duties, Page 29: COR wondered if there are requirements on who can be a reviewer? The “Separation of Duties” section specifies that a reviewer can’t be the person who holds the card, but can a subordinate of a cardholder be designated as a reviewer if they do not hold a card themselves? It would seem that this is allowed, but likely is not good practice.

On behalf of the Santa Cruz Division of the Academic Senate, I thank you for the opportunity to provide feedback on this proposed Presidential Policy.

Sincerely,



Patty Gallagher, Chair

Academic Senate, Santa Cruz Division