

CITY OF TEXARKANA, TEXAS



PURCHASING MANUAL

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I. CODE OF ETHICS

Public employment is a public trust. Public employees must discharge their duties impartially so as to assure fair competitive access to governmental procurement by responsible contractors. Moreover, they shall conduct themselves in such a manner as to foster public confidence in the integrity of the City of Texarkana, Texas procurement organization. Any attempt to realize personal gain through conduct inconsistent with the proper discharge of an employee's duties is a breach of the public trust. Employees who breach an ethical standard of conduct will be subject to disciplinary action and may be subject to criminal prosecution for fraud.

II. PURCHASING AUTHORITY

- The Purchasing Manager shall have signature authority for all purchase orders over \$3,000. All transactions for goods and services, exceeding \$3,000 shall be processed through the Purchasing and Contracts Department.
- **The City Manager shall sign all contracts.**
- Delegated purchasing authority is a privilege granted to specific employees recommended by the Department Head and approved by the Purchasing Manager. Each designated employee must have a signed authorization on file with the Purchasing and Contracts Department . **Department Heads** shall be responsible for supervision, auditing and oversight of **all purchases** made by their employees. Delegated purchasing authority may be revoked by the Purchasing Manager at any time.

III. MONETARY PURCHASING LIMITS

Purchases of \$00.01 to \$50.00

Use petty cash or the purchasing card. Petty cash is managed by the Finance Department. Contact the Finance Department if you have any questions. See Section XVI – “Petty Cash” in this manual for procedural guidelines.

Purchases of \$50.01 to \$3,000

Use your departments purchasing card. If the vendor does not accept the purchasing card, a purchase order is required. Individual department directors may exercise discretion regarding the purchase of goods or services within this range. Competitive quotations or formal bidding is not required, but is recommended whenever justifiable cost savings can be achieved. The decision to obtain competitive quotes is the responsibility of the appropriate department head.

Purchases of \$3,000.01 to \$50,000.00

Local Government Code Chapter 252.0215 Competitive Bidding in Relation to Historically Underutilized Business, states that a municipality, in making an expenditure of more than \$3,000 but less than \$50,000, shall contact at least two historically underutilized businesses on a rotating basis, based on information provided by the comptroller pursuant to Chapter 2161, Government Code. If the list fails to identify a historically underutilized business in the county in which the municipality is situated, the municipality is exempt from this section.

A HUB is defined as a small business concern which is at least 51% owned and controlled by one or more socially and economically disadvantaged individuals, or in the case of any publicly owned business, at least 51% of the stock of which is owned by one or more socially and economically disadvantaged individuals. Socially and economically disadvantaged include Women, Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, and Asian-Indian Americans.

Purchases greater than \$50,000.00

Contact Purchasing with your need and budget for the purchase of goods or services. PURCHASING shall follow a formal bid procedure as required by state law and city charter.

IV. PURCHASE ORDER EXEMPTIONS

Certain payments are allowed without a purchase order. The Finance Director or his/her designee must approve all exemption requests. The following payments are allowed without a purchase order:

Travel, training or registration	Banking Services
Utility Services	Pensions Payments
Payroll related liabilities	Reimbursement and refunds
P-Card Purchases	

V. NEW VENDOR SET UP IN FINANCIAL SOFTWARE

Prior to the issuance of a purchase order, vendor data must be entered into the financial software and a unique vendor number assigned for all new vendors. A completed W-9 must be furnished to the Purchasing Manager by the department prior to the issuance of the purchase order. It is the departments responsibility to obtain all necessary information for the creation of a new vendor. Only Purchasing or Accounts Payable can establish a new vendor in the financial software. Electronic copies of a W-9 are available on the swap drive.

VI. COMPETITIVE BIDDING

1. The City of Texarkana will comply with the Texas Local Government Code in all purchasing related matters. Particular attention shall be applied to LGC Chapters 252 and 271.

2. *Tie Bids*

If two or more bidders submit identical bids and if only one of the bidders is a business resident of the City of Texarkana, Texas, that bidder must be selected.

If two or more of the bidders submitting the lowest bids are business residents of the city, the bidder must be selected by the flip of a coin.

Tie bids submitted by non-resident bidders must be selected by the flip of a coin.

If the contract value is greater than \$50,000.00, the coin flip must be done in the presence of the City Council.

3. *Waiver of Bid Requirements*

On a case-by-case basis, the bid or quote requirements may be waived by the Purchasing Manager according to LGC Chapter 252. Examples of valid conditions to waive quote/bid requirements are for product testing and standardization.

4. *Electronically Transmitted Bids*

Can only be received in PURCHASING. Immediately after they are received they shall be printed and placed in a sealed envelope where they will remain until the bid opening. No bids or proposals shall be considered if received after the bid opening time and date.

VII. ANNUAL CONTRACTS

- Purchases of items or services may be accomplished through annual contracts awarded to vendors for goods and services routinely required by one or more departments.
- Is the contract open to purchasing cards?
 - If yes, use the purchasing card.
 - If no, issue a purchase order. If applicable, a blanket purchase order may be used.
- Once a contract has been established, departments shall not actively go out to seek competition to this vendor.
- Once a contract is established, it is the responsibility of the user departments to administer the contract. Although that department should notify Purchasing of any problems relative to the contract. For example, the inability of the vendor to provide

the products and/or services on a timely basis. Proper documentation of problems is essential in determining the responsiveness of the vendor. Without written documentation, it is difficult to prevent the vendor from bidding and receiving the award of contract again. Please submit, in writing, problems that you feel are pertinent so that we may discuss the situation and possible repercussions with the vendor.

VIII. BLANKET PURCHASE ORDERS (BPO)

BPO's are issued to selected vendors from whom repetitive purchases with the same general ledger account number is made. Rather than issue a purchase order each time, one purchase order is issued for up to one year to cover purchases during that period. When buying materials on this type of purchase, a department head or authorized department representative must sign the vendor's invoice; attach a copy of the blanket purchase order and forward invoice to ACCOUNTS PAYABLE. This type of purchase order may be used for items such as fuel, rentals, fixed price service contracts, etc. It may also be used for public works construction contracts and other purchases paid in steps of completion.

IX. PURCHASE ORDER NOT TO EXCEED

If it is not possible to obtain a firm price prior to beginning work or equipment must be dismantled in order for a vendor to make an estimate, only one quotation is required; however, the using department shall follow the monetary Purchasing limits and issue a purchase order or submit a requisition to PURCHASING stating:

This purchase order has been issued to your company to repair on/at (enter location and/or equipment number). Repair costs shall not exceed \$X,XXX.XX without obtaining prior authorization from the _____ Department at 903-____-_____.

X. CHANGE ORDERS

General Information

This applies to all contracts where a change order is necessary. This includes contracts for materials, equipment, supplies, or other commodities; contracts for general services; professional services contracts; construction contracts; and contracts that are entered into using an alternative procurement method.

A change order may be required if, after the contract has been executed:

- Changes in plans or specifications are necessary after the performance of the contract has begun; or
- It is necessary to decrease or increase the quantity of work to be performed; or
- It is necessary to decrease or increase the quantity of materials, equipment, or supplies to be furnished.

Material changes in scope, quantities, or related work may not be made. A material change is defined as substantial revisions. "Bidding presupposes that due advertisement, giving opportunity to bid, and contemplates a bidding on the same undertaking upon each of the same material items covered by the contract; upon the same thing. It requires that all bidders be placed upon the same plane of equality and that they each bid upon the same terms and conditions involved in all the items and parts of the contract, and the proposal specify as to all bids the same or substantially similar specifications." *Attorney General Opinion MW-296*.

Changes to Construction Contracts

When a change order is \$50,000 or less, the City Manager or his/her designee may approve the written change order.

When a change order is for more than \$50,000, the change order must be approved by City Council prior to commencement of the services or work and may be subject to statutory procurement requirements as applicable. The original price may not be increased by more than 25 percent. The original price may not be decreased by more than 25 percent without the consent of the contractor.

Routing procedures for Change Orders up to \$50,000.00

Change orders of \$.01 to \$50,000 for contracts must be pre-approved prior to authorizing the work as set forth herein.

The change order form for change orders of \$.01 to \$50,000 must be filled out and executed by the following people:

- Contractor
- Contract manager or City Engineer (whichever is applicable)
- Department Director
- Chief Financial Officer
- City Manager

Executed change orders should be forwarded to the Purchasing Manager within one week of execution in order to increase/decrease the encumbrance on the Purchase Order.

Routing procedures for Change Orders greater than \$50,000

Change orders of greater than \$50,000 for contracts must be pre-approved by City Council prior to authorizing the work as set forth herein.

Following Council approval, the following people must approve/execute the change order form:

- Contract manager or City Engineer (whichever is applicable)

- Department Director
- Chief Financial Officer
- City Manager
- Mayor

XI STATE CONTRACTS AND INTERLOCAL AGREEMENTS

As provided in Section 271.081 of the Local Government Code and Chapter 2157 of the Government Code, the City may buy items from State contracts and qualified cooperative purchasing programs without participating in a competitive bidding process.

As provided in Chapter 791 of the Texas Government Code, the Purchasing Manager shall have the authority to contract with any city, county, school district or political subdivision of this state or any other state for the purpose of pooling resources to obtain favorable pricing for goods and services.

XII. PROFESSIONAL SERVICES

"Professional Services" include services which involve mental or intellectual skills, often accompanied by formal certification or licensing by a state agency, such as accounting, architecture, engineering, medicine, planning, economics, law, financial advisory services and scientific or laboratory consulting services.

State law exempts the procurement of these services from competitive bidding requirements. All RFP's shall comply with Chapter 2254 of the Government Code, also known as the Professional Services Procurement Act.

XIII. AUTOMATION PROCUREMENTS

All automation procurements shall be reviewed and approved, in writing, by the CIS Department prior to purchase. This includes all software, hardware items and peripherals.

XIV. SPECIFICATIONS

Each department shall be responsible for establishing minimum specifications and providing a complete written set to the Purchasing Manager along with a requisition. Specifications will be written on a technical or functional basis. The listing of two competitive brand name and model numbers in specifications is preferred. Purchasing will finalize the specifications to insure they are proper for inserting into an IFB.

Department users, managers and/or staff must be careful to distinguish "need" from "want." The influences of salesperson pressure, trade journal advertisements, and past experience with a particular brand of equipment or supply may blur the distinction.

A need arises when something is essential, necessary or required.

Need exists when an item is required for a basic function of department activity.

A *want* is something that we have a strong desire. "Wants" are generally derived from personal preferences and opinions. The public monies must *not* be spent on these wants.

XV. EMERGENCY PURCHASES

CONDITIONS ESTABLISHING AN EMERGENCY - \$3,000.00 OR MORE

- 1) When there is unforeseen damage to public property, machinery, or equipment and when such breakdown would significantly disrupt the operation of the city or significantly increase the cost of city operations.
- 2) When it is necessary to protect the public health of the citizens.
- 3) When it becomes necessary to preserve the property of the city.

PROCEDURES FOR MAKING AN EMERGENCY PURCHASE

- 1) The Department head, or his/her authorized representative, shall phone the Purchasing Manager and notify him/her of the nature of the emergency and discuss a course of action. If after normal business hours, take necessary action and contact Purchasing Manager the next business day.

XVI. PETTY CASH

Any item bought with petty cash cannot exceed \$50.00. User departments make these purchases directly with the vendor and reimbursements are made providing the proper "Petty Cash Voucher" is completed and a copy of the receipt is attached.

The Finance Director will assign custody of the petty cash fund to one person. Formal acceptance of this responsibility occurs when the custodian signs the "Acceptance of Petty Cash Custody" form, thus agreeing to abide by City policies and procedures as set forth in this document. Provisions should also be made by the department head to assign custody of the fund in the absence of the designated custodian. Access to petty cash is limited to designate personnel only.

Petty cash shall be kept in a locking box. Anytime the box is not under a designated person's custody, it should be locked and placed in a secured desk, cabinet, or safe.

Petty cash purchases are reserved for incidental payments of small amounts, which cannot be paid by Purchasing card, for unforeseen and unplanned circumstances, which require expediency.

Police CID and Narcotics are exceptions to this rule. Due to the unusual nature of the activities in these funds, the maximum limit stated above does not apply.

Reimbursement for business meals is allowed through the petty cash fund. Sales receipt must be attached to reimbursement request.

Procedures

Purchase the merchandise and obtain a sales receipt. Complete the petty cash receipt form **in ink** giving the following information.

- a. Amount of reimbursement
- b. Date of purchase
- c. Description of item(s) purchased
- d. Account code to be charged
- e. Signature of purchaser
- f. Signature of department head or other authorized person indicating approval

Present sales receipt and petty cash receipt voucher to petty cash custodian for reimbursement.

Advance

If a cash advance is required in order for an employee to make a purchase, the petty cash receipt should be filled out indicating "**Cash Advance**" and the amount given to the employee. After the purchase is made, the employee will return the change and sales receipt to the petty cash custodian within 24 hours. A new petty cash receipt form will be completed to include the information listed above. The cash advance ticket will be marked "void" and attached behind the new petty cash receipt form and sales receipts.

Under no circumstances will an advance be given or reimbursement be paid to an employee unless the proper documentation has been made.

XVII. SOLE SOURCE PURCHASES

DEFINITION: Procurement where the functional requirements of the City can be satisfied by only one source.

By way of example without limitation, this shall apply to procurement where competition is precluded because of the existence of patents, copyrights, secret processes of natural monopolies; purchase of films, manuscripts, or books; purchase of electric power, gas, water, and other utility services and the purchase of capital replacement parts.

PROCEDURE

A written memo signed by the Department Head, fully explaining the conditions, which make the supplier a single source, must accompany any sole source materials or services.

XVIII. EXPEDITING

Department shall expedite all purchase orders with values of \$3,000 or less. Purchasing will expedite all purchase orders with a value greater than \$3,000.

XIX. ACCEPTANCE INSPECTION

It shall be the responsibility of the using department to conduct an acceptance inspection of all equipment, supplies, services purchased for their department. Fleet Services shall conduct the acceptance inspection of all vehicles and equipment delivered to the garage.

There will be times when the seller will ship an incomplete order or when the merchandise will become damaged during the shipment, therefore the freight bills and packing slips are very important. They should be checked and signed by the individual receiving the merchandise. Each shipment received should be carefully checked for damages and shortages. If there are any shortages or damages, they should be noted on the freight bill and the delivery driver should sign noting such damage or shortage. In the event of concealed damage, PURCHASING should be notified promptly so that the proper action may be taken. Any damaged item must be held for inspection by the freight company.

XX. RECEIVING

After completing an acceptance inspection, the ordering department shall receive the purchase order through the financial software system.

XXI. INVOICES

All invoices shall be routed through the ordering department. After the RECEIVING process is complete, the ordering department shall sign the invoice, approving to pay. A copy of the purchase order shall be attached to the invoice. Forward to ACCOUNTS PAYABLE.

XXII. Surplus Property

A. *TRANSFER OF SURPLUS PROPERTY WITHIN CITY*

Asset transfer papers must be filled out for all property transfers.

B. *SALE OR LOAN OF PROPERTY TO ANOTHER GOVERNMENTAL ENTITY*

The Texas State Constitution **does not allow the donation of property to another entity or to other non-profit institutions;** however, laws do allow the City to sell or loan property, as follows:

- 1) A sale may be made at market value to another government entity without sealed bids or an auction. The Purchasing Manager must approve all sales of this type, regardless of the dollar amount.
- 2) A sale may be made for a nominal amount, \$1.00 or other good and valuable consideration, to another government entity without sealed bids or an auction. The

Purchasing Manager must approve all sales of these types, regardless of the dollar amount.

- 3) Property may be loaned to another government entity. The terms of the loan shall be contained in a written agreement signed by the Purchasing Manager and an authorized representative of the borrower. The term of the loan may be for a definite period or for an indefinite period.
- 4) Any department considering the sale or loan of equipment to another government entity shall initiate the transfer through the Purchasing Manager who will assist in the preparation of agreements and the physical transfer of property.

C. DISPOSAL OF GOODS

- 1) The Purchasing Manager has the authorization to declare assets obsolete or surplus. Council approval is not required. Assets shall be disposed of through public auction, sealed bids or any other method determined to be in the best interest of the city.
- 2) Purchasing and disposing departments shall make all necessary arrangements for the disposal of surplus materials.

D. FEDERAL SURPLUS PROPERTY

In order to purchase items for the city, departments must comply with the following requirements:

- 1) Each city employee must be registered with the Texas Building and Procurement Commission and approved by the Purchasing Manager to enter into a contract.
- 2) Within five working days after the City has committed to the purchase, the using department shall submit a memo to the Purchasing Manager that includes the following:
 - A. Date and location where items were purchased.
 - B. Description, quantity, unit cost and total cost of the item(s) purchased and the account number each item will be charged to.
 - C. Intended use and estimated date when each item will be placed into service.
 - D. If necessary, a fixed asset tag will be provided and the items placed on inventory. Failure to provide written documentation of all purchases within the required number of days may result in suspension of PURCHASING authorization.

NOTE: All property must be placed into use within 12 months, and used for 12 months. Items with an acquisition cost of \$5,000. or more and all vehicles have an 18-month use restriction period. The use restriction period begins the date the item is actually placed into use.

XXIII. PURCHASING CARD PROGRAM

A. *ELIGIBILITY AND GUIDELINES*

Department Heads recommend permanent employees whose position would benefit in cost savings and efficiency within their respective departments to receive a Purchasing Card (P-Card). Purchasing card single purchase dollar limits shall be established by the Purchasing Manager with input from the Department Head. **Temporary employees are not to be issued a card.**

B. *CARDHOLDER DUTIES AND RESPONSIBILITIES*

- **Maintain cards in secured location.**
- Reporting immediately any fraudulent use or misapplication of the card.
- Immediately notifying the bank and Purchasing if a card is lost or stolen.
- Coordinate returns directly with the supplier.
- The purchasing card is to be used for city business only. No personal use!
- Cards are issued to individuals rather than to department/division.

C. *MAKING A PURCHASE*

- Call or visit the most competitive vendor available within reasonable travel distance. Department heads are responsible for establishing internal policy.
- **Remember: The City is exempt from sales tax. Municipalities are not exempt from Arkansas sales tax unless the goods are delivered to Texas. Please avoid purchasing in Arkansas unless absolutely necessary.**
- Verify the charges (and that we are not charged tax) and sign the receipt. **If the receipt does not identify what each amount is for, write it on the receipt.** "Be Specific", auditors must be able to identify what was purchased. Stock numbers or other unidentifiable nomenclature must be clarified.
- You should receive a charge card receipt, and possibly a cash register receipt. Keep them! You'll need them at the end of the billing cycle.
- Have supplier ship according to terms. FOB: Destination, seller pays for freight.
- Confirm pricing and tax-exempt status. Request the supplier enclose a copy of the sales slip with each shipment listing price and applicable taxes.
- Ensure that the supplier immediately processes the credit card authorization with the Bank.

D. *CARDHOLDER STATEMENT*

The cardholder is responsible for reviewing their cardholder statement and purchase transaction receipts to ensure they are in agreement. Forward all receipts with the cardholder statement to the Purchasing Department each cycle. It is each cardholder's (employee's) responsibility to:

- Review the cardholder statement for any discrepancies

- Code the statement with the proper accounting codes.
- Obtain approval for payment from department head. The City Manager or in his/her absence the Assistant City Manager shall approve Department Head statements.
- Attach original vendor cash register receipts, credit card receipts and invoices to the cardholder statement **IN THE SAME ORDER** as on the statement. Small receipts must be taped on all 4 sides (not stapled) to a plain sheet of 8 ½" x 11" paper.
- If a receipt has been lost, the cardholder is to attach a signed memo containing the required purchase transaction information. Repetative lost receipts by a cardholder will result in revoking the cardholder's purchasing privileges.
- Scan the Cardholder statement into a credit card folder set up on the Swap Folder.
- Verify the billing on the cardholder statement and send completed records to the Purchasing and Contracts Department, within the required number of days.
- The Department Head is responsible for ensuring the cardholder conforms to the usage guidelines and city policies. The Department Head and Finance are responsible for auditing expense reports.

E. RETURNS, CREDITS AND DISPUTED ITEMS

What if there is an Error on the Statement or Other Problems?

In the case of an exception or disputed charge, you should first contact the vendor. Most exceptions or issues can be resolved between the cardholder and the vendor.

Disputed Purchases

If after the cardholder audits the statement he/she determines some charges are disputable, he/she will immediately investigate these charges to determine if any abuse has occurred or if the charges are valid. Anyone suspecting fraudulent use or misapplication of the card should report this immediately to Purchasing. All questioned items must be communicated to the Purchasing Card company within 60 days of the billing cycle date.

Lost or Stolen Cards

In the event your card is lost or stolen, you (the cardholder) must contact PURCHASING immediately!

Returned Merchandise

If a cardholder returns merchandise to the store of purchase, the cardholder is to obtain a credit. Cash reimbursements are not allowed.

In the event there are returns, the cardholder is to check the subsequent cardholder statement for the credit and attach the credit slip to the statement when processing for

payment. If a credit slip was not obtained, the cardholder is to attach a written explanation of the return.

F *CARD REJECTED*

Most card rejections are due to the vendors MCC Code (Merchant Category Code) not on the approved list of codes or being classified as a “sin” code. Other reasons for your card to be rejected is not enough monthly allowance on your card or that you card has been compromised and the credit card company has put a hold on the card until **YOU** call them. It is important that YOU call the number on the back of your card when your card is rejected. If Purchasing can remedy the situation, the credit card company will let you know.

G. *SECURITY*

The purchasing card should always be treated with at least the same level of care that you treat your own personal credit cards.

Keep your card in an accessible but secure location. Guard the account number carefully! Do not post it at your desk or write it in any other place that is easily accessible by others.

XXIV. GUIDELINES FOR USE OF DELEGATED PURCHASING PROGRAMS

Employees with delegated purchasing authority who do not abide by City policies may have their purchasing privileges suspended and may face further disciplinary action, up to and including termination and prosecution by the City.

XXV. TAX EXEMPT CERTIFICATES

Tax exempt certificates can be found in the Swap Folder. You must fill in the following information: legal business name, address, zip code, and a description of what is being purchased. Sign and date the certificate. Forward to the requesting vendor.

XXVI. RESTRICTIONS ON PURCHASING AND CONTRACTING WITH CERTAIN VENDORS

Definition: EPLS – Federal government’s Excluded Parties List System identifying Specially Designated Nationals (SDN) with whom the United State President’s Executive Order 13224 prohibits any government entity from doing business.

RESPONSIBILITY FOR DETERMINATION

It will be the responsibility of the department placing the order to insure that the selected vendor is NOT on the EPLS up to 7 days before the “contract” date, but no later than the “contract” start date for the following types of transaction.

Note: If any department end user does not wish to verify EPLS status in conjunction with placing the type of order listed above, then a requisition must be submitted to PURCHASING for order placement.

FEDERAL GOVERNMENT EXCLUDED PARTIES LIST SYSTEM (EPLS) DETERMINATION

The verification process involves searching for the vendor by vendor name at the federal government's EPLS web-site created specifically for this determination. The internet address is <http://www.epls.gov/epls/search.do>. Type the last name of the individual or the first word (except 'the') of a company name; scroll to the bottom of the screen and click 'search'. Any names found will be returned in alphabetical order. If the search finds a match, more research is required to rule out the possibility of a "false hit."

Is the name an exact match?

Is the name very close?

Is the vendor you are searching for located in the same general area as the name returned in the search?

If the match appears to be valid, contact Purchasing.

DOCUMENTATION OF DETERMINATION

The document created by the department placing the order (requisition, p-card transaction, purchase order, etc.) must include a warrant hold and EPLS status determination statement as follows:

"Vendor not on hold/EPLS (date) (your initials)