

**APPENDIX 5**  
**GOODS AND SERVICES EXEMPT FROM PROCUREMENT COMPETITION**

THE UNIVERSITY OF TEXAS AT SAN ANTONIO  
PURCHASING OFFICE OPERATING PROCEDURES

ISSUED DATE: 10/21/2008  
REVISED DATE: 06/27/2012

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**GOODS AND SERVICES EXEMPT FROM COMPETITION**

### **1. General Policy**

UT System Policy #UTSI59 states that the primary procurement officer of each institution and System Administration will promulgate procedures to facilitate and expedite the purchasing function. Before entering into a contract, The University of Texas at San Antonio (UTSA) requires all purchases comply with the *Rules and Regulations* of the Board of Regents of the System and all U.T. System and UTSA policies and procedures.

Chapters 771 and 2155, *Government Code*, the Texas Comptroller's Office *State of Texas Procurement Manual* ("Procurement Manual") and the Texas Comptroller's Office *State of Texas Purchase Policies and Procedures Guide* (Comptroller Guide) expressly exempt certain purchases from competitive procurement requirements. In addition, UTSA has been determined that there are commodities and services purchased by UTSA users on a regular or continuing basis where competitive procurement methods are not practical or do not add value. Therefore, the goods or services listed below may be purchased without undertaking a competitive procurement process and without the need for a sole source justification.

### **2. Professional Judgment**

Notwithstanding this policy, UTSA departments and departmental purchasers ("User(s)") should utilize competitive procurement processes for the goods or services listed below any time the User determines a competitive procurement to be in the best interest of UTSA.

UTSA Users should always use their best professional judgment and utilize ethical practices when selecting a vendor.

### **3. HUB Subcontracting Requirements**

With limited exceptions, purchases to a vendor for goods and services with an expected value of \$100,000 or more require the vendor to provide a Historically Underutilized Business ("HUB") Subcontracting Plan documenting that the vendor (i) has utilized its best efforts to select HUBs as subcontractors and will use the documented subcontractors in completion of the purchase; or (ii) will perform all services under the purchase without subcontracting. *Therefore, prior to completing any exempt procurement listed below that could reasonably be expected to exceed \$100,000, the User must contact UTSA's Historically Underutilized Business Manager to ensure compliance with all HUB requirements.*

**4. Exempt Procurements:**

- Purchases of publications directly from the publisher <sup>1</sup>
- Subscriptions; allowable membership fees; training conference registration fees; allowable accreditation and professional license fees and renewal fees <sup>2</sup>
- Goods purchased by UTSA for subsequent retail sale by a UTSA auxiliary enterprises (for example, items for the Institute of Texas Culture's gift shop) <sup>3</sup>
- Travel Expenses reimbursed under Texas Comptroller's *State of Texas Travel Allowance Guide*
- Interagency Cooperation Agreements (but not Inter-local Cooperation Agreements) <sup>4</sup>
- Original Existing Artwork
- Artists commissioned to complete art projects for UTSA<sup>5</sup>
- Performances by theater groups or entertainers where UTSA pays the fee for the performance <sup>6</sup>
- Museum exhibits where UTSA pays the exhibit fee <sup>7</sup>
- Demonstration and Speaking Fees <sup>8</sup>
- Hotels and venues for UTSA sponsored events, including development activities, when a state venue is not available <sup>9</sup>
- Allowable U.S. Postal Service postage (excluding courier and overnight delivery services) <sup>10</sup>
- Water and Electric Services provided by a regulated public utility, so long as those services are not deregulated
- Allowable advertisements, including advertisements related to UTSA marketing initiatives, that are placed in written publications, on billboards, in radio or television broadcasts, and in other multimedia venues <sup>11</sup>
- Catering Services selected from University's approved list of catering providers in accordance with University's recommended procedures for selection of catering services
- Travel transportation tickets purchased in accordance with University's procedure on the "[Purchase of Travel Transportation Tickets from Sources other than System-Contracted Travel Agencies](#)" listed as **Attachment 1** to this Policy.
- Library books, periodicals, subscriptions, educational databases, and other related library materials, purchased by Library or on behalf of the Library
- Any other purchase expressly exempted from competitive purchasing requirements by State law, regulation, or code

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<sup>1</sup> Section 2155.139(a), TEX. GOV. CODE

<sup>2</sup> *Texas Comptroller of Public Accounts, Expend It web page at <https://fm.xcpa.state.tx.us/ftn/pubs/purchase/index.php>*

<sup>3</sup> 2155.141, TEX. GOV. CODE

<sup>4</sup> Chapter 771, TEX. GOV. CODE

<sup>5</sup> As approved by UTSA Public Art Commission.

<sup>6</sup> Joint sponsorship events completed in accordance with Section 9.37.VIII of University's Handbook of Operating Procedures are not considered procurements.

<sup>7</sup> Id.

<sup>8</sup> *Texas Comptroller of Public Accounts Expend It web page*

<sup>9</sup> Sections 2113.001 and 2113.106, TEX. GOV. CODE

<sup>10</sup> *Texas Comptroller of Public Accounts Expend It web page*

<sup>11</sup> *Texas Comptroller of Public Accounts Expend It web page*