PROCUREMENT AND CONTRACTING ESSENTIALS
Your Guide to Successful Contracts and Procurements at OSU

March 2018
Greetings!

As the Chief Procurement Officer for Oregon State University with over 27 years of higher education finance and administration experience, I am responsible for the effective oversight of all aspects of procurement, campus recycling, surplus property, and contracting activity related to business transactions that are not related to real property, construction, sponsored programs and commercial and corporate development. Our focus is to provide exceptional best-value procurement strategies, responsible resource management, and streamlined procurement, contracting and materials management processes all in a manner that protects the university’s precious resources. We recognize that there is not an effective, overall “one size fits all” approach for the services we provide so we like to focus on providing our customers with effective solutions that will meet their acquisition, resource and contracting needs.

This guide to “Procurement and Contracting Essentials” was created in order to provide our customers with a brief overview of the tools, resources and processes managed by our Procurement and Contract Services professionals. It touches on everything from purchasing and contracting authority to a listing of commodities and services that are offered on OSU Price Agreements.

As you review this guide, feel free to contact me with your suggestions and feedback. Our customer's input is highly valued and we want to hear from you.

Regards,

Kelly Kozisek
CPPB, CPPO
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**LOOKING FOR CONSTRUCTION CONTRACTING?**

Please contact Construction Contract Administration at http://fa.oregonstate.edu/pacs/construction-contract-administration for information and guidelines for Construction Contracting.
Purchasing and Contracting Authority

1. Budget Authority
Budget Authority is delegated by the Office of the Provost, to the unit/department head or delegated person responsible for a university index and who must approve the expenditure of funds from that index.

2. Purchase Authority
Purchase Authority grants the authority to units to purchase goods and services* within the delegated dollar threshold after approval is obtained from the required approver.

These dollar thresholds are in the aggregate and purchases known at the time should be aggregated and not split in order to avoid the thresholds. If there is a chance that the purchase may exceed the dollar threshold due to additional phases or work, purchase according to the next dollar threshold.

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<td>.5 $4,999.99</td>
<td><strong>Department</strong></td>
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* Excludes purchases that are subject to Bureau of Labor and Industry (BOLi) Prevailing Wage Rates (PWR). Business Centers should submit requests for BOLi PWR purchases on a Purchase Requisition with signatures as required on the Purchase Requisition form.
3. Institutional Authority
Institutional Authority is granted from the Oregon State Board of Higher Education to an institution to apply for and accept, on behalf of the Board, gifts or grants and to negotiate contracts. Pursuant to OSU Standard 580-042-0010, institutions are delegated this authority as long as they do not result in:

- Enrollments in excess of those on which budgets have been based;
- Commitment of funds beyond those available in budgets approved by the Board, or the normal continuation thereof;
- Development or support of activities inconsistent with the approved mission of the department and/or institution;
- Launching of new curricular programs that have not received prior Board approval;
- Establishing or significantly expanding a clientele for services of an essentially non-research or non-instructional nature.

4. Contract Signature Authority
Contract Signature Authority is delegated to Contracts Officers from the Vice President for Finance and Administration for signature of specific contract types on behalf of OSU. Those with contract signature authority must adhere to institutional authority and practice due diligence in contract review to insure that OSU can agree to the terms in the contract.

Only Contract Officers are authorized to sign and execute contracts and other written instruments on behalf of OSU.

Any document required to be signed on behalf of OSU, regardless of dollar value or type of document, must be signed by an individual with contract signature authority.

Persons who are not authorized and still sign documents or authorize services on behalf of the University, whether it be a procurement, a contract, an MOU, etc., take on personal liability for the commitments made therein.

Exception to this policy: There is only one exception to this policy. Employees without designated contract signature authority may sign OSU Interdepartmental Agreements. This does not apply to contracts/agreements between OSU and other affiliated institutions, such as the OSU Foundation, CH2M HILL Alumni Center, and other state universities.
Below $5,000

OSU Departments have a delegated authority for procurements of goods and services to $4,999.99. This means for orders which total $4,999.99 and under, you may get quotes and place the order.

The delegation of purchase authority does not mean you should not compete the purchase. OSU's policy is that all procurements should be competed whenever feasible. An attempt should be made to get at least three quotes for all of your purchases. This will help realize savings on your purchases.

Multiple contracts, procurements or requisitions cannot be issued separately in order to circumvent procurement or legal review rules. Splitting orders is called "fragmenting." Fragmenting is specifically against OSU policy.

When purchasing within your delegated authority, there are several processes you may use:

1. State of Oregon Price Agreements or OSU Price Agreements
   Your department can issue a PO directly to a vendor who is on one of the price agreements. You must indicate the applicable Price Agreement/Contract number you are using on the PO as reference to the vendor. Information regarding State of Oregon Price Agreements is available from the ORPIN system. For information regarding OSU Price Agreements, refer to the Buy Orange web page.

2. Request for Quotes (RFQ)
   RFQs are the simplest method of competition. RFQs can be made by phone, fax, mail or email. When issuing an RFQ be sure all potential vendors are given the same requirements and specifications with which to prepare a quote. RFQs are used when purchasing a common item which can be easily identified. When issuing an RFQ, the lowest quote must receive the award unless you have specific reasons to reject it (e.g., they did not quote on the identical product you requested or they cannot meet your delivery requirements).
3. Direct Purchase
A direct purchase (non-competitive) can be made when it has been determined that it is not feasible or appropriate to compete the procurement. For example, it is not practical to get competitive quotes for a box of pencils or other simple, inexpensive products. There are three methods for making direct purchases:

a. **Procurement Card** - This is a highly efficient method. The order is placed by giving the vendor your Procurement Card (Departmental VISA) number. This affords the vendor immediate payment and simplifies the payment process. There are thorough instructions regarding how to utilize your procurement card on the Accounts Payable website or you can contact Accounts Payable at 737-0650 if you have any questions about the PCard.

b. **Purchase Order** - A Department can issue a Department Purchase Order or a Banner FIS Purchase Order to send to the vendor at which point they will normally send the item or provide the service.

c. **Auto-Pay** - When working with an auto-pay vendor, order the item or service and have the vendor invoice you and submit a copy of the invoice to Business Affairs. Provide the vendor with the proper "Ship To" and "Bill To" addresses and give them your index code to be sure the item or service, and invoice, reaches the proper user. See additional information at Fiscal Operations Manual 408.
$5,000 - $24,999.99

When your total order will be between $5,000 and $24,999.99, you must work with your Business Center staff to place the order.

Your Business Center will work with you to process orders when they exceed the $5,000 threshold. Business Centers will work with you to write specifications, process an RFQ, and issue a Purchase Order.

Above $24,999.99

If you need something that costs above $24,999.99, Procurement will handle the solicitation process. We suggest you speak to an analyst in Procurement to make them aware of your upcoming purchasing needs. When you are ready, complete a Purchase Requisition form (found on the Forms web page) and send it to your Business Center. They will review, sign and send the Purchase Requisition on to Procurement. We may call or email you to verify the details. Procurement will conduct the appropriate solicitation process and place the order as quickly as possible.

For more information on the levels of purchasing authority, review our How Do I Start? web page.

Keep in mind that Procurement supports the needs of all of the University’s departments. Typically, Procurement processes orders received on a first-in-first-out basis, but they try to take emergencies into account. When planning for your program, you are encouraged to include sufficient time to process your purchasing requirements to avoid missing your timeline.
FORMAL SOLICITATIONS

Issuing an Invitation to Bid (ITB)

Procurement will work with you to issue an ITB for procurements that are complex or are $150,000 or over.

An ITB is issued for procurements that are either:

1. A dollar level which the OSU Standard requires a formal bid
   - OR -

2. Complex enough by nature to require significant terms and conditions or specifications which would preclude the use of a simple RFQ.

ITBs usually require more time in preparation and administration, and have mandatory advertising requirements. When evaluating responses to ITBs, the award goes to the lowest responsive and responsible bidder. Unless a low bidder is rejected for not complying with the requirements of the ITB, award must be to the lowest responsive and responsible bidder; therefore, it is important to develop comprehensive specifications and requirements before going out to bid.

Contact Procurement as early as possible as some processes are more time consuming than others. Procurement will work closely with you to determine which process is necessary so you can set your timelines accordingly.
REQUEST FOR PROPOSAL (RFP)

The RFP process is the most complex of the procurement solicitation processes. An RFP is issued when you want the vendors to propose a solution which will be evaluated for award, or when you have characteristics or issues other than price, which you want to consider in the decision to award.

The time it takes to prepare and issue an RFP is substantially longer than an ITB because of the need for extra care and detail in developing the specifications, requirements, scope of work and terms of the RFP. An RFP process allows more flexibility in the evaluation of criteria for award; however, it also requires more diligence and effort to produce a document that clearly identifies your wants and needs.

An RFP is used when you are unsure of the exact item or service you need or are wanting to do some "shopping" between brands or types. Procurement will work with you to develop an RFP which will result in obtaining a product or service which gives you the best mix of characteristics and cost as defined by your needs.

An RFP Typically Has 3 Main Categories to be Evaluated:

1. The first category that must be evaluated is the required specifications. These can be seen as the "needs" of the University. If any proposal does not clearly meet all of the required specifications, it will be immediately rejected; therefore, it is important that we work diligently up front to identify the required specifications correctly.

2. Second, there are the "preferred specifications" or "wants" of the University. The proposer’s response to these specifications described in the RFP are evaluated and points are awarded accordingly.

3. The last category evaluated in an RFP process is cost.

The award of an RFP takes more time than ITBs or RFQs. The extra time is to allow the proposers time to submit protests of a award, and the subsequent disposition of any such protests. Although it takes extra time and effort developing, administering and awarding an RFP, the result is a product or service that is specifically suited to the department's need at a more competitive price.
SOLE SOURCE

Sole Source procurements or contracts $25,000 or higher are only allowed when it can be thoroughly documented that the Vendor holds a unique (no other sources have it) set of skills or expertise that make it impossible for anyone else to do the work or that the goods are not available from another source. Sole source procurements or contracts will be avoided except when no reasonably available alternative source exists.

A Sole Source Request Form along with the Purchase Requisition, PSC, or Contract will need to be filled out and submitted to your Business Center. Business Centers will review and forward the request to Procurement. If it is determined to be valid, the Sole Source Request will be advertised on the bid opportunities website for 7 days. Other vendors or contractors then have the opportunity to protest the validity of the sole source determination.

If it is determined not to be a valid Sole Source, then Procurement will work with you to develop and issue a competitive solicitation.

KEEP IN MIND:
SOLE SOURCE PROCUREMENTS CANNOT BE USED TO AVOID COMPETITION
PERSONAL SERVICES CONTRACTS (PSC)

Personal Services Contracts (PSC) are used to contract for infrequent, technical or unique services performed by contractors with specialized, technical or scientific expertise of a professional nature. Examples of personal services contractors include:

- Attorneys
- Grant writers
- Physicians
- Training Providers
- Meeting Facilitators
- Keynote Speakers
- Public relations consultants
- Recruiters

Personal Services Contracts must be issued when the dollar threshold is $5,000 or above cumulatively in one academic year for a department. However, Personal Services Contracts may be used at any dollar level, and are highly recommended when detailed expectations or obligations are necessary. The PSC must be used at any dollar level for Non-Resident Aliens.

Personal Services Contracts may not be issued to OSU Employees, State of Oregon Employees or Federal Employees.

Contractors performing work on a PSC may not:
- Supervise OSU personnel or other contractors;
- Be listed as an instructor of record for an OSU for-credit course;
- Be in contact with minors until contractor has passed a criminal background check as required in OSU Standard 580-023;
- Represent themselves as OSU or make promises on behalf of OSU;
- Drive OSU vehicles; or
- Transport students, unless specifically authorized to do so in the contract. If authorized, contractor must meet OSU minimum driving standards in accordance with OSU Standard 125-155.

The level at which competition is required starts at $25,000. At or above $25,000, Procurement will work with you on an appropriate solicitation method or if a sole source exists, Procurement will advertise the sole source for 7 days.
PERSONAL SERVICES CONTRACTS (PSC)

→ When completing the PSC forms (available on our Forms web page), be sure to use the form on the website (as it is updated periodically), and to complete all of the information requested (including rate of pay, etc.) in the most complete manner to ensure proper approval and a quick turnaround.

→ Be sure that the scope of work is well-defined. It is preferable to have specific deliverables defined for larger contracts to ensure that payment is tied to performance in case of issues regarding performance of duties.

→ An Independent Contractor Determination Form is required if the PSC is issued to an individual as opposed to a company. Contracts may only be issued to individuals or businesses that qualify as Independent Contractors. An evaluation of the relationship between an individual and the University must be examined before determining independent contractor status. Facts that provide evidence of independent contractor status fall into three categories: Behavioral, Financial and the Relationship of the Parties. The degree of importance of each category varies depending on the type of work and individual circumstances. An Independent Contractor Determination form must be completed whenever the university is contracting with an individual, whether by PSC or other form of contract.

→ Use of the PSC is subject to the rules in the Procurement and Contract Services Policy Manual including the policy on Contracting with Current and Past OSU Employees.

Use of the PSC tool can sometimes be confusing but we are always happy to discuss any issues, decision points, or other questions.

Personal Services Contract (PSC) Amendment Form
The amendment form (available on our Forms web page) is for use when adding money or time to a non-expired Personal Services Contract. This form should only be used in the event of an unforeseen expansion of the scope or delay in performance (not as a means for issuing a new contract with a unique scope of work).
OTHER CONTRACTS

Procurement and Contract Services handle a variety of contracts. Procurement analysts handle contracts for the purchase of goods and services and associated applications, such as credit applications or direct billing. In addition to those contracts, Contract Services is responsible for:

- Student Internships, Externships, Preceptorships and Work Study
- Student and Faculty Exchange Agreements
- Publishing/Editorship Agreements
- Affiliation or Cooperation Agreements
- Testing Agreements
- Use Permits
- Intergovernmental Agreements
- Interagency Agreements
- Memorandums of Understanding

Contracts Outside of Procurement or Contract Services Purview
The purchase and contract responsibilities under Procurement or Contract Services purview do not include authority for processes managed by Real Estate and Space Planning, Risk Management, Office of Sponsored Programs (OSP), Office of Commercialization and Corporate Development (OCCD), University Relations and Marketing or authority not allowed under ORS or OSU Standard 580-042-0010. Below is a list of some contracts outside of Procurement or Contract Services purview.

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<tr>
<td>Data Use Agreements</td>
<td>OSP</td>
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<td>Intergovernmental Personnel Agreements - Federal</td>
<td>OSP</td>
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<tr>
<td>Leases, Property License</td>
<td>Real Estate and Space Planning</td>
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<tr>
<td>Agreements and Easements</td>
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<tr>
<td>Material Transfer Agreements</td>
<td>OCCD</td>
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<tr>
<td>Non-Disclosure Agreements</td>
<td>OCCD</td>
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<tr>
<td>Research Contracts</td>
<td>OSP</td>
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<tr>
<td>Small Business Subcontracting Plans</td>
<td>OSP</td>
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<tr>
<td>Sponsored Program Agreements</td>
<td>OSP</td>
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<tr>
<td>Subawards - Outgoing and Incoming</td>
<td>OSP</td>
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</tbody>
</table>
ADDITIONAL CONTRACT INFORMATION

Contract Forms
In order to acquire goods or services, the parties should enter into some form of a written contract regardless of the dollar value. Written contracts may be in a variety of forms including but not limited to Purchase Orders, Personal Services Contracts, Use Agreements, and Rental Agreements. Contracts do not need to be labeled as such to be legally binding as interpretation is typically based on the content. There are different types of instruments used to formalize the obligations and expectations of the parties.

Oral Contracts
Oral contracts are not an acceptable form of contract and are not binding on the University.

Contracting in Good Faith
OSU contracts in good faith. It is our obligation to ensure that OSU contracts are enforceable, legal, fair, and represent terms and conditions under which OSU can agree. ORS, OSU Standard and the Oregon Constitution contain certain restrictions which can obstruct or limit our ability to enter into agreements. A contract must accurately represent the obligations, expectations and the timeframe in which the contract is valid.

OSU as a Contractor
OSU may perform work as a Contractor to other entities only under certain conditions; the work must be consistent with OSU's mission; and the fee charged must be approved and published in the OSU Fee Book. Office of Sponsored Programs, Procurement or Contract Services executes contracts on behalf of the University where the University acts as the contractor. To determine whether Procurement, Contract Services or the Office of Sponsored Programs would handle the contract, please use our Contact Us form or contact one of our Contract Services officers.
(Minority, Women-Owned, Emerging Small Business)

OSU supports efforts to increase procurements to certified status vendors. This can include minority-owned, women-owned, emerging small businesses and disadvantaged businesses. In addition, many grants and contracts awarded by Federal agencies require a percentage of funds be spent with certified status vendors. It is encouraged when procuring under your delegated authority that you attempt to include certified status vendors in your competition.

The MWESB web page provides a link to the Oregon Office of Minority, Women and Emerging Small Business website, which includes a directory of certified MWESB vendors. You are encouraged to look at this list and find vendors that you can use for upcoming purchases.
BUYING FROM A QRF

Qualified Rehabilitation Facility
A Qualified Rehabilitation Facility (QRF) is a non-profit organization that puts Oregonians with disabilities to work. A QRF often has a variety of programs to help people with disabilities achieve maximum economic and personal independence through vocational development. It is "qualified" because its programs are registered and reviewed on a regular basis by the Oregon Department of Administrative Services (DAS).

As a State of Oregon agency, OSU does business with QRFs because:

1. It is the right thing to do. People who work in a QRF business need your help; jobs depend on business orders. There are thousands of Oregonians who are out of work because of a disability.

2. It is the smart thing to do. Oregonians with a disability who earn a wage require less taxpayer money. Your participation makes a difference to all Oregon tax payers.

3. It puts you in the driver's seat. A negotiated contract process can allow you to tailor specifications to get exactly the product/service or performance you want. A long-term relationship with a QRF simplifies contract renewals. It also reduces the time to establish a contract.

4. It is the necessary thing to do. In 1977, the Oregon legislature passed the "Products of Disabled Individuals" act. This law obliges all state and local governments, school districts, and other tax-supported political bodies in Oregon to purchase goods and services from QRFs when the product or service is listed on the DAS QRF Program Procurement List meets the agency's requirements and is available when you need to have it. The details of this act are contained in ORS 279.835-855.

Anytime you plan to make a purchase of the types of goods or services listed in the DAS QRF Program Procurement List, you are obliged to procure it from the listed QRF if it meets your specifications and is available when you need to have it. If no source is located on the DAS QRF Program Procurement List for your specific needs, you may move forward with your department’s procurement process.

For more information regarding Qualified Rehabilitation Facilities, review our Buy Orange QRF web page and also our QRF Contracting web page.
OSU BUY ORANGE PRICE AGREEMENTS

OSU has several Price Agreements with different suppliers. To view the participating vendors in each category below or to see if what you are seeking is on OSU Price Agreement/Contract, please visit our Buy ORANGE web page. If you identify a product or service routinely needed by your department and/or campus wide, contact Procurement and we will work with you to review the possibility of a Price Agreement for that product or service.

- Advertising
- Computers, Software and Information Technology
- Copiers
- Costco Program
- Equipment Maintenance Management Services
- Furniture
- Industrial Supplies
- Janitorial
- Lab Supplies
- Laundry Services
- Moving Services
- Office Supplies
- Pouring Rights
- Public Agency/Cooperative Agreements
- Residential/Facilities (Mattresses/Linen/Toiletries)
- State of Oregon Contracts
- Temporary Services
- Travel Services
COMMON ACRONYMS

A/E .................... Architects and Engineers
BOLi ................. Bureau of Labor and Industries
CDA ................... Confidential Disclosure Agreement
DAS ................ Oregon Department of Administrative Services
DOJ .................. Department of Justice
IRFP ................ Informal Request for Proposal
ITB .................. Invitation to Bid
MOU ................. Memorandum of Understanding
MTA ................ Material Transfer Agreement
MWESB ............. Minority, Women and Emerging Small Business
NDA ................ Non-Disclosure Agreement
NRA .................. Non-Resident Alien
ORS ................ Oregon Revised Statutes
OUS ................ Oregon University System
PA .................... Price Agreement
PCMM ................ Procurement, Contracts and Materials Management
PO ................... Purchase Order ("Purchase Order" and "Order" are used interchangeably)
PSC .................. Personal Services Contract
QRF ................ Qualified Rehabilitation Facility
RFI .................. Request for Information
RFP ................ Request for Proposal
RFQ ................ Request for Quote
FAQ AND USEFUL LINKS

Where can I find information about BOLI/Prevailing Wage Rate?
Please contact construction.questions@oregonstate.edu regarding questions about BOLI (Bureau of Labor and Industries) and PWR (Prevailing Wage Rate).

How can I check on the status of a project I submitted to Procurement and Contract Services?
Go to our Check Status web page (if you need the log in information, please contact us). There is a search feature guide on the log in page for reference. Once you have logged in, you can search by project number, vendor name, department, PO number, and/or a date range.

Can departments sign contracts of little or no cost (such as hotel agreements or rental contracts)?
If the contract requires a binding signature, it needs to be reviewed and signed by OSU personnel that have signature authority. A list of authorized signers can be found on our Reference Materials page.

How do I request a certificate of insurance (COI) if a vendor requires one?
Please see the Certificate of Insurance page on the Risk Management site for instructions. They will require a signed contract to request the COI.

A vendor has requested our W-9 form, but I can’t find it on your site. How do I get a copy?
Please contact your Business Center, Procurement or Business Affairs to request the current copy of the OSU W-9.

Useful Links

- Policies & Procedures Manual (http://fa.oregonstate.edu/pacs-manual)
- FIS Operations Manual (http://fa.oregonstate.edu/fis-manual)
- Forms (http://fa.oregonstate.edu/pacs/forms)
- Reference Materials (http://fa.oregonstate.edu/pacs/resources/reference-materials)
- Buy Orange Price Agreements (http://fa.oregonstate.edu/pacs/procurement/buy-orange)
- Checking the Status of a Project (http://web.businessservices.oregonstate.edu/apps/pacs/checkstatus/login.cfm)
- Business Affairs (http://fa.oregonstate.edu/business-affairs)
Where We Are Located

Email: pacs@oregonstate.edu
Submittals and inquiries may be sent directly to this email address

Website: http://fa.oregonstate.edu/pacs
Departments can learn more about Procurement or Contract Services, obtain forms and review project status

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