**Pennsylvania’s State System of Higher Education
Office of the Chancellor**

**Guidance**

**Procurement**

**March 16, 2020**

As part of PASSHE’s commitment to providing its customers with ongoing communications related to the emergence and spread of the novel coronavirus known as COVID-19 and its impact on procurement activities, it is critical that Contractors and PASSHE universities work together to mitigate and prevent the spread of COVID-19 in Commonwealth facilities. To this end, please find below points to consider.

1. Emergency Procurements:

Please see link below regarding the use of both GSA contracts as it relates to COVID-19 required supplies/services.

## **State System Emergency Procurement Guidelines**

1. Contractor performance:

If the contractor’s resources are off sick due to COVID-19 that is not necessarily considered a default of the contract. Consistent with direction from the Centers for Disease Control and the Pennsylvania Department of Health, universities are encouraged to permit contractors to be as flexible as possible with respect to their leave policies for contracted resources impacted by COVID-19. Universities should not pursue contract performance enforcement or default remedies without consulting with university legal counsel.

1. Open contracts - speakers/performers/other services:

If you have not already done so, please review open contracts you may have in SAP for speakers, performers and other services that require on-site visitation in light of your institution’s suspension of events on campuses related to COVID 19. Please work with the appropriate university point of contact to contact these vendors/contractors directly and suspend, cancel or postpone, as appropriate, consistent your institution’s directive as soon as possible but no later than March 18th. This communication should be followed up as soon as possible with a notice issued by the Procurement Office invoking any force majeure or termination language, as appropriate.

1. Dining contracts:

A survey has been sent to all university VP’s of Administration and Finance asking for information relative to dining. PASSHE legal counsel will be having conference calls with all dining vendors in the coming week to discuss impact and options.

1. Housing contracts:

A survey will be sent to all university VP’s of Administration and Finance asking for information relative to housing agreements between the university (or an affiliate) and a student. PASSHE legal counsel will be working with the Vice Chancellor for Administration and Finance’s office to follow up in the coming week to discuss impact and options.

1. Contract Signatures:

Electronic or scanned signatures should be allowed from contractors and in the case of remote work by university staff, the same should apply. Guidance on use of electronic or scanned signatures will be forthcoming shortly.

1. Solicitation pre-proposal and pre-bid meetings:

Wherever possible, pre-proposal and pre-bid meetings should be conducted via teleconference. If a construction or other bid requires contactors to see the site conditions in order to assess conditions and ask appropriate questions, consider whether site visit can be delayed or if the solicitation should itself be delayed.

1. Solicitation due dates:

Consider extending due dates for pending solicitations.

1. On-site construction contractors:

Universities should undertake a case by case analysis as to whether construction projects underway should continue. Projects scheduled to begin should also be evaluated as to the feasibility of timelines and issuance of notices to proceed.

1. Purchasing Cards (PCards):

Universities may want to consider authorizing increased credit line for their account with Bank of America (BOA) in anticipation of emergency scenarios. To the extent this is desired notify me at jmandel@bloomu.edu by 1:00 March 18th.

Procurement may also want to consider increasing both single and monthly transaction limits for designated card holders. Changes to individual card thresholds must still be vetted and approved by end user managers and the respective university PCard administrator.

1. Delegated authorities for approval and signature:

Please also consider reviewing the delegated authorities and extending them in the event certain individuals become incapacitated or unavailable.

1. Payables:

While Accounts Payable is managed at the respective universities, staff may want to advise vendors that should the crisis expand there is the potential for a delay in the issuance of paper checks. To the extent possible, vendors should be encouraged to sign up for ACH payments to ensure payment.