DRAFT

Purchase Order and Contract Management Procedures for Foreign Vendors, Contractors, and Consultants

Issued by: Purchasing Services

Entity: New Mexico Tech (NMT)

⚠️ IMPORTANT MANDATORY NOTICE

A Purchase Order (PO) must be issued **before** any order is placed or work begins. Failure to secure an approved PO prior to commitment will result in the immediate cancellation of the PO and the deactivation of the foreign vendor, contractor, or consultant in the NMT vendor system.

1. Purpose

This document outlines the sequential procedures for engaging foreign vendors, contractors, and consultants to purchase tangible goods or services on behalf of New Mexico Tech (NMT).

2. Initial Document Submission

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All forms to request samples for research from companies and/or **MTAs** (Material Transfer Agreements) must be sent to the **Research Office** first for IP and publication review and approval.

3. Procedure Steps

Step 1: Preliminary Review

Export Control:

- Send vendor/contractor information to **export@npe.nmt.edu**
- Export Control verifies institutional and regulatory compliance, including but not limited to:
    - Automated screening against
        - OFAC Sanctions

        - BIS (EAR)
        - DDTC (ITAR)
    - Visual Compliance/Descartes against Specially Designated Nationals (SDNs) and foreign restricted entity lists
    - State Department debarment database
- ***Stop Condition:*** If non-compliant, the procurement process stops immediately.

Step 2: Submit Requisition to Purchasing

To initiate the PO process, submit the following required documents to **purchasing@nmt.edu**:

1. **Requisition**
2. **Official Quote or Scope of Work (SOW)** that includes location where services will be physically performed.
    - *Note:* Purchases exceeding $20,000 require documentation of at least three (3) written quotes or an applicable Procurement Code exemption (e.g., Sole Source, Statewide Price Agreement, GSA) prior to PO issuance.
3. **Contract** or **Terms & Conditions**

Purchasing determines the funding source (Federal or State) and verifies budget availability.

- ***Stop Condition****:* If funding is unavailable, the procurement process stops immediately.

Payment Terms Verification: Standard NMT payment terms are **Net 30**. Milestone payments may be negotiated. Available payment methods include check, ACH, or wire transfer.

- *Stop Condition:* If 100% prepayment is required (excluding software/digital licenses), the process stops.
- *Stop Condition:* If credit card payment method is required, the process stops.

Step 3: Vendor Registration and Tax Status

International Compliance: Determines vendor status (individual vs. corporate entity), evaluates tax treaty eligibility, and designates the appropriate tax form (Form W-8BEN, Form W-8BEN-E, or Form 8233) or 30% withholding if applicable.

- *Stop Condition:* If the requested tax form is not submitted within **15 working days**, the procurement process stops.

Step 4: Contract and Terms & Conditions Management

State Funding: Review and redline negotiations are conducted by **Purchasing Services** and/or **NMT Legal Counsel**, including but not limited to:

- Governing law
- Indemnification
- Late Payment

- Non-Appropriations
- Force Majeure
- Mediation
- Intellectual Property

Federal Funding: In addition to the **Purchasing Services** and/or **NMT Legal Counsel** review above, review and redline negotiations are conducted by **Sponsored Projects**, including but not limited to:

- Federal Intellectual Property Requirements
- Export Control
- Compliance with FAR, DFARS, DEAR clauses
- Allowability of the expense

All Funding: NMT cannot agree to indemnify vendors, limit vendor liability, or provide non-tort insurance, as any such clauses are void under New Mexico state law.

Contractual payment terms must incorporate standard statutory late payment interest provisions pursuant to Section 13-1-158 NMSA 1978.

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Signatory Authority: The **Vice President for Administration and Finance** is the *only* authorized signatory for NMT contracts.

Step 5: Supplemental Contract Reviews (As Needed)

Depending on the scope of the purchase, additional clearance may be required from:

- Information Technology Center (ITC) – data privacy and security
- National Defense Authorization Act (NDAA) Compliance Committee
- Governmental Accounting Standards Board (GASB)
- Marketing and Communications – use of NMT logo, testimonials
- Radiation Safety Committee

Step 6: Requisition Queue and PO Issuance

1. Upon successful completion of all required reviews, the requisition moves into the approval queue.
2. Purchasing Services issues the official Purchase Order (PO).