

The Purchasing Post

Battle of the Forms

Throughout various issues of the Purchasing Post or in training sessions, the term “battle of the forms” has been mentioned. It is the situation where the University’s terms & conditions (T’s&C’s) of doing business are in conflict with the vendor’s T’s&C’s. A normal scenario for a form battle is: a) Purchasing sends out solicitations for quotes or proposals. b) The vendor submits a response, usually with their T’s&C’s attached. c) An order or contract is offered. d) Other forms that may include “fine print” stipulations would be an order acknowledgement, the packing list, even the invoice. The end result is a lot of verbiage flying around.

Enter the Contractual Provisions Attachment, affectionately known as the DA-146a. This form covers the University’s backside. It basically says that it RULES. Despite what the vendor’s paperwork may say, if it conflicts with the DA-146a’s, then the DA146a wins. So regardless of the dollar amount, before any contract is signed, be sure the DA-146a Contractual Provisions Attachment is attached. It is one of the simplest ways to protect the department and the University.

A new and improved DA-146a is now in use, revised as of April 2011. A copy of the revised form is attached to this newsletter. The new version is also available through E-forms or on the Purchasing website. Please search and destroy the old January 2001 version wherever you find it.

A big thank you to Office of General Counsel for working with our fellow universities, the Board of Regents, and State of Kansas Department of Administration Legal Services for editing the DA-146a and making it a better, more protective form for the University. It was a long, involved process.



Fiscal Year 2011 Reminders

May 27 – Purchase requisitions under \$25,000 are due.

Reference Purchasing’s information (e.g. order number, contract number, PR number, etc.) on all payment vouchers applying to orders placed by Purchasing on department’s behalf.

Don’t forget to encumber additional funds for any extraneous charges, such as freight, handling, or overruns, etc., for orders placed by Purchasing on department’s behalf.

