

# THE BUYERS NETWORK

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THE BUYERS NETWORK is Published Monthly by the Purchasing Division of the West Virginia Department of Administration to Promote Better Value in Public Purchasing

## Agency Procurement Designation Required by Legislative Rule Focus Placed on Training and Communication



With the Agency Purchasing Conference approaching, state agencies are reminded of the requirement in the recently approved **Legislative Rule** §148-3.2, which states that "all purchases must be approved by the secretary or head of the spending unit, or a designee, whose name shall be filed with the [Purchasing] Director."

This section of the Rule adds that "the person(s) named should take available purchasing training and have responsibility for the function of purchasing. Each spending unit shall process all purchases through this person(s), who shall be responsible for correspondence and communication with the Purchasing Division."

The Agency Purchasing Conference, to be held at Stonewall Resort in October (*see article below for additional information*), is the most efficient means for procurement officers to further their understanding of current requirements and become educated with new changes in state purchasing.

Agency procurement officers are responsible that their agency's staff properly understands and follows all laws and guidelines associated with state purchasing guidelines.

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## 2007 Agency Purchasing Conference Registration... Have you Registered Yet?

Don't miss out on this annual training opportunity sponsored by the Purchasing Division...The 2007 Agency Purchasing Conference will be held at Stonewall Jackson Resort, in Roanoke, West Virginia, beginning Tuesday, October 9 through Friday, October 12.

Participants may register online at [www.state.wv.us/admin/purchase/conference/agency/2007](http://www.state.wv.us/admin/purchase/conference/agency/2007). Lodging arrangements are to be made directly by the conference participants **no later than Friday, September 7, 2007**, by calling Stonewall Jackson Resort at (304) 269-7400 or toll-free 1-888-278-8150 and indicating they are attending the Purchasing Conference. A special rate of \$99 per night has been negotiated with this facility.

The registration fee is \$200 per participant, which covers materials, group meals, administrative costs and attendance to all workshop sessions.

Questions relating to the conference may be directed to our conference coordinators: **Diane Holley** ([dholley@wvadmin.gov](mailto:dholley@wvadmin.gov); (304) 558-0661) or **Debbie Watkins** ([dwatkins@wvadmin.gov](mailto:dwatkins@wvadmin.gov); (304) 558-3568).

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# THE DIRECTOR'S COMMENTS

## Documenting Poor Performance Key to Resolving Vendor Issues

By Dave Tincher  
State Purchasing Director

Vendor performance and product quality is crucial in the state purchasing process. When these factors do not meet expectations, there is a process in place to remedy problems with positive outcomes.

Recently, the Purchasing Division has taken action by suspending and canceling contracts due to poor performance from vendors. This action was taken after attempts were made to resolve problems and concerns with the respective vendors.

For a contract to be cancelled or a vendor to be suspended or disbarred, there must be repetitive performance issues that are completely documented by the agency with no

resolution. In many cases, once an agency informs the vendor of any problems or concerns they have encountered, the vendors are quick to remedy the issue and work pro-actively to gain a happy customer.



It is important that agencies contact the vendor with whom they are dissatisfied and voice their concerns and to ensure that the vendor is aware of the specification requirements. A verbal conversation is recommended initially; however, the agency personnel should document the discussion and any plan of action from the vendor to resolve the situation.

If the problem is not resolved within

the specified time, the agency should provide written notice to the vendor detailing the problems and the agency's expectations. Complaints should be resolved in an expeditious and courteous manner, preferably by the state agency.

After all attempts have failed by the agency to resolve the issues, the complaint should immediately be referred to the Purchasing Division on the **Vendor Performance Form (WV-82)** documenting all steps taken to try to resolve the problem, and all written vendor responses. This form is to be used to report all incidents of vendor performance, both positive and negative, even if a resolution has been reached.

When assistance is needed, a Purchasing Division official will notify the vendor directly in writing of the problem, keeping the agency aware of the status of the complaint. Again, it is important to remember the two keys to resolving vendor issues: *communication* and *documentation*.

## SURPLUS PROPERTY PUBLIC AUCTION

The West Virginia State Agency for Surplus Property (WVSASP) will conduct its next absolute auction on Saturday, August 4, 2007, at 2700 Charles Avenue in Dunbar.

Gates open at 9 a.m., with the auction beginning at 10 a.m.

For additional information and a list of merchandise to be sold, please contact WVSASP at (304) 766-2626 or toll-free at 1-800-576-7587.

Please note that property will not be awarded through the weekly sealed bid process the week immediately preceding the public auction. Specific merchandise advertised for this public auction will not be available for sealed bids. There are no minimum bids at the auction.

## What's State Government Buying?

(This information is compiled from the **West Virginia Purchasing Bulletin**. The purpose is to provide an awareness of the variety of products and services being procured in state government. Only a small sample of solicitations are listed.)

- ◆ **Administration**  
Request to provide the General Services Division with duct cleaning services for Building 22 (the Revenue Center).
- ◆ **Department of Health and Human Resources**  
Request to provide electric hospital beds and mattresses.
- ◆ **Division of Engineering and Facilities**  
Request to provide a four-wheel drive tractor with 60" mower attachment for the Camp Dawson Army Training Site in Kingwood.
- ◆ **Department of Environmental Protection**  
Request to provide engineering design services for the Lenox/Cuzzart Waterline extension in Preston County.
- ◆ **Division of Highways**  
Request to provide wildflower seeds packaged as individual species and customer seed mix packaged in pure live seed rate.
- ◆ **Division of Natural Resources**  
Request to provide expansion project for Twin Falls State Park.

## Statewide Contract Spotlight...

# nTelos Provides State Agencies Wireless Voice and Data Services

nTelos, a 110-year old telecommunications company, began providing wireless service in 1991. They were the first to provide digital wireless service in West Virginia in 1998, according to Mike Minnis, Director of Public Relations for nTelos.

A publicly traded company on the NASDAQ exchange, nTelos is pleased to have been awarded as one of the vendors for the statewide contracts for cellular telephones and services (CPHONE07A). This is its first year providing services for this particular contract. The other vendors for the CPHONE contract are Cingular Wireless, Cellular One and Alltel Corporation.

"nTelos has enjoyed the opportunity to work with the procurement and IT departments throughout the RFP process," Minnis said. "The wireless kickoff event held this year was a great way for nTelos to personally share information about our services and offers and to access the needs of individual agencies. It was a first step for nTelos to build our relationship with each agency and learn more about how they use wireless communica-

tion services so we can better serve their needs."

As a vendor for CPHONE07, nTelos provides wireless voice and data services - the latest cell phones and smart phones, including BlackBerry and Treo as well as wireless aircards for laptops. The voice plans provide nationwide coverage with no roaming charges.

With over 15 retail locations conveniently located in West Virginia, nTelos provides the best value in wireless when coverage is combined, the amount of calling time for the price, the price on the latest phones and accessories, the price for data services and most importantly the personalized service you will get from nTelos, according to company officials. The state contract offers rate plans that start as low as \$16.99 and progress all the way up to the most affordable unlimited nationwide calling plans available on a network that covers 96% of the continental United States. Plus, they offer unlimited data plans for the BlackBerry for only \$29.99 and \$19.99 for the Treo and Aircards.

"As data applications become more

and more important as a communications tool," said Minnis, "we want agencies to know how affordable our unlimited data plans are."

Questions regarding nTelos' services may be directed to:

Matt Massey, Sales  
Keely Williams, Sales  
Susan Hall, Customer Service  
(304) 419-1836  
nTelos  
500 Summers Street  
Charleston, West Virginia 25301

For more information about the company, you can visit its web site at [www.ntelos.com](http://www.ntelos.com)

This contract is available on the purchasing website at: [www.state.wv.us/admin/purchase/swc/CPHONE07A](http://www.state.wv.us/admin/purchase/swc/CPHONE07A).

Prior to using any statewide contract, agencies are strongly encouraged to check the website for contract provisions that may apply.

*In each issue of **The Buyers Network**, the Purchasing Division will highlight one of our statewide contractors. Providing information about the company and the products offered on the statewide contract, this feature will help familiarize our agency purchasers with our business partners.*

**West Virginia Code, §5A-3-5, authorizes the Purchasing Director to promulgate and adopt standard specifications based on scientific and technical data for appropriate commodities and services. This establishes the quality to which commodities and services to be contracted for, by the state must conform. These standard specifications are used to establish statewide contracts for commodities needed on a repetitive basis. No agency may be exempt from using statewide contracts without prior written approval from the Purchasing Director.**



As a vendor servicing the statewide contract for cellular telephones and service, nTelos provides wireless voice and data services -- the latest cell phones and smart phones, including the Motorola Q, Palm TREO 700wx and BlackBerry 8703e.



# Purchasing Division Procedures Handbook Details Updates/Changes to Sole Source Requirements

The new Purchasing Division Procedures Handbook, released on July 1, 2007, includes several additions and modifications to the Sole Source Acquisitions.

As required in the **Legislative Rule** §148, the Purchasing Director may establish a list of commodities and services that are not possible to submit for competitive bid. It is important for agency purchasers to become familiar with the following non-competitive/exempt list of commodities and services as noted in Section 9 of the Purchasing Handbook.

**1. Advertising:** Includes any advertisement placed directly with newspapers, trade magazines, etc. Does not include radio, broadcast

## Purchasing Division's Erika Vance Welcomes Baby Daughter

The Purchasing Division is pleased to announce that our vendor registration clerk,

**Erika Vance**, welcomed her daughter Dulce Eleesia on May 27. She weighed 7 lbs., 9 oz. and was 21 inches.

Erika is expected back at work later this month from maternity leave.

Also welcoming baby Dulce was Erika's husband Chris and her two daughters, Piper and Raven.

**Jeanne Barnhart**, who works in the reception area for the division, has been performing the vendor registration duties during her absence. We look forward to Erika's return and express our gratitude to Jeanne for the excellent job she has done to maintain the vendor registration process. *Teamwork...* that's what makes an organization work!



television, cable television, etc. Does not include any indirect placement, promotional items, advertising consultant services, broadcast of lottery prize drawings, etc.

**2. Artwork and Historical Items:** Includes purchase of and service to artwork and historical items, i.e. restoring governors' portraits, refurbishing chandeliers, etc. Must receive written approval from the Purchasing Division prior to making any purchase.

**3. Attorneys and Law Firms:** Must be pre-approved by the West Virginia Attorney General's Office. This exemption includes hearing examiners and court reporters for Workers' Compensation cases employed by the claimant's attorney which the Offices of the Insurance Commissioner are responsible for payment. The selection of bond counsel is exempt.

**4. Aviation Fuel:** (*Excluding bulk purchases for delivery to state dispensing stations*)

**5. Cash Advances:** In accordance with the **West Virginia Code**, §5A-3-17(2), the head of any spending unit, or the financial governing board of any institution, may, with the approval of the Purchasing Director, make requisitions upon the State Auditor for a sum to be known as an advance allowance account, in no case to exceed five percent (5%) of the total of the appropriations for any such spending unit, and the State Auditor shall draw his warrant upon the State Treasurer for such account; and all such advance allowance accounts shall be accounted for by the head of the spending unit or institution once every thirty (30) days or more often if required by the State Auditor or Purchasing Director.

**6. Contracts Between Governmental Agencies:** Includes any contract between a state agency and any other governmental agency (state, local, federal) where no competition is available and the other governmental agency directly or indirectly provides the service. Examples include water line projects with local communities and environmental studies with federal agencies. This does not include piggybacking existing contracts or any contracts with research corporations.

**7. Court Ordered Placements:** Includes children placed by West Virginia courts or the West Virginia Department of Health and Human Resources at various educational and/or behavioral centers.

**8. Employee Expense Accounts and Reimbursements**

**9. Entertainers:** Includes individuals and/or groups contracted at the request of the state to entertain or to assist in the production of entertainment.

**10. Fees Imposed by Other Government Entities (i.e., licenses, permits)**

**11. Governor's Mansion Furnishings:** Any unique or handmade items used in the mansion purchased with public funds. Also, furnishings donated and all furnishings that remain in the mansion throughout future administrations. Does not include commercially available items from more than one source.

**12. Grants:** State agencies shall use a grant as the legal instrument reflecting a relationship between state government and a local government or other recipient, when competition is not possible, and whenever: (1) the

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## Sole Source Requirements

Continued from Page 4

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principal purpose of the relationship is the transfer of money, property, services or anything of value to the local government or other recipient in order to accomplish a public purpose of support or stimulation authorized by federal and/or state statute rather than by acquisition, by purchase, lease or barter of property or services for the direct benefit or use of the state government; and, (2) no substantial involvement is anticipated between the executive agency acting for the state government and the local government or other recipient during the performance of the contemplated activity. Grants are targeted for specific recipients and competition is not available.

**13. Hospitality:** Hospitality expenses include food, beverages, facility rental, entertainment and other expenses relating to conducting state business. A Request for Hospitality Form TMO 3.0 must accompany the invoice regardless of the amount. Purchasing Division does not need to approve TMO.3.

**14. Media License Fees:** *(Program license fees for radio or television)*

**15. Medical Fees:** Fees for medical services (behavioral and physical) from individual doctors, dentists, clinics, hospitals, audiologists, county medical examiners, physical and occupational therapists, behavioral counseling and evaluations, etc. for individual patients, inmates, students and clients where the state is responsible for payment. Does not include inmate health care management, hospital management, consulting services or agreements to provide services for groups of patients, inmates, students or clients, etc. for state agencies. Also included in this exemption is body transport by funeral homes.

**16. Medical Fees, Emergency Trauma Reimbursement:** Provides for the Department of Health and Human Resources to remit fees to State of West Virginia Level I or Level II Emergency Medical Services trauma physicians for services rendered to supplement insurance premiums and other costs when required to maintain certain levels of certification. Limited to qualified trauma physicians that meet the overall trauma performance requirements determined by the Office of Emergency Medical Service guidelines. The physicians to be contracted with will have credentials to meet the identified needs of a Level I or Level II trauma center.

**17. NASCAR:** NASCAR licensing or license plate manufacturing for West Virginia Division of Motor Vehicles only.

**18. Postage:** (Stamps, metering, overnight services, i.e., Federal Express, Airborne, UPS, etc.). This does not include postage available from statewide contracts.

### 19. Professional Association Dues

**20. Railroad Car Hire Fees:** National association fees required from all railroads to monitor the location and use of railroad cars for the owners. Bar codes on railroad cars are scanned into a computer database which in turn notifies the owner of the location and remits the user fees to the appropriate owner.

**21. Resale Items:** Items that are acquired specifically for resale by the state agency to the general public should be selected on the basis of quality and customer demand.

**22. Shipping Charges and Freight:** *(Not connected in any way to a formal encumbered purchase order or agency purchase order for the delivery of goods)*

**23. Software Maintenance:** All non-competitive proprietary software licensing and maintenance must be pre-approved by the Office of Technology.

**24. Student Activities:** *(Lecturers, entertainers, athletic events, referees, teachers [for services requiring teacher certification by the West Virginia Department of Education], etc.)*

**25. Investigative Services; Subject Matter Experts and Witnesses:** For administrative hearings and legal procedures. Does not include agency consulting services nor employees retained by their agency or hired by another agency.

**26. Subscriptions and publications** *(newspapers, textbooks and publications – electronic and hard copy – purchased directly from the publisher.)*

**27. Training Activities:** Lecturers, honorariums, copyrighted test and training materials, test monitors/examination proctors, etc., where competition is not available.

### 28. Tuition, Stipends, Accreditations and Registration Fees

**29. Utilities (Regulated Services by the Public Service Commission):** (Natural gas, water, sewage, electric, telephone, garbage, cable television service, connection fees, trash hauling and dumpster rental [if only one PSC approved hauler is in the area]). **Agency Purchase Order, WV-88** or **Agreement, WV-48**, is required for cable service and trash hauling in excess of \$2,500 per year. Propane gas and coal must be competitively bid.

# Current Statewide Contract Update

(As of July 15, 2007)

This page includes a listing of current changes made to statewide contracts issued by the Purchasing Division. Information and dates listed in this **Current Statewide Contract Update** are subject to change. All statewide contracts are available online at [www.state.wv.us/admin/purchase/swc](http://www.state.wv.us/admin/purchase/swc). For more information, please contact Senior Buyer **JoAnn Adkins** at (304) 558-8802 or via e-mail at [joadkins@wvadmin.gov](mailto:joadkins@wvadmin.gov) **Michael Austin** at (304) 558-2316 or [maustin@wvadmin.gov](mailto:maustin@wvadmin.gov).

## Contracts Awarded

<u>Contract</u>	<u>Description</u>	<u>Vendors</u>	<u>Effective Date</u>
<b>LGLOVES07</b>	Exam Gloves	Glove U.S.A	07/15/07
<b>RSHEET07</b>	Reflective Sheeting	3MTCM	07/01/07
<b>DEBT07</b> <b>[A-I]</b>	Debt Collection	<b>[A]</b> Affiliated Group; <b>[B]</b> Allianceone Receivable; <b>[C]</b> Collection Co. of America; <b>[D]</b> Healthcare Financial Service; <b>[E]</b> Joseph Mann & Creed; <b>[F]</b> National Recovery Agency; <b>[G]</b> NCO Financial Systems; <b>[H]</b> OSI Collection Services; <b>[I]</b> Penncro Associates Inc.	07/15/07
<b>SAFETY07</b>	Safety Items	Discount Industrial Supply	07/15/07
<b>SAT07</b>	Satellite Transponder Time	Space Connection	08/01/07

## Contracts Under Evaluation

<u>Contract</u>	<u>Description</u>	<u>Bid Opening</u>	<u>Under Evaluation</u>
<b>LABSUP08</b>	Laboratory Supplies	07/05/07	Yes

## Contracts Out for Bid

<u>Contract</u>	<u>Description</u>	<u>Pre-Bid Meeting</u>	<u>Bid Opening</u>
<b>BEDDING</b>	Bedding	07/26/07	08/14/07

## Contracts Renewed

<u>Contract</u>	<u>Description</u>	<u>Vendor</u>	<u>Expiration Date</u>
<b>LAWN06A</b>	Lawn Care Equipment	Crede Tractor Sales	07/31/08

## Contracts Extended

<u>Contract</u>	<u>Description</u>	<u>Vendor</u>	<u>Extension Date</u>
<b>DIGCOP04</b> <b>[A, D]</b>	Copiers	<b>[A]</b> Sharp Electronic Corp; <b>[D]</b> Aarons Products	02/14/08

## Contracts Extended

<u>Contract</u>	<u>Description</u>	<u>Vendor</u>	<u>Extension Date</u>
<b>SAT03</b>	Satellite Services	Intelsat	07/31/07
<b>DIGCOP04</b> <b>[F-G]</b>	Digital Copiers	<b>[F]</b> Kyocera Mita; <b>[G]</b> Superior Office Service	05/31/07

## Miscellaneous Actions

<u>Contract</u>	<u>Description</u>	<u>Vendor</u>	<u>Comment</u>
<b>CPHONE07</b> <b>[B, C]</b>	Cellular Telephones and Service	<b>[B]</b> Cingular Wireless LLC; <b>[C]</b> Cellular One	<b>[B]</b> New contact information; <b>[C]</b> Add fee3 and rate plans
<b>AUDIT01</b>	Audit Services	Ernst & Young	Updated services
<b>CANLINE07</b>	Trash Can Liners	Winans Sanitary Supply	Update pricing page
<b>CABLE07</b>	Cable Accessories	Sesco Electronics	Add items to contract
<b>SELECT07</b>	Software House Int'l	Microsoft	Add July price list
<b>ENTRZ05</b>	Software House Int'l	Microsoft	Add July price list

## Contracts Reviewed

Statewide contracts are reviewed approximately three months prior to the actual expiration date.

### AUGUST

**CPHONE**  
Cellular Telephones/Service  
**MV**  
Motor Vehicles  
**NTIRES**  
New Tires  
**PC**  
Police Cruisers  
**WAN**  
Wide Area Network

### SEPTEMBER

**AUDIT**  
Single Audit Services  
**JITLECT**  
Multimedia Courseware Development  
**SBUS**  
School Buses  
**TOOL**  
Tools  
**WATER**  
Water Treatment Chemicals



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# PURCHASING CONNECTION

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## Contract Management Procedures Implemented for All State Contracts More than \$1 Million

As a result of purchasing reform initiatives last year, revisions to contract management were made to provide assurance that the state is receiving the services and commodities which meet the specific requirements prior to rendering payment.

**West Virginia Code §5A-3-4** authorizes the Purchasing Director to prescribe contract management procedures for all state contracts except those excluded by law.

A memorandum from State Purchasing Director Dave Tincher was sent to all agency procurement officers, stating that all awarded contracts for commodities and services in excess of \$1 million beginning July 1, 2007 and after have three new **mandatory** requirements.

These requirements are to: 1) conduct a post-award conference; 2) monitor activity throughout the life of the contract and 3) provide specified reports to the Purchasing Division.

Agency procurement officers have been sent templates which are to be used for these three tasks. The templates may be modified as the program evolves.

The post-award conference template, per **Legislative Rule §148-1-7.13.2 a**, will document nine specific points which demonstrate a “clear and mutual understanding of the contract terms and conditions and the respective responsibilities of all parties.” The nine points must be documented at the conclusion of the meeting and sent to the Purchasing Division no later than one week after the post-award conference.

The monitoring process includes a comprehensive and objective checklist which measures outcomes, monitors compliance with contract requirements and assesses contractor performance. These three areas must be documented and submitted to the Purchasing Division not less frequently than every other month and within two weeks of contract closeout and final acceptance.

The requirement to provide specified reports mandates that agencies submit reports every other month and within two weeks of contract closeout and final acceptance. These reports will detail “status” and “activity.”

The status reports will describe the progress of the work; track the organization’s structure of the statement of work in terms of phases, segments, deliverables and products; and description of what work is complete and what work is pending and contrast that against the contract schedule. If there are any unresolved issues that the agency is contractually obligated to resolve, those issues should be included in the “status” report and a resolution should be requested.

Activity reports describe all activity on the project, regardless of whether

substantial progress has been made toward completion of the project. If payment is based on the number of completed transactions, these activities must be specifically set out in the report.

For more information on contract management procedures, contact the Contract Manager Mike Sheets for the Purchasing Division, at 304-558-5780 or [msheets@wvadmin.gov](mailto:msheets@wvadmin.gov).



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### Procurement Designation

Continued from Page 1

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If your agency has not yet designated a procurement officer, it is vital that an appointment is made immediately. The Purchasing Division sent information in July requesting department officials to begin designating their agency contact persons for procurement.

Please note that questions from agency personnel relating to purchasing issues should first be directed to the respective procurement officer, as designated on the Agency Procurement Designation form.

If the agency procurement officer needs assistance, they are encouraged to contact the appropriate buyer within the Purchasing Division for guidance. For a list of assignments of the division’s buying staff, please visit <http://www.state.wv.us/admin/purchase/byassign.pdf>.

# Questions?...Just Ask Us!

Are you unsure of certain purchasing procedures? Do you need information on the current state travel regulations? Do you have a question regarding travel requests? Would you want to know what surplus property is available?

If you need additional information concerning any function within the Purchasing Division, complete the form below and return to the address below. You also may forward your request via e-mail.

**Diane Holley**, Assistant Director  
Communication and Technical Services Section  
West Virginia Purchasing Division  
State Capitol Complex  
2019 Washington Street, East  
P.O. Box 50130  
Charleston, WV 25305-0130  
E-Mail Address: dholley@wvadmin.gov



Name \_\_\_\_\_

Organization \_\_\_\_\_

Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

E-Mail Address \_\_\_\_\_

Need Information about \_\_\_\_\_

\_\_\_\_\_

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