

2011 AGENCY PURCHASING CONFERENCE Nov. 1-4 at Stonewall Resort State Park

THE BUYERS NETWORK NOVEMBER 2011 - VOL. 21, ISSUE 11

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

Purchasing Processes

Posting Bids Online More than Scanning Pages



The path a bid takes from its arrival at the Purchasing Division to its posting on our agency website can sometimes be a laborious one. The Purchasing Division utilizes a team effort to coordinate the scanning and posting of submitted bids. The agency's Technical Services unit, purchasing assistants and the buyers all play a role in the process.

Bid openings occur on regular business days at 1:30 p.m. in the Purchasing Division conference room in a public format. The posting of bids online brings about several noticeable benefits, compared to pre-Internet days.

The general public can review the opened bids most often on the

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Purchasing Assistants Kelli Winebrenner and Willadean Fisher work with Senior Buyer Paul Reynolds following a bid opening.

Purchasing Division Announces its 2012 In-House Training Schedule

The West Virginia Purchasing Division is pleased to announce the schedule for the 2012 In-House Training Program. With 16 different topics to choose from, agency procurement officers are sure to find these training sessions beneficial to their daily jobs.

A change in next year's curriculum is that all training workshops, with the exception of the Beginner's Track, will be conducted in the Purchasing Division, Building 15, 1st Floor Conference

Room, from 10:30 a.m. to 11:30 a.m. The Beginner's Track will be conducted in the Regents Room of the State Training Center (Building 7) at the State Capitol campus from 9 a.m. to 4 p.m.

Space is limited. Registration is given on a first-come, first-served basis. For more information or to register, visit <http://www.state.wv.us/admin/purchase/training/inhouse.html>.

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- Surplus Property Sells More Than 600 Tons of Scrap Metal for State Rail Authority

Focus on Procurement Yields Overwhelming Interest in Annual Division Training Event

By Purchasing Director Dave Tincher

The 2011 Agency Purchasing Conference has proved to be more popular than ever, possibly resulting from the special focus of agency leaders to ensure that their procurement officers have the tools and resources to perform their jobs. Knowledge of state laws, rules and procedures is the key element for agency purchasers. At this training event, our staff and outside presenters pour on the information that needs to be shared.

More than 300 attendees are expected at this year's event. This number is one of the largest groups that we have ever welcomed at our purchasing conference. This annual conference, which we have offered for about four decades, has become a vital part of our training program. Not only are the educational workshops beneficial, but the networking opportunities among the Purchasing Division staff and agency purchas-

ers are invaluable. They allow for the sharing of information on various issues, often resulting in clarification and problem resolution.

With 30 different topics addressed, the conference is organized in both group sessions and, more often, smaller breakout workshops. These smaller group settings encourage more class participation and interactive exercises that not only teach but provide hands-on practice for the participants.

Even our *entertainment* for the conference banquet incorporates learning... in a fun, innovative way. Our tradition of showcasing a purchasing-related game show continues with a new game of "Purchasing's Cash Cab." Our *contestants* are our agency purchasers and the goal is to not just test their knowledge



but enable everyone to learn more about the state purchasing process.

This year, we are pleased to welcome nearly 100 agency purchasers who are attending the Agency Purchasing Conference for the first time. We hope that their experience is educational and enjoyable, giving them a good reason to return next year!

Speaking of next year, mark your calendars now for the 2012 Agency Purchasing Conference. Returning to Stonewall Resort and Conference Center, the conference is scheduled for November 13-16, 2012.

In next month's issue of *The Buyers Network*, we will highlight various aspects of this year's conference and reveal the recipients of our *Agency Procurement Officer of the Year* and *Partner in Purchasing*!

SCANNING

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same day. Also, the increase in transparency of information has reduced the number of formal Freedom of Information Act requests made to the Purchasing Division. Scanned bids allows for electronic delivery of files which saves money in postage and paper.

Yet, with all the advances gained through technology, there are still labor-intensive steps that need done to complete the scanning process.

"There is a lot of manual labor involved in getting the submitted bids from their opening to posting on the website. There are days when as many as 40 packages for a single solicitation have to be opened and organized for the website," said Ann Mollohan, Administrative Services Assistant III. "When the Purchasing Assistants scan bids into PDFs, they have to remove staples, paper clips and rubber bands to prepare the documents for the scanning machines.

We also have to make sure any personally identifiable information is redacted before posting and we have to make sure the scanned documents are legible."

Mollohan said the goal is to have the day's bids posted online within a few hours after a bid opening. Though this is routinely accomplished, there are occasional exceptions as there have been as many as 60 submitted bids to scan and post on a particular day. Due to the vast size of some proposals, some vendor responses are not viable to be scanned and posted. However, when such instances occur, an online notice states that the entire bid can be reviewed in its entirety by contacting the Purchasing Division.

"We usually manage to get the bids posted within 24 hours. I know if there is a solicitation of particular public interest, people are going to our website not long after a bid opening is complete to review them," Mollohan said. "Some-

times we receive calls asking when the bids are going to be posted and we understand their concerns."

Mollohan is responsible for grouping the bids by solicitation number, creating the links for each one within that grouping and posting them to Purchasing's web page, "Bid Opening Index" the day openings are held (<http://www.state.wv.us/admin/purchase/Bids/default.html>). Though infrequent, technical problems can arise and cause delays. Procurement officials are encouraged to provide good-quality, high-resolution documents to the Purchasing Division to ensure their clarity online.

"Most of the time, everything runs according to procedure, but there are challenges from time to time. It is important to make this information available in a timely manner. Likewise, it is important to make sure the scanning is done according to our policies and procedures," Mollohan said.

SCHEDULE

Continued from Page 1

In addition to the In-House Training sessions, the Purchasing Division has also added four webinars to the schedule. With the exception of the Vendor Registration and Inspection Services webinars in January and December 2012, respectively, all webinars

are limited to those agency purchasers located outside of Charleston who are unable to travel to Charleston for a one hour training. To alleviate any inconveniences for those individuals located in Charleston, these same webinar topics will be offered as an In-House Training

a couple of weeks prior to the webinar.

For questions on the 2012 In-House Training Program or any of the webinars, contact Staff Development Specialist Samantha Knapp at (304) 558-7022 or Samantha.S.Knapp@wv.gov. Please see below the 2012 schedule.

2012 In-House Training Sessions Schedule

January 2012

Wednesday, January 11: Agency Delegated Purchasing
Wednesday, January 25 / Webinar: Vendor Registration

February 2012

Wednesday, February 8: Contract Drafting
Wednesday, February 22: Requests for Quotations

March 2012

Wednesday, March 7: Preparing a Request for Proposals
Wednesday, March 21: Beginner's Track
[Basic Purchasing, Vendor Registration, Statewide and Piggyback Contracts, Requests for Quotations, Evaluation and Award Process, & Purchasing Tools and Resources]

April 2012

Wednesday, April 4: Emergency and Sole Source Purchases
Wednesday, April 18: Request for Proposals Evaluation
Wednesday, April 25 / Webinar: Emergency and Sole Source Purchases

May 2012

Wednesday, May 2: PO Encumbrance
Wednesday, May 16: Surplus Property / Fixed Assets

June 2012

Wednesday, June 13: Guiding Values and Principles of Public Procurement

July 2012

Wednesday, July 11: Basic Purchasing
Wednesday, July 25 / Webinar: Basic Purchasing

August 2012

Wednesday, August 15: Purchasing Tools and Resources



Purchasing Applications Specialist Mark Totten speaks during a 2011 in-house training session.

September 2012

Wednesday, September 12: Protest Process
Wednesday, September 26: Statewide and Piggyback Contracts

October 2012

Wednesday, October 3: Expressions of Interest
Wednesday, October 17: Evaluation and Award Process

November 2012

No classes in November 2012 due to the Annual Agency Purchasing Conference.

December 2012

Wednesday, December 5 / Webinar: Inspection Services
Wednesday, December 12: Change Orders and Addenda

State Agencies Need to Work Closely with Purchasing Division for Problem Resolution

The Purchasing Division strives to ensure every solicitation, including those delegated to the agencies, is put out to bid and awarded in accordance with the *West Virginia Code* and *Code of State Rules*. The bid process promotes competition and allows that state to obtain the best value for a commodity or service.

In spite of those best efforts, however, mistakes and unforeseen circumstances do occur. *Code of State Rules* 148-1-8 provides vendors with a way to identify mistakes and account for unforeseen circumstances through a protest of specifications or a protest of purchase order award.

It is important to remember that a protest is not limited by the dollar amount of the procurement and state agency procurement officials can find themselves receiving letters of protest on agency delegated purchases and purchases through secondary bidding processes. Upon receiving a protest letter, the agency procurement official should immediately notify the Purchasing Division. The Purchasing Division is responsible for ensuring that protests are properly administered and will work closely with the agency to resolve the issue.

As stated by Purchasing Division Attorney James Meadows, "certain procurements have been delegated to the agency, but the Purchasing Division remains responsible for the general oversight of the procurement process. Protest review is a key tool in that oversight and the Division has chosen not to delegate it the agency."

Agency procurement officials can assist in minimizing the chance of protest by writing good specifications; not favoring any vendor; following purchasing laws and guidelines and heeding the advice of the Purchasing Division.

There are two types of protest detailed in 148-1-8, a protest of specification and protest of award.

A "protest of specification" allows vendors to file a protest no less than five days prior to the bid opening date and must include a statement of the grounds for the protest. A protest of award must be filed by the vendor no more than five business days after the date of the award. The vendor is responsible for

knowing the award date, which is the day that the purchase order is encumbered and mailed. In each instance, the vendor must include the resolution or relief sought. Agency procurement officials should review the rules relating to protests so that they can identify a protest and notify the Purchasing Division in the event that a protest is received.

For additional information on protests procedures, visit Section 7 (Formal Acquisition Procedures) of the Purchasing Division's Procedures Handbook at: <http://www.state.wv.us/admin/purchase/handbook/default.htm>

Should you have any questions relating to the protests procedures or how your agency can prevent protests against

the specifications or awards of your agency's purchase orders, please discuss with your agency procurement officer or your assigned buyer within the Purchasing Division. For additional information, refer to the Purchasing Division PowerPoint presentation, "Protest Process" at http://www.state.wv.us/admin/purchase/training/2011ConfPPTs/11CONF_ProtestProcess.pdf.

For fiscal year 2011, a total of 28 protests were filed against awards issued or specifications written which were processed by the Purchasing Division. This amounts to a 2.25 percent of the 1,247 purchased orders issued during FY 2011, a small protest percent in comparison to the amount of purchase orders/contracts processed and represents fewer protests than FY 2010.



RFQ Training Module Added to Purchasing Website

The Purchasing Division has added its eighth Online Training Module to the agency website. The new module is Request for Quotation (RFQ) and is designed for procurement agency officials to review from the convenience of their offices.

This online module focuses on the basic steps the agency must take before deciding to use the RFQ procurement method. This online module reviews the importance of writing clear and concise

specifications to ensure the appropriate end result and the forms used for RFQ procurement. The training module also examines the evaluation of bids and the award process associated with RFQs. The RFQ is the most commonly used method to solicit competitive bids.

Completion of each online module counts as one credit in a procurement official's participation in the Purchasing Division Certification Program. Instruc-

tions to receiving the Certificate of Completion are included in the training modules. Please contact Staff Development Specialist Samantha Knapp at (304) 558-7022 or by e-mail at Samantha.S.Knapp@wv.gov for additional information or questions.

For a direct link to the RFQ and all other online training modules, please visit <http://www.state.wv.us/admin/purchase/training/modules.html>.

Surplus Property Sells More Than 600 Tons of Scrap Metal for the State Rail Authority

For the winning bidders in last month's statewide sealed bid sale conducted by the West Virginia State Agency for Surplus Property (WVSASP), one thing is certain. Neither plastic nor paper will do when it comes to hauling away their items.

Thanks to the WVSASP, the state Rail Authority was able to sell more than 600 tons of scrap rail at several of its rail yards in the Eastern Panhandle. Due to the sheer volume of materials and their location, WVSASP used the sealed bid process which required bidders to submit a bid prior to an established date and time.

"It has been a long time since we had a sale this large. I think the last time we did a sale for the state Rail Authority was at least 15 years ago. That is probably why we had so much rail to move this time," said Ken Frye, Surplus Manager. "But we got it all sold and the Rail Authority officials were very pleased. They were able to clear their yards and make money from it in the process."

Frye said 10 businesses submitted bids on the items which ranged from predominately scrap rail to boxcars and miscellaneous items such as crossing lights. The items were separated into 14 lots according to materials and locations. Five of the participating businesses won bids on at least one lot.

"I was very pleased with the results.



The state Rail Authority sold more than 600 tons of scrap rail at several rail yards in the Eastern Panhandle. Due to the sheer volume of materials and their location, WVSASP used the seal bid process which required bidders to submit a bid prior to an established date and time.

This sale was much better than I expected. I was doing market research on scrap prices as they are very volatile. I was hoping we get 12 cents on the pound and we averaged about 17 cents or so on the pound for our sale," Frye said. "The marketing efforts we did to get businesses interested in bidding really paid off."

Though all the receipts and transactions have not arrived at Surplus Property offices, Frye estimates the sale to exceed \$200,000, making this sale of the most profitable of this type in the agency's history.

To learn more about the WVSASP, visit <http://www.state.wv.us/admin/purchase/surplus/default.html>

Attention to Detail Vital When Dealing with FOIA Requests

Government agencies are custodians of public records and this is apparent at the Purchasing Division which handles large amounts information regarding purchasing transactions completed on behalf of the state.

James Meadow, Purchasing Division staff attorney, said each FOIA request received by the Division is handled in accordance with established procedures.

"We review each FOIA request that we receive to ensure that it provides sufficient information to identify the records being sought and that the information being sought is obtainable un-

der the law," Meadows said. "If it is, the applicable costs are calculated and an appropriate response is returned to the requestor. It is important to remember, however, there are limitations to what can be obtained with a FOIA request. For example, bid documents submitted to the Purchasing Division are not obtainable until after bid opening occurs. Similarly, information that qualifies under a FOIA exemption, such as personally identifiable information, is not subject to disclosure and will be redacted."

Meadows also states that all responses to FOIA requests end with the phrase,

"this response completes the responsibility of the Purchasing Division relating to this FOIA request." This notifies the entity requesting the information that it will not automatically receive copies of public records obtained or generated after the date of the response. Obtaining those records would require a subsequent FOIA request.

"The Freedom of Information Act is vital to sound government and is a law to which all state agencies must adhere," Meadows said. "It is important that FOIA requests are treated with attentive care."

Purchasing Division Inspection Services Unit Find Agencies Improving On Subsequent Visit

The inspectors with the Purchasing Division Inspection Services Unit are realizing that it is finding agencies are becoming more accustomed to the inspection process and more familiar with what the inspectors are looking for.

The Inspection Services Unit was resurrected in 2007 after it had been paused for 15 years due to lack of funding. The 2006 Regular Session Legislature passed Purchasing reform for which this program was included.

In the time subsequent, the unit's three inspectors have inspected the procurement records of each government agency under the authority of the Purchasing Division's rules and regulations. As the inspectors now find themselves returning to agencies, Inspector Shirley Blount said he sees general improvement.

"It is, in many ways, a start-over situation since the inspection process is relatively new and oftentimes the individual in the procurement position is also new," he said. "Procurement at the agency level has become a far more advanced position than it was in the past, and it frequently needs someone devoted to it full time."

Inspector Shane Hall said that he finds agencies adhering closer to West Virginia Code as he returns for another inspection. "Since starting over, the agencies are better at following the rules, and agencies are typically doing better on second visits."

Inspector Susan King said reinterpretation of language sometimes plays a role in the inspection process. "As purchasing laws have changed and new people come into procurement positions, it is learning a new language, essentially."



Purchasing Inspectors Susan King, Shirley Blount and Shane Hall said they have seen agencies improve during the inspection process. Their unit has inspected the procurement records of each state agency under Purchasing Division's authority.

During the 2011 fiscal year, the Inspection Unit opened and completed 33 individual inspections of various state agencies and related programs. This encompassed more than 217,885 transactions from which 9,298 (approximately 4.3 percent) were closely scrutinized.

The breakdown of findings from these inspections are as follows:

Finding % of Inspected Transactions

- Stringing 1%
- Failure to use Statewide Contracts 1%
- Failure to use Internal Resources 0%*
- Bids not documented 3%
- Failure to check/retain vendor registration 1%
- Failure to verify Unemployment
- Compensation and Workers' Compensation 2%
- Failure to obtain Purchasing Affidavit 2%
- Failure to issue a purchase order 1%
- Failure to affix an asset tag 0%*
- Failure to include the Non-Conflict of Interest form 1%
- Miscellaneous findings 0%*

Note: * denotes less than 1%.

Senior Buyer Guy Nisbet Assigned to DEP

The Purchasing Division announces that Senior Buyer Guy Nisbet is now the assigned buyer for the state Department of Environmental Protection agency. Nisbet replaces Chuck Bowman who has left the Purchasing Division to pursue other career opportunities. Nisbet can be reached at (304) 558-8802 or Guy.L.Nisbet@wv.gov.

Back issues of *The Buyers Network* are available at <http://www.state.wv.us/admin/purchase/BN/bnlist.html>

Current Statewide Contract Update

(As of October 15, 2011)

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 <http://www.state.wv.us/admin/purchase/swc>. For more information, please contact your assigned agency buyer.

Out for Bid

Contract	Description	Pre-Bid Meeting	Bid Opening
DCBATT11	Batteries	N/A	10/27/2011
CABLE12	Computer data cable	N/A	11/16/2011
IP11	Personal computers	09/27/2011	10/27/2011
LARMS	Large reseller for Microsoft	N/A	10/27/2011
SBUS12	School buses	11/07/2011	12/01/2011

New Awards

Contract	Vendor	Description	Dates
FUELTW12A	Harris Oil Co.	Fuel	09/19/2011-09/18/2012
FUELTW12B	JL Brannon Inc.	Fuel	09/19/2011-09/18/2012
FUELTW12C	Bruceston Petroleum Co. Inc.	Fuel	09/19/2011-
FUELTW12D	Guttman Oil Company	Fuel	09/19/2011-09/18/2012
FUELTW12E	Tri-State Petroleum Corp.	Fuel	09/19/2011-09/18/2012
FUELTW12F	RT Rogers Oil Comp. Inc.	Fuel	09/19/2011-09/18/2012
LAUNDRY11	Ecolab	Detergents	10/01/2011-09/30/2011
FUELTT12A	J L Brannon Inc.	Fuel	09/19/2011-09/18/2012
FUELTT12B	Harris Oil Company	Fuel	09/19/2011-09/18/2012
FUELTT12C	Tri-State Petroleum Corp.	Fuel	09/19/2011-09/18/2012
FUELTT12D	Mansfield Oil	Fuel	09/19/2011-09/18/2012
FUELTT12E	RT Rogers Oil Comp. Inc.	Fuel	09/19/2011-09/18/2012

Under Evaluation

Contract	Description	Bid Opening	Under Eval
ERCYCL11	Electronic recycling of equipment	CANCEL	CANCEL
CPHONE11	Cell phones	N/A	10/13/2011
LGLOVES11	Latex gloves	N/A	09/07/2011
CANLINE11A	Trash bags	N/A	08/17/2011
LABSUP11	Chemicals	N/A	06/17/2011
RECMGT11	Provide off-site storage	08/01/2011	09/01/2011
MOVE11D	Moving services	N/A	09/01/2011

Renewals

Contract	Vendor	Description	Date
DWASH10	Ecolab Inc.	Dishwasher dispensing equipment	10/01/2011-09/30/2012
RSHEET10	3M Company	Reflective sheeting	11/01/2011-10/31/2012
PAPER10A	Xpedx	Paper	11/15/2011-11/14/2012
PAPER10B	Liberty	Paper	11/15/2011-11/14/2012
BEDDING09C	Sealy Inc.	Mattresses	10/15/2011-01/14/2012

Contracts Extended

Contract	Vendor	Description	Date
DIGCOP09HA	Sharp Electronics Corp.	Copiers	09/15/2011-11/14/2011
ENTPRZ08	Shi International Corp.	Large account reseller	07/01/2011-10/31/2011
SELECT10	Dell Marketing LP	License and software	09/15/2011-10/31/2011
DATA09	Frontier Communications of WV	Data circuit service	02/01/2012-06/30/2012

Contracts Reviewed

Statewide contracts are reviewed approximately three months prior to the actual expiration date. During this review process, the state buyer examines the specifications and the products.

NOVEMBER

ABATMNT	Asbestos abatement
CABLE11	Coaxial cable
ERCYCL12	Recycling of electronic equipment
FILTER11	Oil and gas filters
MV11	Automotive vehicles
SIP	Personal computers and peripherals

DECEMBER

ABATMNT	Asbestos abatement
AEBATT	Automotive and equipment batteries
BEDDING	Mattresses, box springs and pillows
DIGCOP	Digital copier equipment
FILTER11	Oil and gas filters
MV11	Automotive vehicles
MVU	Used automotive vehicles, years 2006-2007

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.

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Name _____
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Need Information about _____

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STATE OF WEST VIRGINIA

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