

THE BUYERS NETWORK

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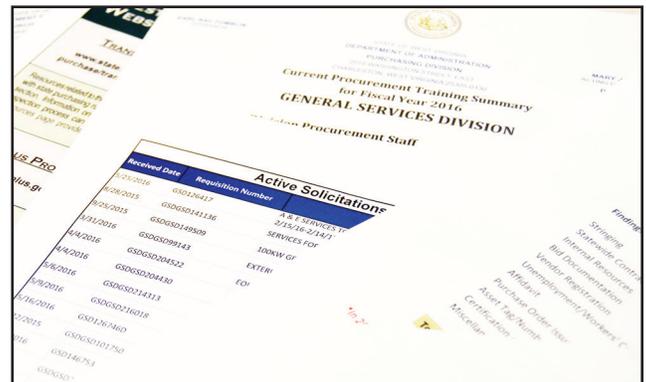
Strategic Meetings Prove Beneficial in Planning for the 2017 Fiscal Year

The West Virginia Purchasing Division has initiated agency-specific strategic sourcing meetings with certain state agencies that fall under its authority and generate a large volume of purchases each fiscal year.

The General Services Division was the first agency to participate in these interactive meetings in late June, with the Adjutant General's office scheduled for early August. The purpose of these meetings is to offer proactive dialogue between the Purchasing Division staff and agency designated procurement personnel. Specifically, a strong focus is placed on upcoming procurement activity, a review of recent transactions, and sourcing opportunities through cooperative and statewide contracts.

"By sitting down with each agency's procurement staff, the Purchasing Division will be better able to provide the resources and sourcing strategies to meet the agency's operational needs," stated Purchasing Director Dave Tinchler. "The key is to prepare for purchases that the agency is anticipating within the new fiscal year."

Prior to the meeting, the Purchasing Division provides the pri-



To better plan for fiscal year 2017, the Purchasing Division has implemented strategic sourcing meetings with high-volume agencies. These meetings focus on previous transactions and upcoming procurements.

mary agency designated procurement officer with several reports relating to previous fiscal year contract volume, expiring contracts, inspections performed on the agency, and the agency's procurement training activity. Other topics addressed at these meetings include the internal

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Agencies Encouraged to Follow Contract Drafting Best Practices

Contract drafting is one of the most important aspects of the competitive bid process. The language contained in a contract outlines the legal responsibility, and ultimately, the integrity of the state purchasing process, according to Purchasing Division General Counsel Jimmy Meadows.

"We want to ensure that the West Virginia Purchasing Division offers a fair process that provides a great amount of transparency," Meadows said.

There are four primary goals of public contracting:

- Prevent fraud or collusion;
- Ensure fairness;
- Ensure transparency; and
- Obtain the best value for the state.

To ensure these goals are met to the best of our ability, Meadows explained that there are various sources of contract law with which agency procurement officers should be knowledgeable. These sources differ somewhat between the private and public sector

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THE DIRECTOR'S COMMENTS

Purchasing Division Hard at Work Putting Finishing Touches on the 2016 Agency Purchasing Conference

By Purchasing Director Dave Tincher

Although we're halfway through the summer, things are just starting to heat up with the last minute details of conference planning. Registration for the Agency Purchasing Conference kicked off in June without a hitch. Lodging rooms were quickly booked and other travel arrangements made.

Excitement about the conference continues to grow, because each year, we use this opportunity to make ourselves and our agencies better! Whether we learn of a new strategy we didn't know before, make a new connection, or find a renewed energy, the Agency Purchasing Conference serves the many needs of our state agency purchasers, and we are just as excited about the possibilities that lay ahead!

The West Virginia Purchasing Division continuously strives to educate and inform state agency purchasers of the sometimes complex purchasing laws, rules, and procedures. Conversely, we learn so much from our state agency partners through listening to and networking with them! Despite recent budget issues,

the demand for this conference has not waned. In fact, the response from our state agency partners in the last couple of months only solidifies the importance of this annual conference.

As we get closer to the conference dates, I want to remind you of a few things. All presentation materials for the 2016 Agency Purchasing Conference are posted on the Purchasing Division's website and may be printed by all agency purchasers, including those who are unable to attend the conference. To view and/or print these documents, visit www.state.wv.us/admin/purchase/training/2016confppts.html.

Also, as we begin to plan for our group meals, please be sure to let Communication and Professional Development Manager Samantha Knapp (Samantha.S.Knapp@wv.gov) know if you have any dietary restrictions. We want to be sure to make every accommodation possible to guarantee a great experience for our attendees.

To this end, the Purchasing Division is planning an outdoor banquet for our Wednesday evening meal, weather permitting. As such, I would encourage you to plan for appropriate attire, such as walking shoes. While the shelter is within walking distance of the main lodging facility, there will also be parking nearby for those individuals who wish to drive.

We look forward to seeing each and every one of you later this month! Please continue to check out our conference webpage at www.state.wv.us/admin/purchase/Conference/Agency/2016 for any last minute updates.



wvOASIS Procurement Tip: Evaluation Document Key to Transparency

When it comes to training new agency purchasers in wvOASIS, the Evaluation (EV) document is perhaps the most difficult concept to master. The EV is the only document in the procurement chain that does not go to Final phase until after the next document in the chain (i.e. the award) is Final. In other words, the purchase order must be Final before the EV can be finalized.

Despite this peculiarity, the EV is a powerful tool. In fact, the EV document is the key to transparency. For that reason, here are some important things to remember:

- The Evaluation document cannot go to Final phase until all lines are awarded and finalized.
- After finalizing the award document(s), the agency should go back to the EV header, click Edit, and check the Publish flag.
- Finally, the agency should validate and submit the EV document to Final phase.

Why is this important? When an award is finalized for a solicitation, all vendors who responded to that solicitation electronically are notified automatically, provided an e-mail address is associated with their account. Then, as long as the Publish flag is checked and EV is in Final phase, the Public Bid Reading tab will become visible in Vendor Self Service (VSS) for vendors and the general public to view.

Lot Line	Vendor	Description	Quantity	Unit	Unit Price	Contract Amount	Awarded Date
1 1	MCKESSON MEDICAL SURGICAL MINNESOTA SUPPLY INC	3.1.1 GENAMP 9700 PCR THERMOCYCLER (OR EQUAL)	1	EA	\$11,515.28000		
1 1	LIFE TECHNOLOGIES CORP	3.1.1 GENAMP 9700 PCR THERMOCYCLER (OR EQUAL)	1	EA	\$8,151.26000		05/16/2016

The Public Bid Reading tab becomes visible in the Purchasing Bulletin after the Publish flag is checked and the EV document becomes Final.

Purchasing Division Staff Transitions into New Roles

The Purchasing Division is pleased to announce that Katrina Dufourny and Mitzie Howard have transitioned into new roles within its Acquisitions and Contract Administration (ACA) Section.

Dufourny assumed her new role in ACA as a Purchasing Assistant, effective June 27, 2016. In this new role, she will assist a team of buyers, proof pertinent procurement-related documents, and attend bid openings to open new bids. Previously an Office Assistant II within the Communication and Technical Services Section, Dufourny and her family reside in Dunbar.

"I'm surprised at how nervous and excited I was to start my new position since I'd already been with the Division for some time," Dufourny stated. "Learning something new can be nerve-racking but everyone has been supportive and generous with their knowledge, for which I'm grateful."

Howard, a former Imaging Specialist turned Inspector I for the Purchasing Division, was promoted to Inspector II, effective July 12, 2016. Her position requires her to inspect agency-delegated purchases for small to mid-sized state agencies.



Katrina Dufourny (left) and Mitzie Howard (right) transitioned into new roles within the Purchasing Division.

Dufourny is now a Purchasing Assistant and Howard is an Inspector II.

Howard stated, "My co-workers here at the Purchasing Division are a great bunch of people who have made my job promotions smooth and seamless. They have taken me under their wing and helped me throughout my training and job positions." Congratulations to Katrina Dufourny and Mitzie Howard!

Automatic Updates Now Available to Procurement Officials

When creating a requisition within *wvOASIS*, there is a quick way for state agency procurement officials to ensure they stay informed of any modifications published by the Purchasing Division throughout the solicitation process.

Procurement officials may add their e-mail in the Free Form Vendor section to automatically receive notification when a change is made to their solicitations.

With addenda and other updates common throughout the solicitation process, receiving these notices can help improve communication between the Purchasing Division and agencies.

This is also a great way to confirm needed updates are being processed and the information being shared is accurate. For questions related to the Free Form Vendor field and inserting your information correctly, contact your Purchasing Division Buyer for assistance.

Timely Vendor Payments Contingent on Discount Days Noted in Procurement Documents

Certain procurement documents have been added in *wvOASIS* which reference payment terms. When an invoice (IN) is added to the system and a payment request referencing those payment terms is created, the result may be a disbursement date which is calculated to be later than the invoice date on the IN document, if the number referenced is anything other than "0." In many instances, this calculation will result in an unnecessary late payment to the vendor.

To determine what payment term has been referenced on a procurement document, the agency purchaser can visit the Discount Information tab under the Vendor section and look at the number indicated in the Days 1 field.

To ensure that vendors receive timely payment when this number is anything other than "0," our state agency partners have several options, noted below:

1. The state agency may be able to create a new version of the procurement document and remove the reference from the Days 1 field through an administrative change order. Any term or discount not authorized by the vendor may be removed at this time.
2. If the procurement document cannot be modified to remove the number of

days referenced in the Days 1 field, the agency purchaser may change the disbursement date when he or she creates the IN document in the system. This date will be used to generate the payment, and the days referenced in the Days 1 field will be ignored. This option should be used if the system is permitted to generate the payment request.

3. If the agency elects not to modify the IN document, and instead wants to add the payment request, they can modify the scheduled payment date on this document by going to the Disbursement Options tab on the Vendor section and typing in or selecting the new date from the calendar. The date will be used to generate the payment and the days referenced in the Days 1 field will be ignored.
4. For any issue that is detected on a payment request noted as Final but not yet disbursed, a Disbursement Request Modification (DRM) document may be processed to change the scheduled payment date.

To view detailed instructions and screenshots on how to update referenced payment terms, visit the Enterprise Readiness Outreach Session in myApps under Financial/Updates.

Purchasing Division's Legislative Rule Adopted

The Secretary of State recently adopted a revised Purchasing Division Legislative Rule, effective June 22, 2016. The *West Virginia Code of State Rules* 148CSR1.6.8.f. was modified during the 2016 Legislative Session to permanently clarify information related to the application of change orders on construction projects.

In 2015, the Purchasing Division promulgated rules requiring all change orders to be approved by the Purchasing Division and the Attorney General's office *in advance of any work being completed*. These 2015 rules were prompted by a previous Legislative Audit suggesting the rule modification. Once adopted, however, the Purchasing Division experienced complications with the Rule when applying it to construction projects. The Purchasing Division worked alongside the Department of Administration's Cabinet Secretary's office and the WV Contractors Association to review the Rule and determine how best to resolve the issue. An emergency Rule was approved shortly after to waive the pre-approval for construction change orders.

The new Rule provides a permanent pre-approval exception for construction change orders executed pursuant to *West Virginia Code* §5-22-1, et seq. For more details, visit www.state.wv.us/admin/purchase/rules.html.

Agencies Reminded of Emergency Purchasing Procedures following Floods

In light of recent flooding experienced by the State, the Purchasing Division would like to remind all state agencies to review the state's emergency purchasing procedures, which are available on the Purchasing Division's website, WVPurchasing.gov.

According to Section 3.7.1.4 Emergency Purchases: Purchases of the *Purchasing Division Procedures Handbook*, emergency purchases may be necessary when unforeseen causes arise, such as the aforementioned flooding. The Purchasing Director must conclude in good faith that some unforeseen event has created a situation requiring that commodities or services be immediately purchased by a state spending unit and must place that authorization in writing.

Emergency purchases expected to cost \$25,000 or less require a minimum of three bids, if possible, but do not require Purchasing Division approval. The agency should use its discretion when determining what constitutes an emergency.

Emergency purchases expected to exceed \$25,000 also require a minimum of three bids, when possible. Purchasing Division approval is required and should be obtained for emergencies which occur during normal business hours prior to making a purchase or executing any work, but for emergencies which occur outside of normal business hours, agencies may proceed with the purchase but must provide written justification of the action to the Purchasing Director on the first working day following the emergency.

For more information related to emergency purchases, visit www.state.wv.us/admin/purchase/EmergencyProcs1.html.

CONTRACT DRAFTING

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but are expanded for the public sector to include the West Virginia version of the *Uniform Commercial Code*; common law, which are cases decided by appellate courts; statutes of fraud; and other specific statutes, including HIPPA and Intellectual Property laws, Constitutional restrictions such as state, and no lending of state credit provision.

In addition to the aforementioned laws, Meadows strongly recommended that agency purchasers also stay informed of any modifications or additions to *West Virginia Code* and the *West Virginia Code of State Rules*.

While he stressed the importance of knowing and understanding the laws and rules, Meadows also noted the seriousness of having a written contract. "It is extremely important for contracts to be in writing because they are more enforceable in law," he explained.

Having a written contract between two or more parties creates an obligation that is enforceable or otherwise recognized by law. There are some components that must exist in order for such an agreement to be considered a contract, Meadows explained. These components include an offer, acceptance, and consideration and all three must be present to bind the contract.

Consideration requires the exchange of goods, services, or money; without consideration, the transfer would be considered a gift, which is not enforceable. "Remember, if you don't have it in writing, you can't prove it," he said.

Meadows also placed an emphasis on certain critical terms which are necessary to have in all contracts. "Within the solicitation, you must have the description of the goods or services you wish to obtain, as well as the quantity, time of performance, delivery and the terms mandated by law. The bidder's response will provide their price offer. Ultimately, the contract will incorporate the acceptance of the bid and authorization to perform," Meadows explained. "These general principles will govern all types of contracts."

Meadows outlined other aspects that are built into the final contract, which include the solicitation, or the document that is used to request the offers, as well as the responses from bidders to the solicitation. In the State of West Virginia, subsequent documents may be required as part of the contract, including the *Agreement Addendum* (WV-96), *Purchasing Affidavit*, *Drug-free Workplace Affidavit*, and bonds.

Agency procurement officers should avoid making some of the most common drafting mistakes, including drafting specifications which have no clear meaning, contradiction, ambiguity, inconsistency and illegibility, Meadows cautioned. Conversely, contract drafting best practices can be summed up into six recommendations: understanding what you draft, drafting accurately, ensuring clarity and consistency, being concise, and ensuring the legality of provision.

"If you need assistance when drafting a contract, ask for help," Meadows advised. "There are many resources available to you, including your co-workers, your staff attorney, your Purchasing Division's assigned buyer, and equally important, spell check. Be sure what is written in your contract is accurate, clear and complete."

Purchasing Announces Latest Advanced Certification Recipient

The Purchasing Division is pleased to recognize Guy Nisbet as the latest recipient in its West Virginia Procurement: Advanced Certification program.

Nisbet, a Buyer Supervisor for the Purchasing Division, has worked in state government for more than four years, with the last 15 months being in a supervisory capacity.

"While the Advanced Certification program was a good way to test my public procurement knowledge, completing this program also assures my customers of my dedication to serving them," shares Nisbet. "As a Buyer Supervisor, I want my customers to know I am up-to-date on all aspects of the procurement process. And, by earning this certification, I will be able to better relate to agency buyers who are also working to complete their certifications."

State agency procurement officers interested in participating in the state basic and/or advanced certification programs may review the requirements at www.state.wv.us/admin/purchase/training/Certification. Questions regarding the certification program may be directed to Communication and Professional Development Manager Samantha Knapp at Samantha.S.Knapp@wv.gov or 304.558.7022.

Congratulations to Nisbet on this noteworthy accomplishment!



Guy Nisbet, Buyer Supervisor for the Purchasing Division, is the latest individual to complete the West Virginia Procurement: Advanced Certification program.

What Does THAT Acronym Stand For?

Each month, the Purchasing Division will highlight an acronym used in the public procurement process to help educate buyers and agency officials.

Acronym: RFP

Defined: Request for Proposals

The Request for Proposals (RFP) method of procurement is a best value procurement tool used to acquire primarily services where the specifications or scope of work may not be well-defined or cost is not the sole factor in determining the award.

RFPs are limited to procurements with an estimated value of \$250,000 or more. This is a two-step process, with separate proposals submitted for technical and cost. The cost portion is sealed in a separate envelope and not opened initially.

The time required to process an RFP is much longer than other purchasing methods and requires significant agency personnel time. For more details on the RFP process, visit Section 6 of the *Purchasing Division Procedures Handbook*.

STRATEGIC MEETING

Continued from Page 1

controls and procurement organizational structure, the inspection process, various training issues and opportunities, legal issues and recent procedural changes introduced by the Purchasing Division.

During the meeting with General Services, all of the designated procurement officers were in attendance, including Bob Kilpatrick, Pam Hodges, Tim Persinger and Tina Withrow. Kilpatrick, who serves as the business manager for the General Services Division, expressed his enthusiasm over the first strategic sourcing meeting for his agency.

"Our first strategic sourcing meeting helped our agency greatly in giving focus to our procurement efforts," Kilpatrick said. "It was a productive meeting of the purchasing minds from both the Purchasing Division and our agency and was a great opportunity to network, ask questions and get answers regarding many of our outstanding procurement concerns."

For each meeting, the Purchasing Division requests the agency to bring with it a copy of the agency's organizational chart, a list of upcoming major/important procurements for the current fiscal year, and a completed expiring contracts report indicating what action the agency is planning to take for each expiring contract, such as to rebid, renew or to ultimately let the contract expire. "All of this information helps our buying staff adequately prepare for the transactions that may be requested to be processed," Tinchler added.

At the conclusion of each meeting, the Purchasing Division requests that the agency provide suggestions or comments relating to the procurement process in order to continuously seek improvements. The Purchasing Division provides the agency with a summary report of the upcoming transactions discussed as well as general information shared during the meeting.

THE BUYERS NETWORK

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Current Statewide Contract Update

(As of July 18, 2016)

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. For more information, please contact the buyer assigned to the specific statewide contract.

New Contracts

Contract	Vendor	Commodity	Effective Date
MPLS07E	Verizon Business	Multi-Protocol Label Switching & Service	07/01/16 - 12/31/16
SWC*02	Verizon Business	Telecommunications Transport	07/01/16 - 06/30/17
TEMP16A	WVARF	Temporary Staffing Services	07/15/16 - 07/14/17
TEMP16B	Kelly Services Inc.	Temporary Staffing Services	07/15/16 - 07/14/17
TEMP16C	Express Services Inc.	Temporary Staffing Services	07/15/16 - 07/14/17
TEMP16D	Saunders Staffing Inc.	Temporary Staffing Services	07/15/16 - 07/14/17
TEMP16E	22 nd Century Technologies Inc.	Temporary Staffing Services	07/15/16 - 07/14/17
TEMP16F	ADECCO USA Inc.	Temporary Staffing Services	07/15/16 - 07/14/17
TEMP16G	Manpower of WV Inc.	Temporary Staffing Services	07/15/16 - 07/14/17

Contract Extensions

Contract	Vendor	Commodity	Effective Date
FOOD12A	A F Wendling	Food Services	08/01/16 - 09/30/16

FOOD12B	US Foods	Food Services	08/01/16 - 09/30/16
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SWC*18	Iron Mountain Information Mgt.	Records Management	06/01/16 - 11/30/16
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Miscellaneous Actions

Contract	Vendor	Commodity	Description of Change
IP12	HP Inc.	Desktops, Laptops, Tablets	To update the e-catalog
WVARF15	WV Assoc of Rehab Facilities	Commodities and Services	To add new commodity line and pricing for P-Card purchases
FUELTT14AA	R T Rogers Oil Co. Inc.	Fuel Truck Transport	To reissue FUELTT14A

FOR MORE INFORMATION

Below is a list of Purchasing Division buyers assigned to specific state agencies.

BUYER	E-MAIL	PHONE
<i>Supervisors</i>		
Tara Lyle	Tara.L.Lyle@wv.gov	558-2544
Guy Nisbet	Guy.L.Nisbet@wv.gov	558-2596
Frank Whittaker	Frank.M.Whittaker@wv.gov	558-2316
<i>Senior Buyers</i>		
Mark Atkins	Mark.A.Atkins@wv.gov	558-2307
April Battle	April.E.Battle@wv.gov	558-0067
Jessica Chambers	Jessica.S.Chambers@wv.gov	558-0246
Michelle Childers	Michelle.L.Childers@wv.gov	558-2063
Misty Delong	Misty.M.Delong@wv.gov	558-8802
Stephanie Gale	Stephanie.L.Gale@wv.gov	558-8801
Linda Harper	Linda.B.Harper@wv.gov	558-0468
Melissa Pettrey	Melissa.K.Pettrey@wv.gov	558-0094
Crystal Rink	Crystal.G.Rink@wv.gov	558-2402
<i>Buyers</i>		
Charles Barnette	Charles.D.Barnette@wv.gov	558-2566

The Property Connection

The West Virginia State Agency for Surplus Property is proud to share that its quarterly newsletter is now available online. To view the most recent issue of *Property Connection*, visit: www.state.wv.us/admin/purchase/surplus/propertyconnection

THE PROPERTY Connection

A Publication of the West Virginia State Agency for Surplus Property

Second Quarter 2016 • Volume 32, Issue 2

Vehicle Purchases from WVSASP Help Enact Community Action Support Local WV Counties

Enact Community Action is a West Virginia Community Action Agency that offers a wide variety of services to low income residents of Clay, Boone, Fayette, Kanawha and Putnam Counties. When this agency was looking for items at a low cost, they approached the West Virginia State Agency for Surplus Property (WVSASP), which was pleased to help the organization serve the citizens of these counties. Enact Community Action has purchased many vehicles from WVSASP ranging from Chevy Malibus and Dodge Caravans to Dodge Nitros and Ford Escape in order to meet their needs. Enact is in full compliance with the Vehicle Management agreement with the West Virginia Department of Health and Human Resources.

Please see ENACT, Page 4

Enact Community Action offers a wide variety of services to low income residents. The organization has purchased many vehicles from WVSASP and is expected to be implemented this summer.

WVSASP to introduce its New Inventory System this Summer

While construction on the new warehouse and administrative building at the West Virginia State Agency for Surplus Property (WVSASP) may not be the highlight, there are many other improvements currently happening behind the scenes as well. A new inventory system has been procured by WVSASP and is expected to be implemented this summer. Customers visiting WVSASP will greatly benefit from the new inventory system. Currently, each time an individual makes a purchase from WVSASP his or her information must be entered into the existing computer system. The new inventory system will eliminate this process for returning customers by building a customer database with their contact information. When returning customers make a purchase, they will find the checkout and pricing process much easier. Customers are encouraged to visit the new website at www.wvstate.gov for more information.

Please see INVENTORY, Page 4