

# THE BUYERS NETWORK

MARCH 2022

VOL. 32, ISSUE 3

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

## Vendor Secured for Electronic Absentee Ballots

During the 2020 Legislative Session, Senate Bill 94 was passed to allow the use of electronic absentee ballots for individuals with physical disabilities. With the help of the Purchasing Division, the Secretary of State's Office recently awarded a contract that will allow for electronic ballots in all 55 counties.

"We have a lot of people who have disabilities that can't necessarily get out and go to the voting booths but they surely deserve to have their voices heard," said Gov. Jim Justice when signing the bill.

As with all digital offerings from the state, cyber security was an important factor to consider.

"The RFP included a substantially higher standard for cyber security and controls, developed from other federal critical infrastructure sectors," said General Counsel and Deputy Secretary of State Donald Kersey. "The security standards are the strictest that have ever been applied to electronic absentee ballot transmission in the history



Senate Bill 94 allowed the Secretary of State's Office to secure an electronic voting system for West Virginians with physical limitations.

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## Gov. Justice Proclaims March as Purchasing Month

Gov. Jim Justice has proclaimed March 2022 as Purchasing Month in West Virginia. This proclamation is part of an annual nationwide recognition initiated by the National Institute of Governmental Purchasing. The Purchasing Month proclamation highlights the initiatives that develop, support, and promote public procurement practitioners through educational and research programs.

"As the spender of taxpayer dollars, state procurement officers must maintain the public's trust, while still playing an integral role in the development of state government," said Purchasing Director Mike Sheets. "We are pleased the governor has again chosen to recognize the state's commitment to responsible public procurement. Our staff does tremendous work each year."

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**Annual Purchasing Division Open House Scheduled for May 3, 2022**

## 2022 Dates Announced for Annual Agency Purchasing Conference and Open House Events

It's hard to believe that we are two years into the COVID-19 pandemic, and while we still don't know what tomorrow holds, it is time for us to make some decisions regarding certain events hosted by the Purchasing Division that were historically held in person. As restrictions have slowly lifted, we realize that some individuals will continue to be as cautious as possible, avoiding large gatherings altogether, while others are ready to get back to some semblance of pre-COVID normalcy. This aptitude toward one tendency or the other will be the basis for planning events as we move forward.

Our largest in-person event historically has been our Agency Purchasing Conference, and this is the time of year that we typically begin planning for it. Prior to the start of the pandemic, we had signed an agreement with The Resort at Glade Springs to host our 2020 conference. Because everything was uncertain that year, we were forced to cancel the conference, and fortunately, the facility allowed us to postpone our dates by a year. In 2021, when the Delta variant hit, we were afforded the same opportunity to postpone another year, that time choosing to offer our conference virtually instead. The number of participants matched what we typically see at our in-person conferences, so we are certain a conference is warranted again this year.

Unfortunately, we are unable to postpone our conference with the facility this year without a cost to the state, so now we are tasked with how best to offer a conference that meets the needs of our agency partners while also considering the public health. Last month, we sent out a survey to assess whether individuals would attend a conference in person or virtually, and which they would choose if they could only choose one. Our initial idea was to host the conference in person with limited attendance, while offering a concurrent virtual option. Based on the feedback we received, we are pleased to see this is the best way to proceed. Of the responses received, 51% said they would prefer to attend the conference in person while 49% said they would prefer to attend the conference virtually.

Therefore, at this time, we plan to host a **2022 conference** in

person at **The Resort at Glade Springs in Daniels, WV, from August 24-26**, with a virtual option for individuals who wish to participate remotely. While there is still a lot of planning to be done, please note that the virtual option will be limited, with likely just one or two class options per time slot. We don't yet know which sessions will be streamed, but we will be sure to share that information once we know more. Please keep an eye out for additional information in the next few months regarding the conference via email and future newsletters.



Another event that we typically host in person is an annual Open House event. This event was canceled the previous two years. However, with the number of new procurement officers at the agency level, we felt it best to bring this event back this year in a limited format. This annual event, which will take place on **Tuesday, May 3, 2022, from 11:00 a.m. to 1:00 p.m.**, allows agency procurement officers the opportunity to meet with their assigned Purchasing Division buyer to discuss specific procurements, meet other Purchasing Division staff, and get to know their agency peers. This event is optional. Please note this year's event will not offer informational sessions or lunch, and masks will be optional. We'll share additional information on this event in next month's issue of *The Buyers Network*.

We look forward to slowly adding in-person events to our schedule and will continue to monitor local, state, and federal health guidelines as we do so. Should you have any questions about our training program, or these planned special events, feel free to contact us at [Purchasing.Training@wv.gov](mailto:Purchasing.Training@wv.gov).

## WVSASP Submits Commodity Report to Legislature

Twice a year, the West Virginia State Agency for Surplus Property (WVSASP) is required to submit a report to the West Virginia Legislature detailing all commodities sold to eligible organizations. This report, recently submitted pursuant to W. Va. Code § 5A-3-45, covered sales for the first half of Fiscal Year 2022.

From July 1, 2021, to December 31, 2021, WVSASP sold goods to 35 eligible organizations from 10 different counties. Eligible organizations include state agencies, municipalities, and non-profits. While office furniture was the most popular commodity sold during the six-month period, eligible organizations also purchased vehicles, flower

bulbs, laptop bags, and more.

A copy of this WVSASP legislative report, as well as other legislative reports submitted by the Purchasing Division, can be found on the Transparency section of the Purchasing Division's website at [www.state.wv.us/admin/purchase/LegisReports.html](http://www.state.wv.us/admin/purchase/LegisReports.html).

# Reminder: Domestic Entities Have Obligations to Secretary of State and Tax Department

Registering with the State of West Virginia is a significant step for any new business, and agency procurement officers familiar with that process can help point vendors in the right direction during the procurement process.

For most business types, the registration process, aside from that managed by the Purchasing Division, is shared by two agencies: the West Virginia Secretary of State's (WVSOS) Office and the Tax Department. A "domestic entity" is defined as a business formed under the laws of its home state. Any business formed under West Virginia law is considered "domestic" to the WVSOS and Tax Department. By comparison, a "foreign entity" is defined as a business originally formed under another state's laws.

"The first step involves submitting the company's name and formation documents to the West Virginia Secretary of State's office," said Business and Licensing Specialist Andrew Melone.

The role of the WVSOS is to maintain a record of all companies doing business in West Virginia. This record includes the address, officer information, business purpose, business type, and the history of those changes over the life of the business. Registering a business with the WVSOS creates that record and reserves the business's name.

A business's name must be distinguishable from every other active business in West Virginia. Having a distinguishable name prevents confusion and protects the reputation of the business. The WVSOS advises business owners to check availability of a business name before applying by either searching its Business Organization database at [sos.wv.gov](http://sos.wv.gov) or calling their office at 304.558.8000. Available business names may also be reserved for a period of time.

Once registered with the WVSOS, a business owner must apply for their business license through the Tax Department.

To do this, they first need to apply for a Federal Employer Identification Number (FEIN or EIN), which is free through the IRS website. Once they have been assigned an FEIN or EIN, they will then apply to the Tax Department for their West Virginia Business License. This license will provide the state tax ID number and must be on display at the place of business.

"There has never been a better time to open a business in West Virginia," said Secretary of State Mac Warner. "Registering a business and maintaining annual compliance has never been easier."

There may be additional steps, depending on the business type and if there are employees. A new business can register with both the WVSOS and the Tax Department at [business4.wv.gov](http://business4.wv.gov). Additional resources for any West Virginia business can be found at [wvbusinesslink.com](http://wvbusinesslink.com). To learn more about registration for foreign entities, see last month's issue of *The Buyers Network*.

## Purchasing Division Creates RFI Standard Template

The Purchasing Division has created a *Request for Information (RFI) Standard Template*, which is now available for agency use. An RFI is used as a market research tool for agencies needing additional information about a good or service before preparing specifications for a solicitation.

The template includes a standard outline that seeks general information, provides instructions for vendors, and gives details regarding the information being sought.

Please note that all RFIs must be issued by the Purchasing Division and cannot be used to make an award.

To view the *RFI Standard Template*, go to [www.state.wv.us/admin/purchase/forms.html](http://www.state.wv.us/admin/purchase/forms.html). Questions regarding the RFI process may be directed to your assigned Purchasing Division buyer.

## E-BALLOT VOTING

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of West Virginia.

"The goal is to ensure that, as technology evolves, the Secretary of State's Office requires election technology companies to continue raising the bar on the accessibility and security of their products and services," Kersey continued. "We must do all we can to protect our critical infrastructure and voter confidence in the integrity of our elections."

The vendor, Democracy Live Inc, will begin providing e-ballot services for the next scheduled primary election on May 10, 2022. Because this contract had to ensure service to each county in West Virginia, it will have a large impact on the lives of those living with disabilities. Senate Bill 94 also included language clarifying whether a voter with a physical disability can receive assistance to vote in certain circumstances.

The Purchasing Division is pleased to have assisted the Secretary of State's Office in obtaining a vendor to help fulfill the promise of improved voting access to those living with physical disabilities.

### STANDARDIZATION NOTICE Request for Information (Agency Name and RFI #)

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#### SECTION 1: GENERAL INFORMATION

##### 1.1. Introduction:

The [insert official title of state agency] ("Agency") is issuing this Standardization Notice to all vendors that have a desire to provide the Agency with [insert commodity being standardized]. Pursuant to W. Va. Code § SA-3-61, the Agency is permitted to standardize certain commodities and this Notice is intended to provide all interested parties with an opportunity to have their commodity evaluated for the potential standard. Once a standard has been established, the agency's future procurements for that commodity will be limited to the standard for the period of time identified in this document.

##### 1.2. Standardization Schedule of Events:

RFI Released to Public .....	See WVOASIS
Vendor's Written Questions Submission Deadline .....	XX/XX/XX
Pre-Evaluation Conference .....	XX/XX/XX
Addendum Issued .....	XX/XX/XX
RFI Opening Date .....	XX/XX/XX
Delivery of Commodity for Testing Deadline (Agency Option) .....	XX/XX/XX
Oral Presentation/Demonstration (Agency Option) .....	XX/XX/XX
Notice of Intent to Standardize Issued .....	XX/XX/XX

Revised 6/9/2018

# 8(a) Small Businesses Now Have Access to Federal Property Thanks to WVSASP

One of the many functions of the West Virginia State Agency for Surplus Property (WVSASP), which is overseen by the Purchasing Division, is to coordinate the donation of property retired by the federal government to eligible entities as part of the Federal Property and Administrative Services Act of 1949. While the WVSASP is known for providing federal property to state agencies and nonprofits, included within the list of eligible entities are small businesses that are registered with the U.S. Small Business Administration (SBA) 8(a) Business Development Program.

“WVSASP is pleased to coordinate the acquisition of federal property for 8(a) small businesses,” said WVSASP Manager Elizabeth Cooper.

“We want to support these West Virginia entities and give back to the state.”

According to the SBA, to qualify for the 8(a) program, a business must:

- Be considered a small business by the North American Industry Classification System
- Not have previously participated in the 8(a) program
- Be at least 51% owned and controlled by U.S. citizens who are socially and economically disadvantaged
- Have a personal net worth of \$750K or less, adjusted gross income of \$350K or less, and \$6 million or less in assets
- Demonstrate good character and potential to perform on contracts

Once a business has been enrolled in the 8(a) Business Development Program, they are invited to complete the *Application for Eligibility* with the WVSASP. The small business will then be issued a unique user ID to screen for available federal property. The *Application for Eligibility* and additional resources on how to screen for federal property are available on the WVSASP website at [WVSurplus.gov](http://WVSurplus.gov).



U.S. Small Business Administration  
**8(a) Certified**

## PURCHASING MONTH

Continued from Page 1

Among their accomplishments, the Purchasing Division completed the following during Fiscal Year 2021:

- Processed contracts that allowed for 39,101 transactions totaling of \$504,628,044.27
- Trained 157 high-level officials on the purchasing process and Purchasing Card program
- Entered into a terms' agreement with Amazon Business Prime on behalf of the state
- Earned the *Achievement in Excellence in Procurement* award from the National Procurement Institute

Additionally, Purchasing Division staff has continued to handle pandemic-related issues and supply chain disruptions, always mindful of the needs of the state as well as the principles of ethical procurement practices.

The Purchasing Division's mission is to:

- Provide valued services to its customers by making sound and effective decisions in accordance with state law
- Exercise prudent and fair spending practices in acquiring quality goods and services in a timely fashion at the lowest possible price
- Continually improve the services it offers to maximize the efficiency of state government
- Provide leadership and guidance to its customers – state agencies, vendors, legislators, and the general public – while building lasting business relationships

Purchasing Month has been recognized in West Virginia since 2011 and honors the integrity and professionalism of all state purchasers who are entrusted with the spending of tax dollars.

The official proclamation is on display at the Purchasing Division office in Building 15.



# Procurement Officers Invited to Submit New Items for Section 9 Consideration

While every effort should be made to obtain commodities and services through competitive procurement, the Purchasing Division recognizes there are rare instances when this is not possible. In accordance with W. Va. Code § 5A-3-10 and the Code of State Rules § 148-1-4.1, the Purchasing Director can establish a list of commodities and services that are considered impossible to procure through competitive bidding.

When procurement officers find a commodity or service they believe cannot be competitively bid, they are encouraged to use the *Section 9 (Impossible to Bid List) Addition Request Form (WV-67)* to report it to the Purchasing Division for review. In addition to this form, a written statement and justification as to why it is impossible to bid and why it should be included in Section 9 is required. Requests submitted to the Purchasing Division are reviewed on a yearly basis, and new addi-

tions are added at the beginning of each fiscal year on July 1.

Currently there are 28 commodities and services categorized as “Impossible to Bid” within Section 9 of the *Purchasing Division Procedures Handbook*. They include but are not limited to advertising, aviation fuel, postage, professional association dues, commodities obtained through the Federal Surplus Property Program, and copies of government documents/records obtained from the government. Procurement officers are reminded that, while Section 9 commodities and services may be purchased without advertisement or bidding, some items still require additional permissions such as when obtaining artwork and historical items.

The WV-67 is available on the Purchasing Division's website at [www.state.wv.us/admin/purchase/Documents/WV67\\_Section9NewExemp](http://www.state.wv.us/admin/purchase/Documents/WV67_Section9NewExemp)

[tionRequestForm.pdf](#). Once completed, the form should be submitted to Purchasing Director Mike Sheets at [William.M.Sheets@wv.gov](mailto:William.M.Sheets@wv.gov) and Assistant Purchasing Director Frank Whittaker at [Frank.M.Whittaker@wv.gov](mailto:Frank.M.Whittaker@wv.gov). Submissions for consideration are due by June 1 each year.

Questions regarding commodities or services included in Section 9 should be sent to the agency's designated procurement officer. If a procurement officer is unsure whether an item falls under Section 9, they may utilize the *Section 9 Applicability Opinion Request Form (WV-68)*. That form allows the agency to formally inquire about the Purchasing Division's opinion on whether a transaction is included on the Impossible to Bid list and can be accessed online at [www.state.wv.us/admin/purchase/Documents/WV68Section9ExemptionOpinionRequestForm.pdf](http://www.state.wv.us/admin/purchase/Documents/WV68Section9ExemptionOpinionRequestForm.pdf).

## Fixed Asset Coordinators Invited to Register for Upcoming Training

The West Virginia State Agency for Surplus Property (WVSASP) will be hosting its annual Agency Asset Coordinators training on April 7, 2022. While this webinar is not required, it is recommended by the WVSASP and is open to all fixed asset coordinators in the state.

“Each year, we offer specialized training to the state's fixed asset coordinators,” said WVSASP Manager Elizabeth Cooper. “We provide information to those who are new coordinators and those who have been managing their agency's fixed assets for years.”

The April webinar will cover the basic requirements of maintaining an agency's inventory, including the agency's responsibilities related to entry requirements for the *wvOASIS* Fixed Asset System, and proper retirement procedures. An overview of these procedures is available in the WVSASP's *Surplus Property Operations Manual* available at [WVSurplus.gov](http://WVSurplus.gov).

To register for this free training, fixed asset coordinators should visit [www.onlinelearning.wv.gov](http://www.onlinelearning.wv.gov) and search for code PUR305W.

Questions regarding this training should be sent to [Purchasing.Training@wv.gov](mailto:Purchasing.Training@wv.gov).



West Virginia State Agency  
for Surplus Property

[WVSurplus.gov](http://WVSurplus.gov)

### THE BUYERS NETWORK

Purchasing Division  
State Capitol Complex  
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Telephone: 304.558.2306  
8:15 a.m. to 4:30 p.m. (M-F)

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# Current Statewide Contract Update

(As of Feb. 16, 2022)

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 the buyer assigned to statewide contracts.

## New Contracts

Contract	Vendor	Commodity	Effective Date
AED22C	Stryker Sales Corporation	AED or hard paddles	01/15/22 -10/04/22
COMTRKRN22	EAN Holdings LLC	Commercial Truck Rental Services	02/01/22 -01/31/23
DIGCOP22	KOMAX LLC	Digital Copiers & Accessories	02/15/22 -02/14/23
FASTEN22	Grayson Industries	Misc. Fasteners	01/15/22 -01/14/23

## Contract Renewals

Contract	Vendor	Commodity	Effective Date
IP19	Dell	Computer Equip	01/15/22 -01/14/23

## Test Your Knowledge: True or False?

- (True/False)** In special circumstances, a Request for Information (RFI) can be used to award a contract.
- (True/False)** All vendors should be allowed an opportunity to participate in oral presentations even if they missed a mandatory requirement, given that the oral presentation may clarify the issue to such an extent that it becomes clear that a mandatory requirement was not missed.
- (True/False)** Before modifying a template on the Purchasing Division website, procurement officers need approval from their agency's assigned Purchasing Division buyer.
- (True/False)** It is the responsibility of an agency to confirm a vendor is registered within *wv*OASIS prior to making a purchase.
- (True/False)** Stringing is monitored for each 12-month fiscal year.

## Miscellaneous Actions

Contract	Vendor	Commodity	Description of Change
ESRI21	Environmental Syst. Research Institute Inc	Geographic Info System	To publish the updated pricing pages
IP19	Dell	Computer Equip	To replace the end-of-life machines

## 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
Linda Harper	Linda.B.Harper@wv.gov	558-0468
<i>Senior Buyers</i>		
Mark Atkins	Mark.A.Atkins@wv.gov	558-2307
Josh Hager	Joseph.E.Hageriii@wv.gov	558-8801
Jessica Hovanec	Jessica.L.Hovanec@wv.gov	558-2314
Crystal Hustead	Crystal.G.Hustead@wv.gov	558-2402
Melissa Pettrey	Melissa.K.Pettrey@wv.gov	558-0094
David Pauline	David.H.Pauline@wv.gov	558-0067
<i>Buyers</i>		
John Estep	John.W.Estep@wv.gov	558-2566
Toby Welch	Toby.L.Welch@wv.gov	558-8802

1. False | 2. True | 3. False | 4. True | 5. False