

WEST VIRGINIA PURCHASING

ANNOUNCEMENT

September 23, 2022

The Purchasing Division has published the following supplemental material to provide agency procurement officers more information regarding operations.

Asked and Answered: Purchasing Division Responds to Comments Submitted on Annual Conference "Idea Board"

At the 2022 Agency Purchasing Conference, attendees were invited to submit their questions and suggestions to an "Idea Board." From questions about current processes to ideas on possible legislative and procedural changes, this board provided an opportunity for discussion at the conference and for reflection on the procurement process. In the weeks since returning from the conference, Purchasing Division staff have been discussing and evaluating the submissions from the "Idea Board". Each question/statement has been published as it was written on the "Idea Board." Below you will find a response to each submission.

The Purchasing Division would like to thank each individual who participated in this process. If you have additional suggestions for legislative or procedural changes, please email Purchasing.Division@wv.gov.

LEGISLATIVE CHANGES AND CONCERNS

"Accept a vendor spend report in place of doing ADOs (as required in the terms & conditions)."

The Purchasing Division does not mandate the use of ADOs (See **Section 2: Definitions, Abbreviations and Acronyms** and **Section 3.2.4.4.** of the *Purchasing Division Procedures Handbook*). Delivery orders are considered a best practice, however, because they facilitate a three-way match among the order, receipt, and payment documents. A vendor spend report would not provide this same level of checks and balances.



"Exempt and Non-Exempt agencies can share contracts."

Great news! Cooperative contracting, which includes using another public entity's contract, is permitted under certain circumstances. To obtain approval to use this procurement method, agencies must submit the **Cooperative Purchasing (WV-40)** form to the Purchasing Division. When determining if a cooperative arrangement is appropriate, the Purchasing Division must consider various factors, including the scope, quantity, and award method of the original contract, as well as the requestor's intended scope and quantity.

"Revise 5-22 to reflect new bidding thresholds (from \$25-50k) to update need for bonds."

The Purchasing Division has requested permission to pursue this legislative change. That said, passage is far from assured, even if permission is obtained.

PROCEDURAL COMMENTS, QUESTIONS AND CHANGES

"Why do we do ADOs on contract items?"

The Purchasing Division does not mandate the use of ADOs (See **Section 2: Definitions, Abbreviations and Acronyms** and **Section 3.2.4.4.** of the *Purchasing Division Procedures Handbook*). Delivery orders are considered a best practice, however, because they facilitate a three-way match among order, receipt, and payment documents. Additionally, delivery orders allow the State to track spend against contracts.

"Allow 70/30 RFP score with any point deviation and not require prior approval."

The *Purchasing Division Procedures Handbook* was updated to allow the use of any number of points below 1,000 total points without prior approval, provided that a 70/30 ratio of technical points to cost points is maintained. Additionally, technical points can only be whole points and not decimals.

"RFQ/RFP submitted as an excel doc easier to manipulate/efficient."

The State is in the process of transitioning from Microsoft Excel to Google Sheets. Given that most vendors continue to use Microsoft Excel, and the conversion issues that we have seen in transitioning these files to Google Sheets and back, this would not be practical.

"Streamline vendor registration. Purchasing Finance>Business4WV (complicated for vendors)"

The Purchasing Division has streamlined the vendor registration process to a great extent with the changes resulting from House Bill 4499. In that bill, the requirements that vendors provide names and addresses for company owners and officers was eliminated, as well as the required banking reference.

Additionally, the Purchasing Division worked with the Secretary of State's Office to establish a direct point of contact for vendor registration issues with that office.

"Reduce duplication. Allow agencies to come together and bid on a contract together or utilize existing contracts. So much time gets wasted doing the same another agency just did."

Fortunately, this is possible now and has been done by several agencies. For example, the National Guard and Highways jointly bid for stone and aggregate.

Additionally, using another public entity's contract is permitted under certain circumstances. In order to obtain approval to use this procurement method, agencies must submit the **Cooperative Purchasing (WV-40)** form to the Purchasing Division. When determining if a cooperative arrangement is appropriate, the Purchasing Division must consider various factors, including the scope, quantity, and award method of the original contract, as well as the requestor's intended scope and quantity.

"Notify agencies if a SWC will not be renewed/rebid. Notify 90 days before to allow agencies to prepare for other procurement avenues. Buyers Network? Email? On website?"

Currently, the Purchasing Division notifies agencies through the **The Buyers Network** of new statewide contracts that are awarded. In the coming months, **The Buyers Network** will be modified to include information about upcoming expiring statewide contracts and how those contracts will be handled (i.e. rebid, terminated permanently, etc.). This should provide agencies with notice to bid agency-level contracts if needed.

"Use of Toyota to improve at agency level. Multi-agencies could be involved. Use of WVNIGP group to help promote."

Agency interest in this has been conveyed to TSSC "Toyota".

"An ability to have 'test Oasis' for new hires."

The Purchasing Division has referred this question to ERP (the agency responsible for wvOASIS) for response, and that agency has indicated it will explore the possibility.



"Why not put vendors on PNO or hold when they are debarred? Why print 5 pages to show it?"

Currently, the Purchasing Division puts a Prevent New Orders hold on debarred vendors that are in the wvOASIS system. Unfortunately, not all debarred vendors are in the system. That said, in response to this question, the Purchasing Division has developed a new award recommendation form that a procurement officer will sign certifying that the Secretary of State, Federal Debarment, and State Debarment have been manually verified and the vendor is in compliance. This form will eliminate the need to print a copy of the search results. The Purchasing Division is also in the process of developing an instructional reference guide on how to perform the various manual checks.

"Online RFP submissions. This can be done with multiple bid open ideas."

The RFP process requires that technical evaluations be completed without the influence of cost information. The wvOASIS system automatically makes technical proposals available to the evaluation committee when opened, and unfortunately, vendors include cost information in the technical evaluation frequently enough that prohibiting online responses was the best option to allow the Purchasing Division to review technical proposals for cost information prior to disseminating them to the evaluation committee. Disclosure of cost information to the evaluation committee prematurely requires a new evaluation committee to be convened in the best case, or a new solicitation in the worst case. Given these outcomes, prohibiting online responses is the most effective way to keep RFPs moving forward.

"Updated wv 88 form (Oasis) not FIMS"

The WV-88 form was discontinued a number of years ago in favor of the forms generated by wvOASIS. Agencies may, but are not required, to utilize the *Agency Delegated (WV-48)* form for delegated contracts.



"Why don't the vendors who are no longer valid in Oasis get deleted? Shouldn't have to sort through multiples to find the right one."

This question was directed to ERP for a response. At one time, it had a project underway to clean up the vendor file in wvOASIS. ERP responded as follows:

"[W]e had the project to change vendor status from Active to Discontinued for those vendors who had not had any activity over the life of wvOASIS our ultimate goal was to remove them. We need to research and test the supplied process to "archive" vendor/customers. We are not actively researching the vendor archive process. The short term solution of marking as Discontinued was an attempt to reduce the number of vendor entries for the user to consider i.e. don't consider the one with the Discontinued status."

"OT approval should not be required when renewing a contract."

It is the Purchasing Division's understanding that approval for renewal years can be obtained up-front in some circumstances. This question was referred to West Virginia Office of Technology (WVOT) for a more detailed explanation. WVOT provided the following response:

"Starting in 2019, Agencies do have the option to request preapproval for all years of a contract at the time of award; this negates the need to resend the renewals through at each subsequent year. If not requested at the award, the Agency can submit the request at any subsequent renewal for the remaining years. It should be noted that the WVOT reserves the right to approve or deny renewals for future years. If an agency is denied for all years and is required to submit renewals every year, it is because the WVOT is ensuring alignment with statewide strategic initiatives or to ensure the proposed solution is most efficient."

"All third party approvals should be built into statewide contracts."

As it relates to the statewide computer contract, this question was forwarded to WVOT for response. WVOT informed us that the third party approval prior to a purchase being made on the IP contract was requested by the Governor's Office. WVOT will inquire about the need to continue this practice on the next iteration of the IP contract. Any third party approval required by the Governor's Office (i.e. fleet purchases, financing, and others) will continue.

"Online RFI submission."

Great news! RFI responses can be received online.

"Add a bond rider template-form like the performance & labor and material payment forms (or work with AG to create)."

The Purchasing Division will pursue this and has reached out to the Attorney General's Office for approval of the concept as a first step.

"A centralized bid request for Chapter 30 licensure databases."

Great suggestion! The Purchasing Division would be happy to assist in this endeavor and has completed a similar cooperative style project with county schools. In order to move forward, the Purchasing Division would need a work group of three or more Boards willing to canvas the various boards to aggregate varying database needs, develop specifications, evaluate bid responses, etc. Those interested in forming a work group should contact Jessica Hovanec (Jessica.L.Hovanec@wv.gov) for discussion.

"Revise EOI and RFP spec. Templates. Schedule of events/dates almost always"...TBD." Don't know interview dates etc. up front."

The Purchasing Division modified the RFP template on July 1, 2021, to remove the schedule of events. That same change will now be made to the EOI template. If you are not seeing the most up-to-date RFP template, you should refresh your web browser or request a copy from the Purchasing Division.

"Publish guidelines of when a vendor is required to sign terms and conditions at the agency level. Is this determined at the agency level? (at \$5,000? When doing a po in Oasis?) (summary/guidelist)."

The *Standard Terms and Conditions* should be in every agency delegated contract above \$5,000 and in anything lower where a purchase order is issued. That said, there are circumstances where the State can include mandatory contract terms without the full set of terms and conditions. If an agency has questions about when and how to include terms and conditions on delegated procurements, they should first contact their attorney, and then contact the Purchasing Division.

"E-signature/digital signature management software. SWL."

Agencies are free to pursue contracts for e-signature services at the delegated or central level based on their spend amount. Any contract for such services would need to be with a vendor approved by WVOT and the Secretary of State pursuant to State law.

"Mini Module on bonds for agency at delegated level."

This is a great suggestion. The Purchasing Division is in the process of producing a mini training module on bonds. We'll share more on this once it is available!

"Why doesn't comm line and acctg line show up for all new reg's? We have to insert them."

It would seem that this is a wvOASIS system design issue/question. It was referred to ERP for response. ERP stated:

"Assuming the question is in regards to the first commodity and accounting line on an RQS document not automatically inserting, the system is currently configured to not automatically insert the first line in the commodity and accounting sections of the various documents. We have reached out to our software vendor to inquire if this is a configurable setting in the current version of the wvOASIS Financial application. We will follow up to the Purchasing Division with additional information once it is available to us."

"Why do we print Oasis SOS, SAM and debarred with Oasis should check it out for us."

Unfortunately, wvOASIS does not or cannot check a vendor's Secretary of State, Federal Debarment (SAM), or State Debarment status. There is an effort underway to get the Secretary of State and wvOASIS to establish a functional automated check, but it is not operational at the current time. Similarly, the SAM system check was functional until the Federal Government implemented a unique vendor identification number for each vendor in the SAM system earlier this year. On a positive note, in response to the question, the Purchasing Division has developed an award recommendation form that a procurement officer will sign certifying that the Secretary of State, Federal Debarment, and State Debarment statuses have been manually verified and the vendor is in compliance. This form eliminates the need to print copies of the search results. The Purchasing Division is also in the process of developing an instructional guide on how to perform the various manual checks.

