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CABINET SECRETARY

STATE OF WEST VIRGINIA  
**DEPARTMENT OF ADMINISTRATION**  
**PURCHASING DIVISION**  
2019 WASHINGTON STREET, EAST  
CHARLESTON, WEST VIRGINIA 25305-0130

**W. MICHAEL SHEETS**  
DIRECTOR

July 17, 2020

Kenneth Tyree, Fire Marshal  
West Virginia Fire Commission  
Office of the State Fire Marshal  
1207 Quarrier Street  
2<sup>nd</sup> Floor, Suite 202  
Charleston, West Virginia 25301

Dear Mr. Tyree:

This is to transmit the final copy of the Purchasing Review of the West Virginia Fire Commission Office of the State Fire Marshal. Should you feel a response is warranted; your comments will become part of the Inspection Report file.

A Corrective Action Plan will follow requesting your response to all of the compliance issues identified in this report.

Thank you for your cooperation and that of your staff during this review.

Respectfully,

A handwritten signature in blue ink, appearing to read "W. Michael Sheets".

W. Michael Sheets, CPPO  
Director  
West Virginia Purchasing Division

Enclosure

cc: Tina Desmond, Administrative Services Manager, West Virginia Fire Commission  
Jeff Sandy, Cabinet Secretary, Department of Military Affairs and Public Safety

# WV PURCHASING DIVISION INSPECTION REPORT

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*Department of Military Affairs and Public Safety*

*West Virginia Fire Commission*

FISCAL YEAR  
2019

## TABLE OF CONTENTS

1. <i>Introduction</i> .....	2
2. <i>Scope of Inspection</i> .....	3
3. <i>Inspection Summary</i> .....	4
4. <i>Findings Grid and Grading Sheet</i> .....	5
5. <i>Detailed Inspection Findings</i> .....	<i>Exhibit A</i>
6. <i>Comparison with Prior Inspections</i> .....	<i>Exhibit B</i>
7. <i>Agency Training Report</i> .....	<i>Exhibit C</i>

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## **INTRODUCTION**

The Purchasing Division is broadly charged with the development and oversight of the procurement functions of state spending units under its authority. That authority is found in Chapter 5A, Article 3 of the West Virginia Code, and Title 148, Series 1, of the West Virginia Code of State Rules. That mandate requires that the Purchasing Division “appoint inspectors to review and audit spending unit requests and purchases and other transactions and performance.” W. Va. CSR § 148-1-4.14. The Purchasing Division’s Inspection Services Unit performs this function by regularly conducting inspections of all spending units subject to Purchasing Division oversight.

The Purchasing Division Inspection Services Unit conducted an onsite inspection of the West Virginia Fire Commission for the period of July 1, 2018 – June 30, 2019. Notice of the inspection was provided on April 23, 2020, and the inspection commenced on May 28, 2020. The results of the inspection are contained within this report.

## SCOPE

The scope of the inspection was focused on determining whether the West Virginia Fire Commission's procurement transactions for the period of July 1, 2018 – June 30, 2019 were, in all material respects, in compliance with applicable provisions of the West Virginia Code, the Code of State Rules and the Purchasing Division Procedures Handbook in effect during that time period.

Inspectors utilized spending unit payment transactions to identify potential violations with a primary focus on those transactions processed at the spending unit level without Purchasing Division involvement. Those transactions included, but were not limited to, agency delegated procurements, Section 9 procurements, agency delivery orders, General Accounting Expenditure ("GAX") payments, and P-Card payments. Notwithstanding this general focus, however, Inspectors can review any transaction or internal procurement operating procedures that they deem relevant.

As noted above, the transaction review was conducted to ensure compliance with applicable provisions of the West Virginia Code, the Code of State Rules and the Purchasing Division Procedures Handbook. More specifically, the scope of the inspection included, but was not limited to, an examination to determine if any of the following infractions had been committed:

- (1) Failure to bid at central level (Stringing)[Required to be reported to the Legislature twice annually]
- (2) Internal resources not utilized,
- (3) Statewide contract not utilized,
- (4) Failure to bid at delegated level,
- (5) Vendor registration unverified and wrong vendor fee exemption code utilized
- (6) Failure to verify compliance checks
  - a. Unemployment
  - b. Workers' compensation
  - c. Vendor status with Secretary of State's office
  - d. Debarred vendor list
- (7) Failure to include notarized Purchasing Affidavit,
- (8) Failure to issue wvOASIS procurement award document,
- (9) Lack of compliance with fixed asset requirements (asset tags),
- (10) Failure to include Certification of Non-Conflict of Interest form,
- (11) Miscellaneous Issues
  - a. Improper award (Unjustified award to other than lowest responsible bidder meeting specifications),
  - b. Leases exceeding six months not processed centrally
  - c. Other as needed

## SUMMARY

During the period under review, the spending unit processed 1,329 procurement transactions with a value of \$717,989.86. (These amounts are approximate, subject to reporting limitations from wvOASIS (including possible data entry error) and errors caused by elimination of duplicate results). Of those transactions, the Inspector selected 54 for review which represents approximately 4% of the total. This inspection of 54 selected transactions yielded 30 findings associated with 14 of the selected transactions. This means that approximately 26% of the transactions reviewed had one or more instances of noncompliance with applicable provisions of the West Virginia Code, the Code of State Rules and the Purchasing Division Procedures Handbook. The findings are further illustrated in the attached Findings Grid and Grading Sheet.

The inspection also revealed that on 3 occasions, the spending unit failed to obtain competitive bids as required by the applicable dollar level of spend. That number is comprised of 0 instances of failing to bid at the central level (also known as stringing), and 3 instances of failing to bid at the delegated level. Any instances of failure to bid at the central level will be reported to the Legislature as required by the West Virginia Code.

Based on the findings contained in this report, the Purchasing Division recommends the spending unit work to improve any areas of noncompliance. Given that the agency received a score of 78% C on the inspection and there was a pattern of findings or one or more cases of stringing, the first step must be the completion of a Corrective Action Plan. A request for which will be provided to you after this inspection is finalized.

## Grading Sheet

### West Virginia Fire Commission FY2019 Statistics

Transactions Reviewed	54
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Non-Conformance Rate (See Summary Page)	26.0%
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Conformance Rate	74.0%
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#### Findings Summary

Finding Category	Number of Findings	Finding Percentage	Points possible	Points Received
Stringing	0	0.00%	30	30
Statewide Contract	2	3.70%	15	9
Internal Resources	0	0.00%	15	15
Failure to Bid	3	5.56%	15	9
Vendor Registration	0	0.00%	5	5
Verification Searches	10	18.52%	5	2
Affidavit	2	3.70%	5	4
wvOasis Award Document	3	5.56%	3	2.4
Asset Tag/Number	0	0.00%	3	3
Certification of Non-Conflict of Interest	7	12.96%	3	1.8
Miscellaneous Issue	3	5.56%	1	0.8
<b>Total</b>	<b>30</b>		<b>100</b>	<b>82</b>

#### Overall Agency Score

Non-Conformance & Findings Average	Overall Letter Grade
78.0%	C

#### Scale (See Weight Application\*)

91.66 -- 100 = A
83.33 -- 91.65 = B
75 -- 83.32 = C
66.66 -- 74.99 = D
<66.65 = F

The Finding Summary and Number of Findings does not directly correlate with the Transactions Reviewed and Non-Conformance Rate because each transaction can yield multiple findings, and findings like stringing can include multiple transactions in a single finding.

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## **EXHIBIT A: DETAILED INSPECTION FINDINGS**

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### **Issue 1: Failure to bid at central level (Stringing)**

**Authority:** W. Va. Code § 5A-3-10; Procedures Handbook Section 6

**Explanation:** State law mandates that the Purchasing Division competitively bid for the purchase of commodities and services estimated to exceed twenty-five thousand dollars. The law also prohibits a spending unit from issuing a series of requisitions or divide or plan procurements to circumvent this twenty-five thousand dollar threshold. The transactions listed below violated this legal mandate and will be reported to the West Virginia Legislature as required by law.

**Transactions in Violation: (0 Instances)**

**Purchasing Division Recommendation:**

1. The Purchasing Division recommends that the spending unit establish central contracts through the Purchasing Division for each of the items included above and any other commodities or services that will exceed \$25,000 in a rolling 12 month period.
2. The Purchasing Division recommends that the spending unit utilize wvOASIS to create reports that will allow the spending unit to track spend and determine when spending is closing to exceeding the \$25,000 limit.
3. The Purchasing Division recommends that the spending unit forecast future needs for its commodities and services to determine in advance what should be procured at the central level.
4. The Purchasing Division recommends that the spending unit's procurement officer participate in training on this topic offered by the Purchasing Division and ensure that all procurement staff understand how to comply with this requirement moving forward.



## **Issue 2: Internal Resource Not Utilized**

**Authority:** W. Va. Code §§ 25-7-5 and 5A-3-10; Procedures Handbook Section 3.6.1

**Explanation:** State law mandates that certain social welfare programs be utilized prior to a spending unit obtaining commodities and services in the open market. Those programs include the Sheltered Workshops established to assist disabled individuals in finding employment, and the Correctional Industries program that provides prison inmates with meaningful work. The transactions listed below should have been obtained from one of these programs, or a waiver should have been obtained. The inspection revealed that the transactions were outside of the internal programs and no waiver was granted.

**Transactions in Violation: (0 Instances)**

### **Purchasing Division Recommendation:**

1. The Purchasing Division recommends that the spending unit personnel become familiar with what is available from internal sources and either procure those commodities and services from internal sources or obtain a waiver from the Purchasing Division.
2. The Purchasing Division recommends that the spending unit's procurement officer participate in training on this topic offered by the Purchasing Division and ensure that all procurement staff understand how to comply with this requirement moving forward.

**Issue 3: Statewide Contract Not Utilized**

**Authority:** W. Va. CSR § 148-1-7.4.c.; Procedures Handbook Section 3.6.2

**Explanation:** The Purchasing Division has authority to establish contracts at a statewide level to secure economies of scale that would not be possible on an agency by agency basis. Once established, the Purchasing Division can mandate that spending units utilize those statewide contracts. For the transactions listed below, the spending unit has obtained the commodity or service in question outside of an available statewide contract without a valid waiver.

**Transactions in Violation: (2 Instances)**

<u>Date</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>	<u>Invoice</u>	<u>SW Contract</u>
03/26/19	Extinguishers	Airgas South	\$232.00	PRCC,19*83057	INDEQP
07/07/18	Surefire batteries	Galls	\$109.65	PRCC,19*03919	INDEQP

**Additional Detail:** The listed items were not purchased from the Statewide Contract and no waiver from the Purchasing Division was present.

**Purchasing Division Recommendation:**

1. The Purchasing Division recommends that the spending unit personnel become familiar with what is available from statewide contracts and either procure those commodities and services from statewide contracts or obtain a waiver from the Purchasing Division.
2. The Purchasing Division recommends that the spending unit's procurement officer participate in training on this topic offered by the Purchasing Division and ensure that all procurement staff understand how to comply with this requirement moving forward.

**Issue 4: Failure to bid at delegated level**

**Authority:** W. Va. Code § 5A-3-11(a); W. Va. CSR § 148-1-7.2; Procedures Handbook Section 5

**Total Transactions in Violation: (3 Instances)**

**Explanation:** The Purchasing Division has established competitive bidding requirements that spending units must follow when procuring commodities and services below \$25,000, and above \$2,500.01. For those transactions listed below, the spending unit has failed to obtain and document competitive bids as required.

**Transactions in Violation: (2 Instances)**

<u>Date</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>	<u>Invoice</u>
04/23/19	Vehicle partition	Galls	\$5,514.75	PRCC,19*94820
08/24/18	Charger and earpiece	Motorola Solutions Inc.	\$3,003.00	PRCC,19*06489

**Purchasing Division Recommendation:**

1. The Purchasing Division recommends that the spending unit follow the requirements associated with each delegated spending limit.
2. The Purchasing Division recommends that the spending unit utilize wvOASIS to create reports that will allow the spending unit to track spend and determine when spending is closing to exceeding spending limits.
3. The Purchasing Division recommends that the spending unit forecast future needs for its commodities and services to determine in advance what should be competitively bid at delegated verbal and written bid levels.
4. The Purchasing Division recommends that the spending unit's procurement officer participate in training on this topic offered by the Purchasing Division and ensure that all procurement staff understand how to comply with this requirement moving forward.

**Authority:** W. Va. Code § 5A-3-11(e); W. Va. CSR § 148-1-12.4.d; Procedures Handbook Section 6.2.1.7

**Explanation:** The Purchasing Division has established competitive bidding requirements that spending units must follow when procuring commodities and services below \$25,000, and above \$2,500.01. For the transaction listed below, the spending unit has failed to award to the lowest responsible bidder or bidders.

**Transactions in Violation: (1 Instance)**

<u>Date</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>	<u>Invoice</u>
04/16/19	Smoke alarms	State Elec Supply 127	\$8,250.00	PRCC,19*95597

**Additional Detail:** Although the agency received written bids for the transaction above, the agency failed to award to the lowest responsible bidder.

**Purchasing Division Recommendation:**

1. The Purchasing Division recommends that the spending unit follow the requirements associated with each delegated spending limit.
2. The Purchasing Division recommends that the spending unit properly evaluate and award to the lowest responsible bidder meeting specifications.
3. The Purchasing Division recommends that the spending unit forecast future needs for its commodities and services to determine in advance what should be competitively bid at delegated verbal and written bid levels.
4. The Purchasing Division recommends that the spending unit's procurement officer participate in training on this topic offered by the Purchasing Division and ensure that all procurement staff understand how to comply with this requirement moving forward.

## **Issue 5: Vendor Registration Unverified/Wrong Vendor Fee Exemption Code Utilized**

**Authority:** W. Va. CSR § 148-1-6.1; Procedures Handbook Section 4

**Explanation:** The agency must verify that the vendor is registered, and the registration fee paid, if applicable. The registration process includes having the proper disclosure of information in the wvOASIS vendor/customer account. Certain vendors are exempted from paying the vendor registration fee mandated by the authority referenced above. wvOASIS has created fee exemption codes that allow the spending unit to designate the appropriate exemption code on a transactional basis.

**Transactions in Violation: (0 Instances)**

### **Purchasing Division Recommendation:**

1. The Purchase Division recommends that the spending unit only utilize vendor fee exemption codes for transactions that would allow a vendor to avoid paying the vendor registration fee.
2. The Purchasing Division recommends that the spending unit's procurement officer participate in training on this topic offered by the Purchasing Division and ensure that all procurement staff understand how to comply with this requirement moving forward.
3. The Purchasing Division recommends that the spending unit contact the Vendor Registration section within the Purchasing Division if there is uncertainty about when and how to apply a vendor fee exemption code.

**Issue 6: Failure to Verify Compliance Checks**

**(Workers Comp, Unemployment, Sec. of State, Debarment)**

**Authority:** W. Va. CSR § 148-1-6.1.e.; Procedures Handbook Section 5.2.3.

**Explanation:** The authority cited above requires that a vendor be licensed and in good standing in accordance with all state and local laws and requirements by any state or local agency of West Virginia, including, but not limited to, the West Virginia Secretary of State's Office, the West Virginia Tax Department, West Virginia Insurance Commission, or other state agencies or political subdivisions prior to being awarded a contract. The mandated compliance checks were not included in the transactions listed below.

**Transactions in Violation: (10 Instances)**

<u>Date</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>	<u>Invoice</u>
08/02/18	Server	CBTS LLC	\$3,501.00	PRM,19*16500
06/28/19	Challenge coins	China Mapleleaf Industrial	\$7,002.00	PRC,20*01120
01/11/19	Sponsorship ad	Classifieds Edg Etn Gro	\$5,000.00	PRCC,19*50546
04/23/19	Vehicle partition	Galls	\$5,514.75	PRCC,19*94820
09/06/18	Software license	In 921docs.com	\$2,880.00	PRCC,19*20730
02/15/19	Glock guns	Markl Supply Co.	\$3,283.00	PRCC,19*70025
8/24/18	Charger & earpiece	Motorola Solutions Inc.	\$3,003.00	PRC,19*06489
11/01/18	Ammo	Mountaineer Custom Cartridge	\$2,520.00	PRC,19*09034
12/19/18	Fire code license	NFPA Natl Fire Protect	\$13,300.00	PRCC,19*50546
04/16/19	Smoke alarms	State Elec Supply 127	\$8,250.00	PRCC,19*95597

**Purchasing Division Recommendation:**

1. The Purchasing Division recommends that the spending unit perform all compliance checks mandated by the Handbook and properly document those compliance checks in the contract file.

2. The Purchasing Division recommends that the spending unit's procurement officer participate in training on this topic offered by the Purchasing Division and ensure that all procurement staff understand how to comply with this requirement moving forward.

**Issue 7: Purchasing Affidavit Not Included**

**Authority:** W. Va. Code §§ 5A-3-10a and 5-22-1; Procedures Handbook Section 5.2.3.

**Explanation:** West Virginia law has several restrictions against awarding a contract to a vendor that owes a debt to the State or its political subdivisions. The Purchasing Affidavit must be signed by the vendor prior to contract award to obtain assurance that the vendor is in compliance with the statutory mandates.

**Transactions in Violation: (2 Instances).**

<u>Date</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>	<u>Invoice</u>
11/01/18	Ammo	Mountaineer Custom Cartridge	\$2,520.00	PRC,19*09034

**Additional Detail:** Although the individual transaction listed above is for \$2,520.00, the agency issued an Agency Master Agreement.

<u>Date</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>	<u>Invoice</u>
12/19/18	Fire code license	NFPA Natl Fire Protect	\$13,300.00	PRCC,19*50546

**Purchasing Division Recommendation:**

1. The Purchasing Division recommends that the spending unit obtain a properly completed Purchasing Affidavit and maintain a copy in the contract file for all transactions exceeding \$5,000.01 (the threshold for obtaining written bids).
2. The Purchasing Division recommends that the spending unit's procurement officer participate in training on this topic offered by the Purchasing Division and ensure that all procurement staff understand how to comply with this requirement moving forward.



## Issue 8: wvOASIS Award Document Not Issued

**Authority:** Procedures Handbook Section 5.1.2

**Explanation:** The Purchasing Division Procedures Handbook requires that a procurement award document be issued for all purchases exceeding \$2,500 in value. This requirement ensures that the transaction is recorded in wvOASIS in a way that allows it to be easily identified and tracked and helps to prevent spending in violation of procurement laws, rules, and procedures.

### **Transactions in Violation: (3 Instances)**

<u>Date</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>	<u>Invoice</u>
01/11/19	Sponsorship ad	Classifieds Edg Etbn Gro	\$5,000.00	PRCC,19*50546
04/23/19	Vehicle partition	Galls	\$5,514.75	PRCC,19*94820
04/16/19	Smoke alarms	State Elec Supply 127	\$8,250.00	PRCC,19*95597

### **Purchasing Division Recommendation:**

1. The Purchasing Division recommends that the spending unit issue a purchase order through wvOASIS and maintain a copy in the contract file for all transactions exceeding \$2,500.01 (the threshold for obtaining verbal bids).
2. The Purchasing Division recommends that the spending unit's procurement officer participate in training on this topic offered by the Purchasing Division and ensure that all procurement staff understand how to comply with this requirement moving forward.

### **Issue 9: Asset Tag Not Affixed**

**Authority:** W. Va. Code § 5A-3-34; Surplus Property Operations Manual, Part II, Section 1.4

**Explanation:** The Surplus Property Operations Manual requires that all reportable assets must have a numbered identification tag affixed to the asset. Agencies are responsible for obtaining and placing the proper tags on the assets. This method of tagging assets helps to easily identify state assets during physical inspection and to guard against asset theft.

**Transactions in Violation: (0 Instances)**

#### **Purchasing Division Recommendation:**

1. The Purchasing Division recommends that the spending unit obtain a properly affix asset tags to all reportable assets. In conjunction with this, the spending unit must maintain accurate inventory records in wvOASIS.
2. The Purchasing Division recommends that the spending unit's procurement officer participate in training on this topic offered by the Purchasing Division and ensure that all procurement staff understand how to comply with this requirement moving forward.

**Issue 10: Cert. of Non-Conflict Not Included**

**Authority:** W. Va. Code §§ 5A-3-31 and 6B-2-5; Procedures Handbook Section 3.7.1.5.2

**Explanation:** The Purchasing Division requires all evaluators, advisors, and the agency procurement officer, despite the type of transaction, to sign a Certification of Non-Conflict of Interest form prior to contract award to ensure compliance with W. Va. Code § 5A-3-31 and § 6B-2-5 by affirming that they do not have a conflict of interest and did not communicate with the vendor during the solicitation, evaluation, and award period.

**Transactions in Violation: (7 Instances)**

<u>Date</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>	<u>Invoice</u>
01/11/19	Sponsorship ad	Classifieds Edg Etbn Gro	\$5,000.00	PRCC,19*50546
04/23/19	Vehicle partition	Galls	\$5,514.75	PRCC,19*94820
09/06/18	Software license	In 921docs.com	\$2,880.00	PRCC,19*20730
02/15/19	Glock guns	Markl Supply Co.	\$3,283.00	PRCC,19*70025
8/24/18	Charger & earpiece	Motorola Solutions Inc.	\$3,003.00	PRC,19*06489
12/19/18	Fire code license	NFPA Natl Fire Protect	\$13,300.00	PRCC,19*50546
04/16/19	Smoke alarms	State Elec Supply 127	\$8,250.00	PRCC,19*95597

**Purchasing Division Recommendation:**

1. The Purchasing Division recommends that the spending unit include a properly completed Certification of Non-Conflict of Interest form prior to contract award for all transactions exceeding \$2,500.01 and maintain a copy in the contract file.
2. The Purchasing Division recommends that the spending unit's procurement officer participate in training on this topic offered by the Purchasing Division and ensure that all procurement staff understand how to comply with this requirement moving forward.

## Issue 11: Miscellaneous

### **Total Transactions in Violation: (3 Instances)**

**Authority:** Procedures Handbook Section 3.7.1.2

**Explanation: (No Delivery Order Issued)** The Purchasing Division Procedures Handbook requires that a delivery order must be issued for all statewide contracts and agency open-end contracts unless otherwise stated in the contract ordering instructions. This requirement is a written order to the contractor against a master agreement authorizing quantities of commodities and/or services to be delivered all in accordance with the terms, conditions and prices stipulated in the original contract.

### **Transactions in Violation: (1 Instance)**

<u>Date</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>	<u>Invoice</u>
07/19/18	Office products	Officemax/officedept	\$1,225.01	PRCC,19*08592

**Additional Details:** The agency did not use an ADO when making a purchase from the applicable statewide contract.

### **Purchasing Division Recommendation:**

1. The Purchasing Division recommends that the agency should always refer to the ordering instructions, if present, on all open-end or statewide contracts for proper instructions prior to attempting to issue a delivery order.
2. The Purchasing Division recommends the agency process an Agency Delivery Order (ADO) directly to the vendor to obtain goods or services in the mount of \$250,000 or less from these contracts, unless ordering instructions contained in the contract require Purchasing Division approval.
3. The Purchasing Division recommends the agency process a delivery order on an existing Central Master Agreement (i.e. open-end contract) that exceeds \$250,000 as a *Central Delivery Order (CDO)*.
4. The Purchasing Division recommends that the spending unit's procurement officer participate in training on the topics listed herein that are offered by the Purchasing Division and ensure that all procurement staff understand how to comply with this requirement moving forward.

**Authority:** West Virginia Code Section 12-3-11

**Explanation: (Third-party Booking)** Section 2.9 of the State Travel Policy states “Travelers must use state contracts for travel services or deal directly with the service vendor. Third Party Booking sites shall not be used.”

**Transactions in Violation: (1 Instance)**

<u>Date</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>	<u>Invoice</u>
01/09/19	Hotel reservation	Hotels.com	\$992.28	PRCC,19*51664

**Additional Detail:** The agency personnel used Hotels.com, which is a third-party booking site. This is not in compliance with the State of West Virginia Travel Rules.

**Purchasing Division Recommendation:**

1. The Purchasing Division recommends that the spending unit utilizes state contracts for travel services or deal directly with the service vendor. No third-party booking sites are not to be used for state business related travel.
2. The Purchasing Division recommends that the spending unit’s procurement officer follow all rules stated in the State of West Virginia Travel Rules and ensures all staff utilizing travel through the state agency know and comply with said rules.
3. The Purchasing Division recommends that the spending unit’s procurement officer participate in training on the topics listed herein that are offered by the Purchasing Division and ensure that all procurement staff understand how to comply with this requirement moving forward.

**Authority:** W. Va. CSR § 148-1-6.4.c; Procedures Handbook Section 5.3.1.7

**Explanation: (Tie Bids)** When tie bids are received, the Director shall break the tie by allowing the tied vendors to make a final offer, flip a coin, draw of the cards, or any other method considered prudent by the Director. Breaking of tie bids has not been delegated to the agencies and must be handled by the Purchasing Division.

**Transactions in Violation: (1 Instance)**

<u>Date</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>	<u>Invoice</u>
04/16/19	Smoke alarms	State Elec Supply 127	\$8,250.00	PRCC,19*95597

**Additional Detail:** The agency procurement officer had two vendors that had the same bid quote amounts. The procurement officer awarded to State Electric Supply but did not notice they quoted 50 fire alarms less than the other vendor.

**Purchasing Division Recommendation:**

1. The Purchasing Division recommends that when tie bids are received, the Purchasing Director shall break the tie.
2. The Purchasing Division recommends that the spending unit's procurement officer participate in training on the topics listed herein that are offered by the Purchasing Division and ensure that all procurement staff understand how to comply with this requirement moving forward.

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## EXHIBIT B: COMPARISON WITH PRIOR INSPECTIONS

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A previous inspection of the West Virginia Fire Commission was conducted in July of 2016. The review consisted of 23 selected transactions from an approximate 575 total transactions from July 1, 2014 through June 30, 2015. This review resulted in 6 findings associated with 3 of the selected transactions. This indicated that 13% of the transactions reviewed during the inspection had one or more problems of potential nonconformity with Purchasing Division laws, rules, and/or regulations. When comparing the statistics from 2015 to the current 2019 inspection, below is a summary of the issues identified during the 2015 inspection, as compared to the findings from the current inspection.

<b>Summary of Problem Transactions</b>		
<b><i>Findings</i></b>	<b>2015</b>	<b>2019</b>
Failure to Bid at Central Level (Stringing)	0	0
Internal Resources not utilized	1	0
Statewide Contract not utilized	0	2
Failure to Bid at Delegated Level	1	3
Vendor Registration unverified/wrong Fee Code	0	0
Failure to verify Compliance Checks	0	10
Purchasing Affidavit not included	2	2
wvOasis Award Document not issued	0	2
Asset Tag/Number not affixed	1	0
Cert. of Non-Conflict of Interest not included	1	7
Miscellaneous Issue	0	3
<b><i>Total</i></b>	<b>6</b>	<b>30</b>

There are multiple training resources available from the Purchasing Division in-house training program, as well as, through on-line training modules. These training resources would assist in educating procurement staff in purchasing procedures/requirements. Additional information can be obtained by contacting Samantha Knapp, Staff Development Specialist, at (304) 558-7022 or by visiting the Purchasing Division's website <http://www.state.wv.us/admin/purchase/training/default.html>.

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## EXHIBIT C: AGENCY TRAINING REPORT

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**Importance of Training:** The Purchasing Division has found that training in procurement significantly improves the ability of the spending unit to comply with applicable provisions of the West Virginia Code, the Code of State Rules and the Purchasing Division Procedures Handbook.

**Statutory Requirements:**

- W. Va. Code § 5A-3-60 requires that All executive department secretaries, commissioners, deputy commissioners, assistant commissioners, directors, deputy directors, assistant directors, department heads, deputy department heads and assistant department heads are hereby required to take two hours of training on purchasing procedures and purchasing cards annually.
- W. Va. CSR § 148-1-3.2 mandates that all designated procurement officers receive 10 hours of procurement training annually.

**Available Training:** The Purchasing Division has implemented a very robust training program that is available to all procurement officers subject to Purchasing Division oversight. That training includes:

- Online Modules
- Webinars
- Live Training Sessions
- Annual conferences
- Basic and Advanced Procurement Certification Programs
- Agency Specific Targeted Training

**Training:** The Purchasing Division records indicate that during the inspection period the following individuals within the spending unit have obtained training as shown below:

**Individual Name:**

**Courtney Aston**  
Attended 11 workshops (11 available)

**Melissa Hapney**  
Attended 11 workshops (11 available)



**Purchasing Division Recommendations:**

The Purchasing Division recommends that all procurement officers, regardless of their status as designated or undelegated, participate in at least 10 hours of training annually and that all officials subject to the training requirements in W. Va. Code § 5A-3-60 take the required 2 hours of Purchasing and P-Card Training.