

# THE BUYERS NETWORK

SEPTEMBER 2008 - VOL. 18, ISSUE 9

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

## 2008 Agency Purchasing Conference

### Beginners Track to Help Novice Purchasers

With the 2008 Agency Purchasing Conference getting closer, beginners to procurement can look forward to a special track of classes designed to teach the fundamentals of state procurement.

The conference is scheduled for Tuesday, October 14, through Friday, October 17, at Canaan Valley Resort & Conference Center in Davis.

The six classes are strongly encouraged for procurement officers with two years or less of state purchasing experience, to gain the general knowledge of the state purchasing process, procedures and statutory/regulatory requirements.

The classes are:

**Vendor Registration:** This class will take you through the steps of registering vendors with the Purchasing Division.

**Basic Purchasing:** Basic Purchasing will cover the fundamentals of the procurement process. The 10 steps of purchasing will be discussed as well as an overview of basic rules and regulations relating to the levels of purchasing authority.

**Statewide Contracts:** This workshop will provide an overview of statewide contracts and explain their usage. Vendor issues relating to these contracts will also be discussed.

**Request for Quotation:** The Request for Quotation (RFQ) workshop will walk you through the RFQ process. Topics

include: RFQ advertisement, bid evaluation, issuing purchase orders and more.

#### Evaluation and Award

**Process:** This workshop will discuss the process of examining all offers, after the bid opening, in order to determine the bidder's responsibility, responsiveness to requirements, conformance to specifications, and other characteristics important to the recommendation or selection for award.

#### Process Checklist:

This class will examine several checklists created to help agency personnel navigate the necessary steps of the various transactions related to purchasing.

When you register for this year's conference, simply register for all workshops that begin with "BEGINNER'S TRACK," which span from Tuesday, October 14 through Wednesday, October 15.

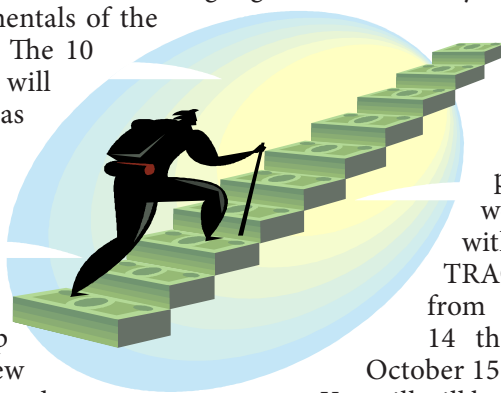
You will still have six (6) remaining workshop sessions on Thursday, October 16 and Friday, October 17, from which you may choose based on your interests and needs.

Deadlines for nominations in the **Agency Procurement Officer of the Year** and the **Partner in Purchasing** and the **Agency Procurement Officer of the Year**

awards is Friday, Sept. 5, 2008. For entry details, visit

the Purchasing Division Intranet site at: [http://](http://intranet.state.wv.us/admin/purchase/Recognition/default.html)

[intranet.state.wv.us/admin/purchase/Recognition/default.html](http://intranet.state.wv.us/admin/purchase/Recognition/default.html)



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# THE PURCHASING DIRECTOR'S COMMENTS

## Savings Realized From Innovative Techniques

By Dave Tincher  
State Purchasing Director

During recent legislative reform initiatives of the state purchasing process, changes have been made to the *West Virginia Code* and the *Code of State Rules*, which allow the Purchasing Division to use more innovative ways to procure products and services on behalf of state agencies. Some of those techniques include multi-state contracting, negotiation and discussion and final offers.

Many of these techniques are resulting in instant savings to the state. For example, the Purchasing Division has piggybacked on a contract that the Western States Contracting Alliance

(WSCA) had issued with W. W. Grainger Incorporated for industrial supplies and equipment. This contract may be found on our Web site at: <http://www.state.wv.us/admin/purchase/piggyback/PBKINDEQP.htm>

Incorporated in the contract is a quarterly rebate which is offered to the Purchasing Division from the use of this multi-state contract from various state agencies and political subdivisions. Thus far, a total of \$15,916.40 has been received and has placed in the state's General Revenue Fund.

The Purchasing Division has approved several contracts which state



agencies may piggyback that would result in additional savings to their organization. For a list of piggyback contracts approved by the Purchasing Division, visit <http://www.state.wv.us/admin/purchase/piggyback/default.htm>.

Not only have these contracts been reviewed for cost-effectiveness, but they also save time in acquiring necessary products and services. As with statewide contracts, the piggyback contracts may be used directly, without soliciting bids, evaluating the bids and making a contract award. All of this work has already been completed for the agencies.

The Purchasing Division is pleased to continue pursuing ways to enhance the efficiency of the state procurement process, often resulting in savings to West Virginia taxpayers.

## New Drug-Free Workplace Act Requires Changes to the Purchasing Affidavit and Contractual Terms, Conditions

Effective July 1, 2008, the Purchasing Division, in compliance with recent legislation, revised the *Purchasing Affidavit* and the general terms and conditions for requests for quotations and purchase orders.

In addition, a request from the Attorney General's Office regarding language relating to antitrust was received and the appropriate language has been addressed in the revised *Purchasing Affidavit*.

Below details these changes:

### Public Improvement Contracts - Drug-Free Workplace Act

"*West Virginia Code* §21-1D-5 addresses public improvement contracts and the Drug-Free Workplace Act. Accordingly, the Code provides that: Any solicitation for a public improvement construction contract shall require each vendor that submits a bid for the work to submit at the same time an affidavit that the vendor has a written plan for a drug-free workplace policy in compliance with Article 1D, Chapter 21 of the *West Virginia Code*. A public improvement construction contract may not be awarded to a vendor who does not have a written

plan for a drug-free workplace policy in compliance with Article 1D, Chapter 21 of the *West Virginia Code* and who has not submitted that plan to the appropriate contracting authority in timely fashion. For a vendor who is a subcontractor, compliance with Section 5, Article 1D, Chapter 21 of the *West Virginia Code* may take place before their work on the public improvement is begun."

This language is included in the *Purchasing Affidavit* and the general terms and conditions.

### Antitrust

In addition, antitrust language has been added per request by the Attorney General's Office, stating that:

"In submitting a bid to any agency for the state of West Virginia, the bidder offers and agrees that if the bid is accepted the bidder will convey, sell, assign or transfer to the state of West Virginia all rights, title and interest in and to all causes of action it may now or hereafter acquire under the antitrust laws of the United States and the state of West Virginia for price fixing and/or unreasonable restraints of trade relating to the particular commodities or ser-

vices purchased or acquired by the state of West Virginia. Such assignment shall be made and become effective at the time the purchasing agency tenders the initial payment to the bidder.

"I certify that this bid is made without prior understanding, agreement, or connection with any corporation, firm, limited liability company, partnership or person or entity submitting a bid for the same materials, supplies, equipment or services and is in all respects fair and without collusion or fraud. I further certify that I am authorized to sign the certification on behalf of the bidder or this bid."

This language is included in the *Purchasing Affidavit*.

All forms may be accessed at the Purchasing Division's Intranet Web site at <http://intranet.state.wv.us/admin/purchase>.

To view the revised General Terms and Conditions, please access: <http://www.state.wv.us/admin/purchase/vrc/POTandC.pdf> for purchase orders and <http://www.state.wv.us/admin/purchase/vrc/RFQandC.pdf> for requests for quotations.

# Terradon Communications Offers State Agencies Technological Services For Projects ITECH07

In 1998, the Terradon Corporation in Nitro decided to add a communication division to its company which specializes in engineering services. The communications staff quickly became an efficient and successful operation in internal and external projects to the point that in 2001, the Terradon Communication Group LLC (TCG) was formed with six full-time employees. TCG was its own company and ready to build on its budding talent and successes.

Seven years and more than 200 local, national and international customers later, TCG has 13 fulltime employees and state agencies are a beneficiary of the company's expertise.

Terradon is a statewide vendor on the ITECH07 contract which is to provide technological services for projects to all state agencies and political subdivisions. Terradon has been doing business with the state for seven years.

"The Terradon Communication Group has always taken great pride in understanding the customers' needs before offering a solution and a budget," said Ryan Wheeler, contract specialist for TCG.



As a statewide vendor, TCG provides expertise, research and consulting information on programming and

Web application projects. State agencies needing services from the ITECH07 contract coordinate their needs through the Office of Technology through a secondary bidding process. The Office of Technology process the final bidding process.

Currently, TCG is assisting in giving some state agencies a new Web look.

"The West Virginia Department of Commerce is working with Terradon Communications on the upcoming re-

launch of the tourism and development office Web sites in fall 2008," said Kim Harbour, director of communications for the Department of Commerce. "The new application will help Commerce cross promote and market West Virginia to travelers, businesses and residents. It also will feed select Commerce content directly into the state portal: <http://www.wv.gov>.

Overall, TCG specializes in Web site applications, transcription software services, data forensics and content management software.

For more information, contact:

Ryan Wheeler, contract specialist  
P.O. Box 338  
Nitro, WV 2514

304-755-9203

[Ryan.Wheeler@terradon.com](mailto:Ryan.Wheeler@terradon.com)  
[www.typeconnectgo.com](http://www.typeconnectgo.com)

*In each issue of The Buyers Network, the Purchasing Division will highlight one of our statewide contractors. Providing information about the company and the products offered on the statewide contract, this feature will help familiarize our agency purchasers with our business partners.*

*West Virginia Code, §5A-3-5, authorizes the Purchasing Director to promulgate and adopt standard specifications based on scientific and technical data for appropriate commodities and services. This establishes the quality to which commodities and services to be contracted for, by the state must conform. These standard specifications are used to establish statewide contracts for commodities needed on a repetitive basis. No agency may be exempt from using statewide contracts without prior written approval from the Purchasing Director.*



## Serving time ... for a Good Cause

Three Purchasing Division employees were recently "jailed," but it was for a worthy cause. From left, Carol Jarrett, Willadean Fisher and Sandy Joyce were put behind bars as part of a fundraiser for an area charity. The three collected more than \$700 for the charitable cause. The Purchasing Division salutes the three employees for their public service outside of the workplace.

## Procurement Officer Profile...

### Moorman Won't Take 'No' For An Answer in Transportation

In managing procurement for the 10 districts and a variety of other divisions, including the State Rail Authority, the Division of Public Transit and the Division of Motor Vehicles, Administrative Services Assistant Angie Moorman says the Department of Transportation offers a wide umbrella of services. But whether it is buying road salt or heavy equipment, Moorman credits persistence and her own curiosity for her 32 years at the DOT.

"I try to help everybody," she said. "We are a public service to everybody, and I do not feel that 'no' is in the vocabulary of our department."

Moorman began working as a custodian for the state in 1976, cleaning Building 5, the home of the Department of Transportation, while going to vocational school. She applied for a clerk/typist position in DOT in 1977, and began her "on the job" training, she said.

"I just listened and learned," she said. "I was never afraid to ask a question."

She said after her years on the job, now she finds herself in more of an instructional position when procurement agents need advice or a question answered. In addition, she said DOT contracts are frequently piggybacked by municipalities, such as the city of Charleston, as well as other state agencies.

"We do get a lot of interest from other agencies," Moorman said. "We get questions on specifications. We are here to help."

But Moorman also admits that she



**As procurement officer for the Department of Transportation, Angie Moorman manages purchasing for 10 districts and a variety of divisions under the DOT umbrella.**

is far from an expert in the numerous areas she deals with in purchasing, so she happily refers to more experienced minds, allowing her to focus on purchasing regulations itself.

"When you are dealing with so many different people, and with the changes that may occur in how we buy things, you have to filter that information down to everyone. But ultimately they are the experts," she said. "I am just there to help them get there."

Moorman said changes in the pur-

chasing code in recent years, such as the increase in the dollar limits, has made things more convenient. "We can do things quicker when you deal with the vendors," she said.

There is certainly no common purchase for the Department of Transportation, Moorman said, with items ranging from salt and consultants to heavy equipment.

"We buy everything you can think of," she said. "And frankly nothing seems to amaze me anymore."

## CONFERENCE

Continued from Page 1

In addition will be this year's highly anticipated game show, "Wheel of Misfortune."

Again hosted by Senior Buyer Chuck Bowman, the game show will be part of our group luncheon scheduled for Thursday, October 16.

Participants may register for the conference at <http://www.state.wv.us/>

[admin/purchase/conference/agency/2008/RegForm.htm](http://www.state.wv.us/admin/purchase/conference/agency/2008/RegForm.htm).

The registration fee is \$200 per participant, which covers materials, group meals, administrative costs and attendance to all workshop sessions.

Payment may be made at the conference using the State Travel Card or

the State Purchasing Card. In addition, participants may choose to process their invoice after the conference and issue payment.

For additional information, contact Brian Holmes ([Brian.J.Holmes@wv.gov](mailto:Brian.J.Holmes@wv.gov)); Diane Holley ([Diane.M.Holley@wv.gov](mailto:Diane.M.Holley@wv.gov)); or Debbie Watkins ([Debbie.A.Watkins@wv.gov](mailto:Debbie.A.Watkins@wv.gov)).

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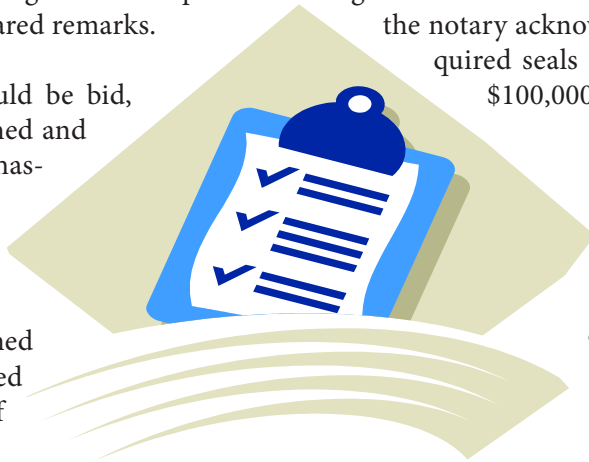
# Attorney General's Office Shares Helpful Checklist for State Procurement Officers

Deputy Attorney General Dawn E. Warfield recently shared the following with the Purchasing Division. A series of legal issues for procurement officers to review, the following is an excerpt from Warfield's prepared remarks.

1. The contract should be bid, or justification attached and approved by Purchasing showing bidding was not possible (i.e., sole source or an emergency). Vendor's original, signed bid should be attached or a certified copy of the original on file.
2. Requests for Proposals should have score sheets from the evaluating committee showing point totals and include a written recommendation for contract award.
3. The contract or change order must be signed by an authorized signatory for the vendor and agency. Original, photocopied, faxed or scanned (PDF) signatures are accepted. The purchase order or change order must be signed by the Purchasing Division.
4. All blanks should be filled in. Deletions or changes should be initialed by all persons who signed the document.
5. Costs and date(s) of service must be shown. If dates of service extend beyond June 30, the contract will be stamped "approved for one fiscal year."
6. If insurance is required, the contract should specify the types and amounts of coverage needed. A certificate of insurance must be attached naming the agency as the holder, and agreeing to give notice of cancellation. Check effective dates of policy and verify the

required amount is in effect. A binder or declarations page is not sufficient.

7. If performance and payments bonds are required, they must be in the full amount of the contract, on forms prescribed by the Purchasing Division. Check signatures and dates on bonds against contract date and dates shown on the notary acknowledgments and power of attorney. Verify that required seals are in place. Letters of credit are accepted under \$100,000 on Purchasing Division forms.



8. Workers' compensation coverage may be proven to be a certificate of good standing for the quarterly period covering the beginning date of the contract.
9. A "No Debt Affidavit" must be included for all contracts. If it is not part of the purchase order, please tag it so we can find it quickly.

10. If a *WV-96 Agreement Addendum* is needed, the vendor must sign it without exceptions. Do not permit alterations to the WV-96 without the express written approval of the Attorney General and Purchasing Division counsel. When in doubt, check with us before saying an altered WV-96.

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## Clarifications Made to the Contract Management Program

Contract management was established by the West Virginia Purchasing Division to review contracts which have a value of \$1 million or more with the exception of government construction contracts which are exempt by law. Contract management stipulations are set in *West Virginia Code* §5A-3-9 and *Legislative Rule* 148-1-7.13 and became effective for contracts awarded on or after July 1, 2007.

One provision of the contract management program is that the agency is required to send monitoring, activity and status reports to the Purchasing Division no less frequently than every other month until the contract is closed out with final acceptance.

For certain contracts, a clarification was recently set forth by the Purchasing Division. While the Legislative Rule covers both commodity and service contracts, if the contracts are for commodities and there have been no further purchases or contractually required actions for either party during the reporting period, the agency may submit the signed and dated reports with a notation of "No Activity." Agencies must continue to send reports as scheduled, even if "no activity" needs to be cited again.

For questions about contract management, contact Contract Manager at [w.michael.sheets@wv.gov](mailto:w.michael.sheets@wv.gov) or 558-5780.

## Mandatory Contracts: Be Sure to Look at Internal Resources First Before Bidding

Once a determination is made to procure commodities or services, agencies are reminded to first check mandatory contracts defined in the *West Virginia Code* before engaging in the competitive bid process.

The mandatory contracts which need checked include statewide contract or agency open-end contracts existing for the commodity or service.

The internal resources consist of the West Virginia State Agency for Surplus Property (WVSASP), West Virginia Correctional Industries, and the state use programs (sheltered workshops). Section 4 of the Purchasing Division Procedure Handbook outlines these mandatory contracts and internal resources which must be considered during your acquisition planning.

WVSASP operates a state and federal surplus property program. This state program makes available property no longer needed within state government agencies to eligible public and nonprofit organizations.

In addition to the state program, WVSASP administers a federal property program, acting as a clearinghouse by acquiring new and used equipment at reduced costs for eligible organizations.

Correctional Industries offer a wide variety of products and services to state agencies. In accordance with *West Virginia Code* §28-5B-4, all offices, departments, institutions and agencies of the state shall purchase products manufactured by Correctional Industries unless exempted as provided in the Code.

For specific information on available commodities and services, contact Correctional Industries at 304-558-6054 or visit [www.wvcorrectionalindustries.com](http://www.wvcorrectionalindustries.com).

All state agencies are required by *West Virginia Code* §5A-3-10, to purchase commodities and services from sheltered workshops, whenever such commodities and services are available and meet quality and price standards comparable to open-market sources.

Use of sheltered workshops does not require bidding for commodities and services included in the West Virginia Association of Rehabilitative Facilities (WVARF) statewide contract. Commodities and services not included in the WVARF statewide contract require competitive bidding.

If WVARF is unable to provide the requested commodities and services, a written notice will be provided by WVARF advising the agency that its request is unable to be met at that time and competition may be sought in accordance with the state purchasing procedures.

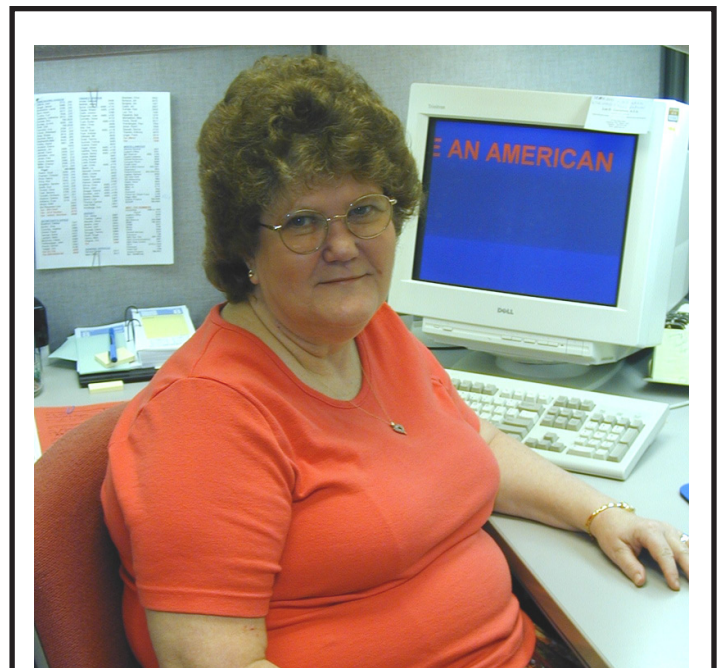
For specific information on the sheltered workshops or the available commodities and services, contact WVARF at 304-766-4894, or visit [www.state.wv.us/admin/purchase/swc](http://www.state.wv.us/admin/purchase/swc).

*West Virginia Code* §5A-3-5, authorizes the Purchasing Director to promulgate and adopt standard specifications based on scientific and technical data for appropriate commodities and services.

These specifications establish the quality which such commodities and services must conform when contracted for the state. These standard specifications are used to establish statewide contracts for commodities that are needed on a repetitive basis and are established for the benefit of state spending units.

No agency may be exempt from using statewide contracts without prior written approval from the Purchasing Director.

For additional information, contact your assigned buyer with the Purchasing Division.



**The Purchasing Division extends its best wishes to Joan Adkins who retired from our agency on July 31st. Joan worked for the Purchasing Division for more than 20 years, serving as an office assistant in our imaging and retention office, which involved indexing, scanning and archiving the division's official records. Joan was honored as Employee of the Month for the Department of Administration in March of 2002.**

# Current Statewide Contract Update

(As of August 15, 2008)

This page includes a listing of current changes made to statewide contracts issued by the Purchasing Division. Information and dates listed in this **Current Statewide Contract Update** are subject to change. All statewide contracts are available online at <http://www.state.wv.us/admin/purchase/swc>. For more information, please contact Senior Buyer **Jo Ann Adkins** at (304) 558-8802 or via e-mail at [Jo.A.Adkins@wv.gov](mailto:Jo.A.Adkins@wv.gov).

## Contracts Out for bid:

Contract	Description	Pre-Bid Meeting	Bid Opening
IP08	Computers	06/19/200	08/19/2008
LAUNDRY09	Laundry materials, dispensing equipment and technical services	N/A	08/26/2008
X-RAY09	X-ray film, chemicals and dry media	N/A	09/04/2008

## Contracts Awarded:

Contract	Description	Vendor	Dates
SBUS08CA (REISSUE OF SBUS08C)	School bus chassis, bodies and intregal units	BWAB International LLC.	12/01/2007-11/30/2008

## Under Evaluation:

Contract	Description	Bid Opening	Under Eval
FASTEN08	Fasteners and fastening devices	07/22/08	Yes
LAWN09	Lawn equipment	07/23/08	Yes

## Contract Renewals:

Contract	Vendor	Description	Date
DCBATT07	WV Electric Supply Company	Dry cell batteries	09/15/2008-09/14/2009
DEBT07G	NCO Financial Systems Inc.	Debt collection service	07/15/2008-07/14/2009
ITECH06D	Arnett & Foster PLLC	Technical support	09/01/2008-08/31/2009
ITECH06E	CDI Business Solutions	Technical support	09/01/2008-08/31/2009
ITECH06F	Ciber Inc	Technical support	09/01/2008-08/31/2009
ITECH06G	Contact Pointe	Technical support	09/01/2008-08/31/2009
ITECH06I	Dream Catcher LLC	Technical support	09/01/2008-08/31/2009
ITECH06J	EBridge Consulting LLC	Technical support	09/01/2008-08/31/2009
ITECH06L	Fenwick Technologies Inc	Technical support	09/01/2008-08/31/2009
ITECH06M	Global Science & Technology	Technical support	09/01/2008-08/31/2009
ITECH06O	Mantech Enterprise Integration	Technical support	09/01/2008-08/31/2009
ITECH06Q	PCC Technology Group	Technical support	09/01/2008-08/31/2009
ITECH06R	Pomeroy Computer Resources	Technical support	09/01/2008-08/31/2009
ITECH06S	Strictly Business Computer Sys	Technical support	09/01/2008-08/31/2009

Buyers Network

Contract	Vendor	Description	Date
ITECH06U	TEK Systems Inc.	Technical support	09/01/2008-08/31/2009
ITECH06B	AC Coy Company	Technical support	09/01/2008-08/31/2009
ITECH06C	Advanced Technical Solutions	Technical support	09/01/2008-08/31/2009

## Contracts Extended:

Contract	Vendor	Description	Date
WVARF04	WV Assoc. Facilities Of Facilities	Statewide contract covering mandated services	08/01/2008-09/30/2008
DIGCOP04G	Superior Office Service, Inc.	High & low volume digital copier equipment	08/15/2008-10/31/2008
DIGCOP04H	Xerox Corporation	High & low volume digital copier equipment	08/15/2008-10/31/2008
DIGCOP04A	Sharp Electronics Corp.	High & low volume digital copier equipment	08/15/2008-10/31/2008
DIGCOP04C	KOMAX Business Systems LLC	High & low volume digital copier equipment	08/15/2008-10/31/2008
DIGCOP04D	Aarons Prodcuts Incorporated	High & low volume digial copier equipement	08/15/2008-10/31/2008
TRAVEL04	National Travel Service	Travel service	10/01/08-12/31/08

## Contracts Reviewed:

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

### SEPTEMBER

CPHONE07	Cell phones
MV08	Motor vehicles
SYSFURN07	Office furniture

### OCTOBER

AUD052942	Single audit services
FOOD08	Food services
JITLECT06	Multimedia courseware development
MA05SW08	Oracle - master agreement
PC08	Police cruisers
SBUS08	School buses
WATER07	Water treatment chemicals

# Questions?...Just Ask Us!

Are you unsure of certain purchasing procedures? Do you need information on the current state travel regulations? Do you have a question regarding travel requests? Would you want to know what surplus property is available?

If you need additional information concerning any function within the Purchasing Division, complete the form below and return to the address below. You also may forward your request via e-mail.

Diane Holley, Assistant Director  
Communication and Technical Services Section  
West Virginia Purchasing Division  
State Capitol Complex  
2019 Washington Street, East  
P.O. Box 50130  
Charleston, WV 25305-0130  
E-Mail Address: [Diane.M.Holley@wv.gov](mailto:Diane.M.Holley@wv.gov)

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Need Information about \_\_\_\_\_  
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### STATE OF WEST VIRGINIA

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