

THE BUYERS NETWORK

OCTOBER 2012 - VOL. 22, ISSUE 10

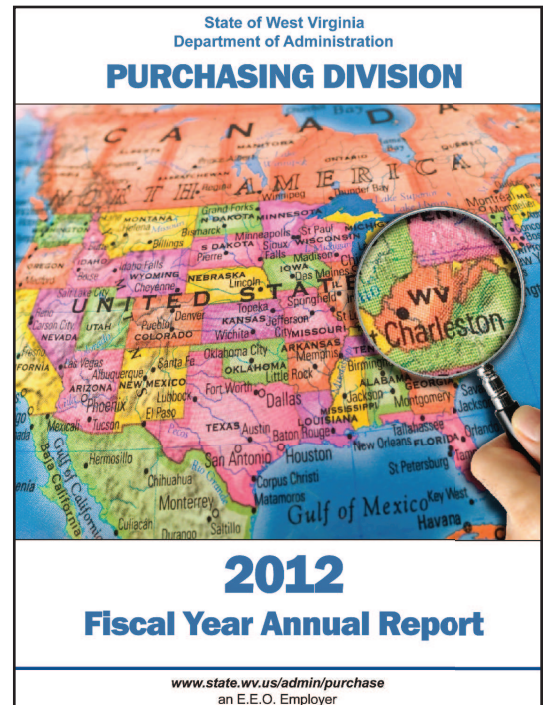
THE BUYERS NETWORK is Published Monthly by the Purchasing Division of the West Virginia Department of Administration to Promote Better Value in Public Purchasing

Purchasing Division's Accomplishments Noted in Fiscal Year 2012 Annual Report

Fiscal Year 2012 was a busy year for the Purchasing Division and the agency's many accomplishments and initiatives are noted in the Purchasing Division Fiscal Year Annual Report which is now posted online at: www.state.wv.us/admin/purchase/Annualreport/Annual12.pdf

This annual report also takes a comprehensive look at the Purchasing Division's financial statistics, along with features on special programs including recipients of the **Agency Procurement Officer of the Year** and the **Partner in Purchasing** awards. Accomplishments noted in this year's annual report include:

- The West Virginia purchasing process was recognized in a national report titled, "State Integrity Investigation," as sponsored by the Center of Public Integrity. West Virginia's procurement received a 93 percent grade and tied with two other states for the report's best grade. West Virginia was one of only eight states that received an "A" for this category.
- The use of technology was increased in the agency's training programs, adding more webinars as part of the in-house educational curriculum for agency purchasers located outside of Charleston.
- Attendance at the Agency Purchasing Conference exceeded 300 for the first time in more than a decade with more than 260 agency procurement officers joining Purchasing Division staff and guest presenters at the annual event. New programs included the Advanced Track which was introduced



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INSIDE...

- **Director's Comments:**
Agency Purchasers Should Be Prepared for the Unexpected
- Support Services Unit Keeps Purchase Orders Moving Along Efficiently
- New Terms and Conditions To Be Included in Sole Source and Emergency Bids

Award Nomination Deadline Extended!

Have you submitted your nomination for the annual Agency Purchasing Conference's **Procurement Officer of the Year** and new **Agency of the Year** awards? If not, there's still time! The West Virginia Purchasing Division has extended the deadline for nomination submission to early October to give agencies one last opportunity to recognize their peers and to be recognized. The new deadline is Wednesday, October 10, 2012. Like the purchases that we make for our agencies, this award is a competitive honor amongst West Virginia state agency procurement officers.



Last year, the Purchasing Division recognized Belinda Burdette, who has worked in a purchasing capacity with the West Virginia Alcohol Beverage Control Administration (WVABCA) since 2002, as its **Procurement Officer of the Year**. Belinda was praised for her ability to meet deadlines and complete projects in

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Agency Purchasers Should Always Be Prepared for Everything ... Especially the Unexpected

By Purchasing Director Dave Tincher

As you've read in the newspapers recently, Hurricane Isaac left a great deal of damage to the states in the south. In late June of this year, to a much smaller degree, the state of West Virginia was hit by one of the worst storms that most of us have ever experienced. We all quickly learned first-hand the definition of the meteorological term, derecho, which is a widespread, long-lived, straight-line windstorm that is associated with a fast-moving band of severe thunderstorms.

Agency purchasers are aware that there are provisions and procedures in place for true emergency situations. On the Purchasing Division's website, we have a highlighted box noting "Emergency Purchasing Procedures," which provides quick access to our emergency procedures. This page may be accessed directly at:

<http://www.state.wv.us/admin/purchase/EmergencyProcs1.html>

West Virginia Code §5A-3-15 outlines the emergency procedures and states that purchases may be necessary to be made when unforeseen causes arise.

The **Purchasing Division Procedures Handbook** explains that an emergency purchase is a purchase which can be made only after the Purchasing Director, exercising sound judgment and discretion, concludes in good faith and upon reasonable and sufficient grounds that some unforeseen or unexpected circumstance has suddenly created a situation requir-

ing that commodities or services be immediately purchased by a state spending unit and the Purchasing Director, in writing, authorizes such a purchase. A report of any such purchase, together with a record of competitive bids upon which it was based, is to be submitted to the Purchasing Director.

When an emergency situation occurs during normal business hours, verbal approval of the Purchasing Director or his/her designee must be obtained prior to making a purchase or execution of any work. A written explanation must be provided immediately via facsimile which should include the estimated cost. If an emergency occurs after business hours, on a holiday or weekend, the state agency may proceed with the emergency purchase and provide immediate written justification of the action to the Purchasing Director on the first working day following the emergency.

A minimum of three (3) bids shall be obtained, if possible. Original, signed written bids shall be attached to the Purchase Requisition, and submitted to the Purchasing Division with a letter of justification or a copy of the director's or designee's written approval.

It is important to note that emergency purchases are not used for hardship resulting from neglect, poor planning or



lack of organization by the spending unit.

After the derecho in June, my staff and I performed an after-action review of how we handled this emergency situation. On the day after the storm hit, we sent out an e-mail to all of our agency purchasers to remind them of the emergency purchasing procedures that are available to them. Throughout

the following days, we quickly approved emergency purchasing requests as they were submitted. We issued addendums to change bid openings scheduled during the state of emergency. Additionally, the Purchasing Division staff members were available during the state of emergency to assist agency purchasers to receive the commodities and services that were necessary.

One reminder for our agency purchasers that they may not have thought of was the value of the Surplus Property Program during emergency situations such as the derecho in June. Cleaning supplies, vehicles, tools and other items are available at a moment's notice. Please add this program to your list of action items should another emergency situation occur.

It is important to be familiar with the emergency purchasing procedures so that if another situation arises, we will all be sufficiently prepared.

AWARD

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a cost-efficient manner while maintaining the greatest degree of effectiveness. She demonstrates leadership within her organization by communicating openly with various staff members and always guarantees her agency's adherence to state purchasing guidelines. Belinda thoroughly reviews every purchase to ensure that the WVABCA receives quality commodities and services at the

most reasonable price.

Our second award, **Agency of the Year**, will be a new honor to recognize an entire agency's purchasing department. Often times, processing transactions requires input from multiple employees. We understand and appreciate this collective effort. This is your chance to nominate your own agency and highlight some of the accomplishments at-

tained this year.

For additional information about the **Procurement Officer of the Year** and **Agency of the Year** awards, visit the Purchasing Division's intranet site at <http://intranet.state.wv.us/admin/purchase/Recognition/default.html> or contact Staff Development Specialist Samantha Knapp at (304) 558-7022 or Samantha.S.Knapp@wv.gov.

Support Services Unit Keeps Purchase Orders Moving Efficiently Along to the Right Location

This is part of an on-going series of articles which takes a closer look at the inner workings at the Purchasing Division. This article looks at the Support Services Unit of the Communication and Technical Services Section.

The evaluation and award process touches many people before it is declared "final." After an award is made – yet before the purchase order may commence and payment be made to the winning vendor – the contract goes through a detailed course to ensure all documentation is proper, valid and funding is available.

That is where the Purchasing Division's Support Services Unit steps in to provide that final review of contracts. This Unit is responsible for making sure the many facets of the purchase order are in compliance with Purchasing laws, rules and regulations. To say there are plenty of details to check is an understatement.

"When a purchase order arrives in my unit, I have four copies to review: the Purchasing Division copy; the agency copy; the state Attorney General Office copy and the vendor copy," said Support Services Supervisor Beverly Toler. "With each copy, there are numerous items to check for, such as signatures, dates, and purchase order numbers, to name a few, before it is sent to the Attorney General Office for approval 'as to form.'"

When a contract is sent to the Attorney General Office, it is properly noted in the Requisition Tracking (ReqTrak)



Support Services Supervisor Beverly Toler, left, and Imaging Operator Mitzie Howard help maintain the flow of documentation for bid evaluations and awards.

System. Upon the contract's return, Toler again checks all copies as a final review of required items. Once this step is complete and there are no corrections to be made, the purchase order is verified and approved in the West Virginia Financial Information Management System (WVFIMS). At this point, the Support Services Unit notifies the unsuccessful vendors by letter, which is faxed with the official response mailed via U.S. Postal Service. All four copies are officially stamped as "encumbered" and mailed to the appropriate parties. The file is then entered into ReqTrak

as "Encumbered and Mailed."

The Support Services Unit completes the internal process by imaging the contract file. Imaging Operator Mitzie Howard handles this responsibility, which includes cleaning files of staples, rubber bands, etc., indexing and imaging the document, and then filing it properly.

Contracts on microfilm date back to 1985. Since 2005, all contracts have been imaged and stored as electronic images. In addition, Toler and Howard frequently retrieve files for staff, vendors, members of the general public and the news media.

Vendor Remedies Discussed at the In-House Training Session

The Purchasing Division continued its 2012 In-House Training Program on September 12 with the "Vendor Remedies: Protests, Circuit Court and Court of Claims" session, presented by Purchasing Division's Legal Counsel Jimmy Meadows.

This workshop provided an in-depth look at the legal challenges to procurements and the internal processes utilized to handle them. Discussed was the formal protest process, circuit court suits and Court of Claims actions, and how the Purchasing Division and the agency can work together to reduce the occurrence of

these formal legal challenges.

Meadows said that the Purchasing Division's goal is to ensure fairness and promote competition while obtaining the best value for the state, but adds that unforeseen circumstances and process errors require that vendors have a remedy to protest awards. Meadows reviewed the available legal remedies and the steps in the protest review process.

Training continues this month with the following classes offered at the Purchasing Division in October:

- **Wednesday, October 3:** Expressions

of Interest (10:30 a.m. to 11:30 a.m.)

- **Wednesday, October 17:** Evaluation and Award Process (10:30 a.m. to 11:30 a.m.)

There will be no classes in November 2012 due to the Annual Agency Purchasing Conference. For more information or to register for training, visit, <http://www.state.wv.us/admin/purchase/training/inhouse.html> or contact our Staff Development Specialist Samantha Knapp at (304) 558-7022 or via e-mail at Samantha.S.Knapp@wv.gov.

Procurement Officer Profile

Paula Marshall Manages Procurement Activities for HCA

Lincoln County native Paula Marshall, the procurement officer for the West Virginia Health Care Authority, said coming into procurement offered a wide learning curve, one that she was more than willing to work through.

"The Health Care Authority is a small agency, with less than 60 people, but when I came on in November 2010, the fiscal unit had a 100 percent turnover, so everything was literally brand new," she said. Marshall had previously been with the Center for Threat Preparedness, within the Bureau for Public Health, for eight years.

"My responsibility increased dramatically with the Health Care Authority," she said. "I embraced all of the training that the Purchasing Division offered, attending the in-house training sessions, and going to the Agency Purchasing Conference. I received my Basic Certification this year."

Marshall said procurement was not necessarily something she had planned on pursuing in her career. "It was never anything I thought about so much as I just sort of fell into it," she said.

Marshall began working with state government in 1980 with the Parole Board before going to the Division of Personnel, then to Department of Health and Human Resource. She also worked for two years in Florida with a major theme park company, which she said is where she really began becoming involved with procurement.

"Of course, coming back into the public sector, the rules for procurement are very different," she said. When she began work for the Center for Threat Preparedness, it was a year after the terrorist attacks on Sept. 11, 2001. This meant she was helping to build a new unit almost from the ground up. "We had to buy furniture and set up an entirely new office," she said.

With the Health Care Author-

ity, Marshall said she manages all major procurements. "We are more of a regulatory board, so our purchases tend to be a bit more simplistic," she said. "We house the state privacy officer, so we are involved with several privacy contracts. We also have contracts for data collection, and court reporters." Marshall also does the purchases for the West Virginia Health Information Network. Though the network is exempt from purchasing regulations, Marshall said she continues to follow rules and code.

"Using the Purchasing Rules and Code gives you a very solid set of rules," she said. "It give you a sense of 'this is how it is suppose to be.'"



Paula Marshall said that procurement training offered through the Purchasing Division was helpful as she came into procurement with the Health Care Authority.

New Terms and Conditions to Be Included in All Sole Source and Emergency Bids

The new terms and conditions developed by the Purchasing Division should be included with documentation utilized to complete a sole source posting and should also be included in requests for bids in emergency situations to the extent that the emergency permits.

Sole Source and even emergency contracts are subject to the same terms and conditions as traditional contracts so it is important to notify vendors of the requirements contained in the terms and conditions as early in the process as possible. Leaving the terms and conditions out of the initial stages of the process could lead to a misunderstanding with vendors at a later date. The easiest way to put vendors on notice of the terms and conditions is to include them in the sole source posting or solicitation for emergency bids. The Purchasing Division recognizes that certain emergency situations do not allow time for written bid requests. In those situations it is understandable that terms and conditions will not be addressed until after the emergency situation has been resolved.

To access the Purchasing Master Terms and Conditions and Agency Master Terms and Conditions, please visit the Purchasing Division's Agency Resource Center at <http://www.state.wv.us/admin/purchase/arc>.

State Drivers are Reminded to Fill Up the Gas Tank Before Returning Rental Vehicles to Their Location

State agency travel coordinators are encouraged to remind employees using rental vehicles on the statewide contract **CRENTAL** to closely check the vehicle's fuel gauge prior to driving it from the rental location and upon returning the vehicle.

Per the **CRENTAL** contract, the rental companies – Hertz and Enterprise – are to “deliver a vehicle with a full tank of gas.” Likewise, the contract specifies that state employees are to return a rental vehicle with a full tank of gas.

“When an employee does not return a rental vehicle with a full tank of gas, the rental company has the option to charge a fee in addition to charging for the cost of filling up the vehicle to a full tank,” said Assistant Director Elizabeth Perdue who oversees the state Travel Management Unit. “Travel coordinators are advised to be aware as the state employee is responsible for this. When this is not done, the agency incurs additional costs that should be avoided.”

Perdue added that it is not unusual for state employees to receive a rental car that does not have a full tank of gas in accordance with the **CRENTAL** speci-



cations. If this occurs, she recommends that it be brought to the attention of the rental car management.

“Some employees have filled up the gas tank as a courtesy in these cases, which is a considerate thing to do, but again, doing so means the agency incurs additional costs that should be avoided,” she said. “This is another reason why it is

important to check the fuel gauge before and after using a vehicle rental.”

State employees who travel are encouraged to review the **CRENTAL** statewide contract by visiting: <http://www.state.wv.us/admin/purchase/swc/CRENTAL.htm>. To learn more about all statewide contracts, please visit: <http://www.state.wv.us/admin/purchase/swc>.

List of Agencies Exempt from Purchasing Division Posted Online

In addition to information on the procurement process, the Purchasing Division's website provides information on exemptions from the Purchasing Division's authority.

A list of statutory exemptions is posted on the Purchasing Division website at <http://www.state.wv.us/admin/purchase/PurchasingExemptions>. This list includes full and partial exemptions for agencies exempt from the Purchasing Division's authority as cited in *West Virginia Code* §5A-3. This list also provides links to the actual code cites for each exemption.

There are other exempt commodities which are included in the Non-Competitive, Exempt List of Commodities, which is available in Section 9 (Sole Source Ac-Buyers Network

PURCHASING TOOLS AND RESOURCES

This article is part of an ongoing series which details the tools and resources available for agency purchasing officers offered by the Purchasing Division.



quisitions) of the **Purchasing Division Procedures Handbook**.

Both *West Virginia Code* §5A-3-10 and the *West Virginia Code of State Rules* §148-1-4 require that the purchase of commodities and services be based, whenever possible, on competitive bids. However, there are certain commodities

and services for which competition is not available. In these cases, the *Code of State Rules* §148-1-4 authorizes the Purchasing Director to approve a non-competitive exempt list of commodities and services. A direct link to this page can be accessed by visiting: <http://www.state.wv.us/admin/purchase/handbook/2007R17/hand9>.

Whittaker's Dedication Shines at Purchasing Division

Senior Buyer Frank Whittaker with the Purchasing Division was selected as the Department of Administration's *Employee of the Month* for September.

A state government employee for seven years, Whittaker handles the procurement process for purchases exceeding \$25,000 on behalf of state entities. He is responsible for purchasing commodities and services on behalf of the Department of Agriculture, Division of Natural Resources, elected officials and the

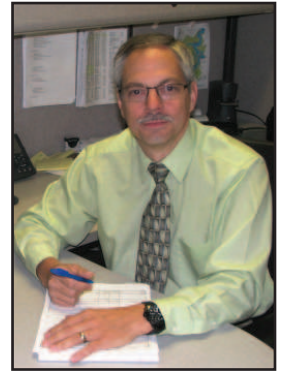
Legislature, and miscellaneous boards and commissions.

"Frank's positive attitude is unmatched. Despite the high-stress environment created by being at the intersection of high-dollar and high-priority procurements, I cannot recall a time when I have seen Frank in a negative mood," said one co-worker. "In this high-stress environment, Frank always achieves positive results."

Another co-worker said, "Frank is always willing to

put extra time on a project if needed in order to ensure its success. His dedication to service and quality is evident by the extra hours he spends at the office."

In his spare time, Whittaker likes to hunt, fish, golf and ride his motorcycle. He was joined by friends and co-workers at a special ceremony presented by Acting Cabinet Secretary Ross Taylor on Thursday, September 6, at the Purchasing Division office in Building 15.



Senior Buyer Frank Whittaker as the Department's Employee of the Month for September.

Agencies Must Check Debarred Vendor List Prior to Award

In accordance with *West Virginia Code* § 5A-3-33c, the Purchasing Director has the primary responsibility for administering the debarment process. Additionally, the director is required to obtain a list of vendors declared ineligible under federal laws and regulation and lists of vendors who are in default on state obligations. On the Purchasing Division's website, a list of vendors declared as debarred by the state of West Virginia is noted at <http://www.state.wv.us/admin/purchase/Debar.html>. Beginning October 1, 2012, this verification check must be put into place.

The U.S. General Services Administration maintains the federal website which must also be checked prior to a contract award. This site, located at <https://www.epls.gov>, may be search in various ways. The search options include *Advanced Search*, *Exact Name and SSN/TIN* or *Browse All Records*. The *Advanced Search* allows for entry of partial names in the search field. This search method should be utilized unless the user has access to the Social Security number or Federal Employer Identification Number (FEIN) of the vendor. The *Exact Name and SSN/TIN* search should be limited to searches by Social Security number or FEIN. The *Browse All Records* search allows the user to browse a list of debarred vendors.

If a vendor is included on the EPLS site, then immediately notify the Purchasing Division so that appropriate action can be taken. A contract may not be awarded to a vendor on

the EPLS list without express written approval from the Purchasing Division.

If a search of the EPLS reveals that the vendor is not listed, then print out the screen showing that "Your search returned no results" and include that page in the contract file if a contract file, provided that a file is required for the procurement in question. If the vendor is not listed on the EPLS, then the procurement should follow its ordinary course.

REPORT

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- for the primary agency designated procurement officers at agencies.
- The pamphlet, "A Brief Overview of West Virginia State Procurement," was distributed to all division directors and agency heads throughout state government to provide a high level look at the purchasing requirements.
- Our first recipients were recognized for achieving advanced level in the Purchasing Division Certification Program.
- A new orientation program was introduced for new buyers and purchasing assistants within the division. This six-month process aims to have a buyer ready to accept his or her own agency file assignments. The purchasing assistant program is a three-month process.
- The Purchasing Division intranet site was re-designed.
- The annual Open House was attended by more than 70 procurement officers, with four informational sessions offered.
- Revisions were made to the **West Virginia Vendor Procurement Guide**
- Thirty-seven individual inspections were carried out by the Inspection Services Unit.
- A total of 9,018 vendor registration and disclosure forms, renewal notices and vendor updates were received for processing.
- A total of 2,680 purchase orders, including open-end contracts and change orders were encumbered.
- Total pages scanned for the Purchasing Division which contained purchase orders, change orders, vendor registrations forms and all supporting documentation totaled 321,957.
- A total of 25 protests were received for a percentage rate of 1.86% of the 1,341 new purchase orders. This is one of the Purchasing Division's lowest protest rates in years.

For a complete list of annual reports for the Purchasing Division, visit: <http://www.state.wv.us/admin/purchase/Annualreport>.

Current Statewide Contract Update

(As of September 15, 2012)

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 your assigned agency buyer.

Out for Bid

Contract	Description	Bid Opening	Pre-bid?
SUPFOOD12	Supplemental food items	10/11/2012	No

Under Evaluation

Contract	Description	Bid Opening	Under Eval
DIGCOP12	Digital copiers	10/04/2012	Yes
ERCYCL12	Recycling of used electronic equipment	08/09/2012	Yes
FASTEN12	Fasteners	08/30/2012	Yes
IP12	Computer systems	08/07/2012	Yes
LGLOVES12	Exam gloves	04/10/2012	Yes
MV13	2013 or present model motor vehicles	09/20/2012	Yes
NTIRES12	Vehicle tires	09/12/2012	Yes

Contracts Renewals

Contract	Vendor	Description	Date
CANLINE11A	Calico Industries	Can liners	11/15/2012 -11/14/2013
IPT10A	Alpha Technologies	Internet protocol voice comm.	03/01/2012 -02/28/2013

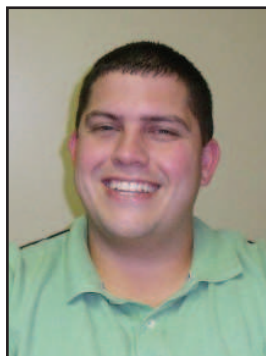
Kirk Joins Purchasing Division

The Purchasing Division is pleased to welcome Jordan Kirk to its staff as an Administrative Services Manager I in the Program Services Section of the Purchasing Division.

A resident of Charleston, Kirk is a graduate of Marshall University with a degree in accounting. Kirk was previously a Purchasing Card Specialist and an Audit Inspector for the Purchasing Card Division of the State Auditor's Office.

Kirk's duties include serving as Purchasing Card Coordinator for the Purchasing Division and performing administrative functions for the West Virginia State Agency for Surplus Property. Kirk has two sons, aged 4 and 6, and engaged to be married this month. He enjoys watching sports, and bowling and softball.

Welcome Jordan to the Purchasing Division family!



Jordan Kirk joins the Program Services Section in a managerial role.

Contracts Renewals

Contract	Vendor	Description	Date
IPT10C	Citynet LLC	Internet protocol voice comm.	03/01/2012 -02/28/2013
IPT10D	Insight Public Sector Inc.	Internet protocol voice comm.	03/01/2012 -02/28/2013
IPT10E	Pomeroy IT Solutions Inc.	Internet protocol voice comm.	03/01/2012 -02/28/2013
IPT10F	Verizon Network Integrations Co.	Internet protocol voice comm.	03/01/2012 -02/28/2013
ITECH10AR	Backbone Security Co. Inc.	Project and temporary IT support	03/01/2012 -02/28/2013

Contracts Reviewed

Statewide contracts are reviewed approximately three months prior to the actual expiration date. During this month, the following statewide contracts for which their expiration dates are approaching will be examined.

DCBATT11	Dry cell batteries
LAUNDRY11	Detergents
MOVE11	Moving services
PBKCR	Automobile rentals

FOR MORE INFORMATION

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

FILE	BUYER	EMAIL	PHONE
21	Krista Ferrell	Krista.S.Ferrell@wv.gov	558-2596
22	Roberta Wagner	Roberta.A.Wagner@wv.gov	558-0067
23	Guy Nisbet	Guy.L.Nisbet@wv.gov	558-8802
31	Shelly Murray	Shelly.L.Murray@wv.gov	558-8801
32	Tara Lyle	Tara.L.Lyle@wv.gov	558-2544
33	Alan Cummings	Alan.W.Cummings@wv.gov	558-2402
43	Paul Reynolds	Paul.Reynolds@wv.gov	558-0468
44	Frank Whittaker	Frank.M.Whittaker@wv.gov	558-2316
51	Connie Hill-Oswald	Connie.S.Hill@wv.gov	558-2157

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-Brown, 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

Name _____
Organization _____
Address _____
Telephone Number _____
E-Mail Address _____
Need Information about _____

In This Issue... Did You Read About?

- Purchasing recognition programs were among highlights featured in 2012 Annual Report
... [See Page 1.](#)
- You still have a hance to nominate for the annual Agency Purchasing Conference's **Procurement Officer of the Year** and the new **Agency of the Year** awards
... [See Page 1.](#)
- Being prepared for virtually anything is part of the job for agency purchasers
... [See Page 2.](#)
- Workshop offered in-depth look at legal challenges to Purchasing Division procurements and the processes to handle them
... [See Page 3.](#)

STATE OF WEST VIRGINIA

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