

THE BUYERS NETWORK

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of Administration to Promote
Better Value in Public Purchasing

Agency Purchasing Conferences Allow Record Attendance

The decision to opt for two Agency Purchasing Conferences in 2013 proved to be a wise one for the Purchasing Division.

Upon completion of the second conference, conducted Oct. 30 – Nov. 1 at Stonewall Resort, the final number of procurement officers at the two combined totaled 325. By comparison, last year was the previous best for procurement officer turnout at any annual conference with 262 participants. Unlike recent conferences which were four days in length, this year's conferences were shortened to make two separate ones more feasible to conduct.

"It is gratifying to see that our primary goals for having two shorter

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INSIDE...

- **Director's Comments:** 'Brand Name or Equal' Statutory Requirement Ensures Competition
- Avoid the 'Seven Deadly Sins' When Writing Specifications
- Rehabilitation's Charlyn Miller Shares 'Procurement Officer of the Year' Honor



Senior Buyer Alan Cummings, center, helps lead a game of "Battleship" as a teaching tool during an in-house training session on Basic Purchasing in April.

In-House Purchasing Training Program Schedule Set for 2014

The West Virginia Purchasing Division is pleased to announce its schedule for the 2014 In-House Training Program. The 2014 schedule will offer changes in classes and webinars to ensure the sessions provide the most value to agency procurement officers.

To allow for a more complete overview of select topics, some classes will expand from one hour to 90 minutes. Staff Development Specialist Samantha Knapp said the change came about based on feedback from last year's sessions in which participants felt that enough time was not allotted for certain topics. The lengthier timeframe will also allow presenters to increase learning opportunities. "We try to place emphasis on activities that will engage the learner. These more hands-on sessions will provide participants with a more positive learning experience," Knapp said.

Additionally, due to the success of the half-day sessions pilot-tested in 2013, this year's schedule will see more of the same. "We found last year that the three-hour sessions were well-received, with those and the full-day sessions having the greatest turnout," Knapp said. "We hope

More Info

For more information, contact Staff Development Specialist Samantha Knapp at (304) 558-7022 or Samantha.S.Knapp@wv.gov. The 2014 In-House Training Program can be found on page 7 of *The Buyers Network*.

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"Brand Name or Equal" Statutorily Required to Ensure Competition Among All Vendors

By Purchasing Director Dave Tincher

Competition is the foundation of all procurement. That is the primary reason why when using a brand name to reference quality levels in your specifications, it is mandatory to follow with the phrase "or equal." By using this language in all specifications which include a brand name, it allows those suppliers with comparable products to be able to participate in the competitive bidding process.

At our recent purchasing conference, there was discussion in several classes regarding this requirement. Some of our agency purchasers stressed that they received comments from their program staff that only one particular product can meet their needs for such reasons as compatibility. However, to ensure that there are truly no comparable alternatives to your needs, section 7.1. of the *West Virginia Code of State Rules* 148CSR states that:

Specifications are written to maximize and encourage competition. In certain cases, a "brand name or equal" is used as a specification. Spending

units may not use brand names to restrict competition. If, however, brand names are used, the brand name shall be followed by the phrase "or equal" to promote and encourage competition.

The **Purchasing Division Procedures Handbook**, Section 4: Acquisition Planning, also notes under 4.4.4. Format that:

When using a brand name specification, the words "OR EQUAL" must be inserted to inform vendors that alternate bids will be considered. The general name of the items, e.g., air blowers, automobiles, etc., should be listed first; the manufacturer and model number of the item should follow immediately. Literature should be requested to accompany any alternate bid which can verify that the alternate bid complies with the specifications.

The description shall contain the essential requirements that clarify the quality level or indicate the features



that are important to the function of the item/service being purchased.

West Virginia Code §5A-3-3(10) states that we cannot favor a particular brand or vendor. The *Code of State Rules* clarifies this requirement in 148CSR6.5, by stating that "Specifications are written to encourage competition and meet the needs of

the spending units. No person may write or attempt to influence the drafter of specifications to limit competition or favor or disfavor a particular vendor."

As state procurement officers, it is our obligation and duty to spend state taxpayers' dollars in the most efficient manner. By continuing to seek all competition available, we are not only following the intent of the *West Virginia Code* and the *Code of State Rules*, but we are performing our fiduciary duties more effectively by ensuring that state government's needs are being met at the lowest possible cost.

Avoid the 'Seven Deadly Sins' on Writing Specifications

Seven Deadly Sins

1. Non-quantifiable
2. Not enough requirements
3. Vague
4. Brand specific/non-competitive specifications
5. Jargon
6. No delivery or performance requirements
7. No evaluation or award criteria

There are two critical aspects to a well-written solicitation. The first is that the grammar is sound and proper as to not confuse the reader with poorly worded sentences. The second aspect is more challenging: Using the proper choice of words that clearly conveys what needs to be included in the vendor's submitted bid.

As you write solicitations, avoid these 'sins' which may appear harmless but will probably lead to a delay in moving your solicitation through the procurement process. Such sins are listed below.

1) **Non-quantifiable:** Avoid using words that may have differing meanings to various persons. Example: "Copier must be high performance and superior quality." The words "high performance and superior quality" read nice but they are much too vague. Rather, define what high performance means. Example: "Copier must duplex a minimum of 700 copiers per minute and has a resolution of 400 dpi."

2) **Not enough requirements:** Provide more than

just a few requirements in order to encompass all of the expectations of the product or service. Example: "One box of crayons is needed." A lot of information is still missing. What size box? Number of crayons per box? What colors? A better specification would note, "One Crayola brand – or equal – 8-count box of crayons which must be wax and include the colors red, orange, yellow, blue, green and purple."

3) **Vague:** This is when the provided requirements may be difficult for vendors to determine exactly what is required. Example: "The agency needs red flowers." This is only a partial list of needed specifications. Be sure to define what type and quantity. Example: "The vendor must provide 100 red roses."

4) **Brand specific/non-competitive specifications:** Do not provide requirements which limit competition to one vendor either through the

Please see SPECIFICATIONS, Page 4

Attendees Give High Scores to Both 2013 Purchasing Conferences

Conference Feedback

A total of 325 participants attended both conferences, an increase of 63 from last year's single conference.

To view PowerPoint presentations from the conferences, visit: www.state.wv.us/admin/purchase/training.

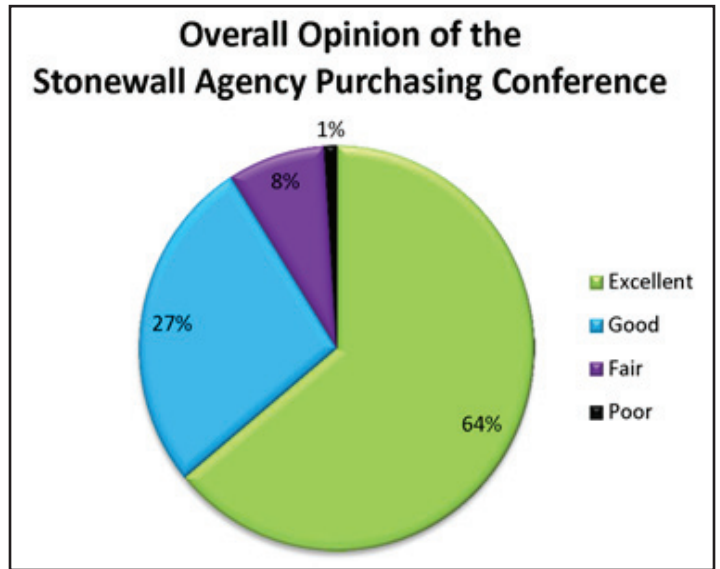
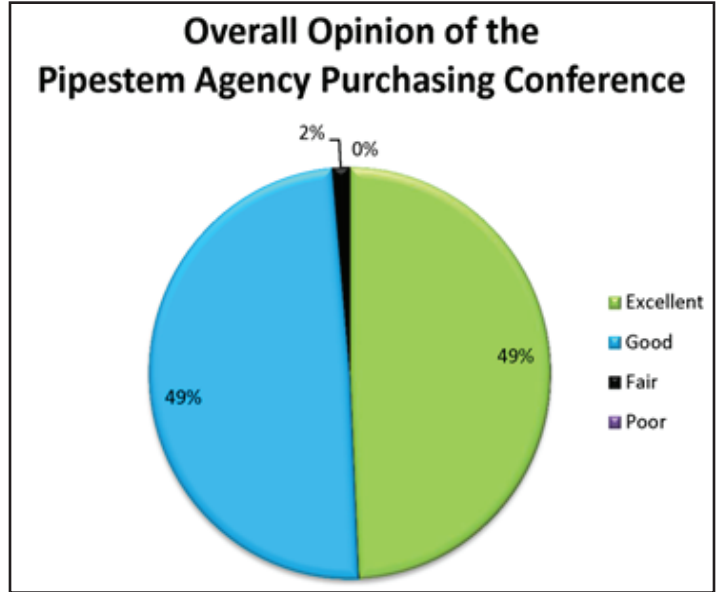
Feedback from both sessions of the 2013 Agency Purchasing Conference was exceptional, with excellent reviews from attendees to both locations.

The Stonewall Resort conference on Oct. 30-Nov. 1 was rated "excellent or "good" by 91 percent of respondents. The Pipestem Resort State Park conference on Oct. 22-24 was rated "excellent" or "good" by 98 percent of those who responded.

Receiving especially high praise was the increased emphasis on interactivity and engaging class participants. One hundred percent of Pipestem attendees who responded called the learning environment "engaging," and nearly 99 percent gave similar marks for the Stonewall conference.

Other categories demonstrating the success of the conference was the feedback relating to the organization of the conferences; conference registration, and length of the conference.

"Our presenters and staff are always working hard to ensure that the Agency Purchasing Conference is the best experience possible for attendees," said Purchasing Director Dave Tincher. "The consistently positive remarks we receive indicate that the work is paying off, and agency participants are receptive to our efforts to expand the ways we have to teach."



Statewide Contract for New Vehicle Tires Rolling Out Again

The "wheels" of state government will continue to turn as the statewide contract for new tires has been awarded and is now available at the Purchasing Division website at www.state.wv.us/admin/purchase/swc/NTIRES.htm.

Goodyear Tire and Rubber Company is the vendor on the statewide contract for new tires (NTIRES13) and the prices and specifications for more new passenger, pursuit (police), medium truck and light truck tires to all state agencies and political subdivisions are listed online. Also listed on the online contract are the approximate 50

This is a commodity which is sought by many state agencies.

Mike Sheets
Assistant Purchasing Director

businesses around the state which are authorized Goodyear Tire dealers.

"This contract certainly has the interest of many state agencies around the state, considering how nearly all of them have vehicles. This contract has even greater interest for those larger agencies which have a fleet of vehicles," said Mike Sheets, Assistant Purchasing Director. "We are pleased to have this new NTIRES contract in place. This is a commodity which is sought by many state agencies."

To review all statewide contracts, please visit: www.state.wv.us/admin/purchase/swc.

Contract website

To view the NTIRES contract, please visit: www.state.wv.us/admin/purchase/swc/NTIRES.htm



Purchasing Director Dave Tincher presents Charlyn Miller of the Division of Rehabilitation Services with an engraved clock following her recognition as Agency Procurement Officer of the Year. She joined Becky Jones of the Lottery Commission this year in this honor.

Rehabilitation's Charlyn Miller Honored as Procurement Officer of the Year

Each year, the Purchasing Division receives many worthy nominations for the **Procurement Officer of the Year** honor. This year was no exception and such fact was validated with the Purchasing Division's decision to name two recipients based on the quality of applications.

Charlyn Miller of the Division of Rehabilitation Services was one of the two honorees and the announcement of her selection came at the Agency Purchasing Conference conducted at Stonewall Resort in late October. Becky Jones of the Lottery Commission was honored as the other recipient at the Agency Purchasing Conference in mid-October at Pipestem Resort [please see the November issue of *The Buyers Network* for the story on Jones].

In recognizing Miller, Purchasing Director Dave Tincher said she

“is described by her peers as knowledgeable, efficient, ethical and always looking to save the state's dollars” in her procurement officer role. Miller has worked in state procurement for 20 years, starting as a purchasing assistant with the Purchasing Division.

Miller was honored by receiving an engraved clock and a certificate signed by Gov. Earl Ray Tomblin, Cabinet Secretary Ross Taylor and Tincher. Miller also receives complimentary lodging and registration to the 2014 Agency Purchasing Conference. This is the 18th year in which the Procurement Officer of the Year award has been presented.

The Purchasing Division congratulates our distinguished recipients for their dedicated work toward the betterment of the state purchasing process in West Virginia.

SPECIFICATIONS

Continued from Page 2

uses of brand specific specifications or specifications drafted to get the vendor or product wanted. Example: The tractor must be a John Deere Model 5000. Be sure to allow for competition, which is required by *West Virginia Code*, by adding the words “or equal” and define what functionality and features that would make another product equal in terms of performance, design and/or quality. Example: Tractor must be a John Deere Model 5500, or equal, and have a minimum 25HO, minimum 20-inch mower deck and stainless steel trailer hitch.

5) **Jargon:** Do not provide requirements which speak in industry terms only. Example: “The gas chromatograph mass spectrometer must have 80 sigs of DMAP for AGR application.” Use terms which can be understood by both laymen and experts. Example: “The chromatograph mass spectrometer must have an optic lens and a magnification zoom of 80 used for agricultural applications.”

6) **No delivery or performance requirements:** This occurs when little or no information is given regarding a vendor's responsibilities for executing and completing the contract. Example: “The vendor will let the agency know when the tasks are complete.” Be certain to provide specifics. Example: “The vendor must complete all tasks outlined in Section X within 60 days of contract award. The vendor will notify the agency via email the state and time that each task is completed. Email must be sent to xyz@wv.gov within 24 hours of the task completion.”

7) **No evaluation or award criteria:** Be sure to note to vendors how their bid will be evaluated and/or the award to be made. Example: “The solicitation may be awarded to multiple bidders.” Be sure to include specifics on how and when the bid will be evaluated and awarded. Example: “The award will be made to the lowest responsible bidder for location listed in the attached cost sheet.”

The Purchasing Division has an extensive training program which procurement officers should utilize to become more proficient at writing specifications. Please visit: www.state.wv.us/admin/purchase/training for more information.

CONFERENCE

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Above, Senior Buyer Guy Nisbet discusses Emergency and Sole Source Purchases during the Agency Purchasing Conference at Stonewall Resort. Below, Staff Development Specialist Samantha Knapp welcomes conference attendees at the conference registration table.

conferences were met. We continually emphasize training and having the opportunity for our staff to interact with more than 300 procurement officers is certainly a plus for everyone associated with this process,” said Purchasing Director Dave Tincher. “The two conferences also allowed for all participants to stay at the host facility which meant more face-to-face dialogue during off hours.”

Another positive for this year’s conferences included more interactive presentations during the workshops.

See the related story on the Purchasing Conference Evaluations on page 2.

“We received a lot of positive comments about this. Wherever we can enhance the training, we are going pursue that. Again, this was the result of past feedback from participants who wanted a more interactive learning experience,” Tincher said. “I thought the question and answer session with our staff and the roundtable discussion groups produced a



great deal of productive exchange of ideas about a number of procurement topics.”

All 2013 conference presentations can be reviewed at www.state.wv.us/admin/purchase/training/2013ConfPPTs.html.

The Purchasing Division extends its gratitude to all of the agency representatives who attended this training event as well as our guest speakers and staff members, who worked diligently to make this year’s Agency Purchasing Conferences a great success.



What’s Your Question?

Why are Purchasing Division representatives not available to discuss any changes requested directly with the person responsible for making the change in the field office?

Answer: The Purchasing Division finds it very important to keep an open line of communication with each agency under its purview, utilizing that agency’s designated procurement officer. In accordance with the *West Virginia Code of State Rules* 148CSR1, “all purchases must be approved by the secretary or head of the spending unit, or a designee, whose name shall be filed with the Purchasing Director.”

In order to abide by this rule and to ensure that everyone involved in the procurement process is on the proverbial “same page,” the Purchasing Division finds it is beneficial to work directly with and/or through the individual who has been designated by the agency director as the primary or backup procurement officer.

As a related article in this issue notes, there were 300-plus procurement officials at the most recent Agency Purchasing Conferences. That is a lot of potential telephone calls to return if Purchasing Division staff did not deal directly with the designated agency procurement contact who represents many of these procurement professionals.

Lowé Recognized by WVARF for Excellence

Paula Lowé, an Administrative Services Assistant at the West Virginia State Agency for Surplus Property, was recognized by the West Virginia Association of Rehabilitation Facilities as its 2013 Mountain Award recipient at the agency’s annual State Use Awards Banquet in November.

The Mountaineer Award category honors a state government official

Please see LOWE, Page 8

Alan Cummings Named as our Purchasing Contract Manager

Alan Cummings has been named the Purchasing Division's Contract Manager. He had previously been a senior buyer with the Purchasing Division. Cummings replaces Don Arrick, who left the position in August. Cummings will oversee inspection services and contract management for the Purchasing Division.

A resident of Winfield, Cummings previously worked at the Hertz Corporation and Airgas Mid-America where he held various management positions and was directly responsible for procurement.

Cummings has a bachelor of arts degree in communication studies from West Virginia University and a masters degree in business administration from Salem International University. Cummings is married and has one son, along with his golden retriever.



Alan Cummings

Surplus Property's State Plan of Operation Available to Public Comment

Please note that the West Virginia Purchasing Division is soliciting comments from interested parties regarding the proposed State Plan of Operation for the West Virginia State Agency for Surplus Property.

Public comments will be received until Monday, December 16, 2013. The U.S. General Services Administration requires public comment on plan of operation for state agencies for surplus property which handle federal property. Below is a link to the State Plan of Operation.

www.state.wv.us/

[admin/purchase/Surplus/](#)

[StatePlanofOperation20131101.pdf](#)

Please send any comments to Assistant Purchasing Director Elizabeth Perdue at Elizabeth.J.Perdue@wv.gov or mail to:

State Agency for Surplus Property
2700 Charles Avenue
Dunbar, WV 25064

(304) 766-2631 (fax)

Purchasing Welcomes Beth Collins and Bob Kilpatrick as New Senior Buyers

The Purchasing Division is pleased to welcome Beth Collins and Bob Kilpatrick to its staff. Collins and Kilpatrick join the Acquisitions and Contract Administration section as senior buyers.

A resident of Charleston and a graduate of White-wood High School in Pilgrims Knob, Va., Collins has a bachelor's degree in biology from Virginia Intermont College in Bristol, Va., and is pursuing a master's degree in environmental emergency management and terrorism from Walden University. She is a U.S. Army veteran and has previously worked in procurement and public relations. Her hobbies include motorcycling and riding horses.

Kilpatrick is a resident of Charleston and a graduate of Stonewall Jackson High



Bob Kilpatrick and Beth Collins

School. A 17-year employee of the Department of Administration, he previously worked for both the Finance Division and the General Services Division. In his spare time, he coaches youth football and enjoys playing basketball, fishing and hiking.

Please join us in welcoming Beth and Bob to the Purchasing Division family!

Latest Procurement Certification Recipient

The Purchasing Division is pleased to recognize the latest recipient in the West Virginia Procurement: Advanced Certification program.

Linda Harper of the Division of Natural Resources is the most recent individual to receive certification since the program's inception. Currently, 10 procurement officers have achieved Advanced Certification.

State agency procurement officials are encouraged to review the program's requirements and consider enrollment. To review the requirements and steps to enroll, visit www.state.wv.us/admin/purchase/training/Certification/.

2014 In-House Purchasing Training Schedule

Date	Workshop	Time	Method
January 15	Legal Responsibilities of Contracting	9 a.m. – 11 a.m.	In-House
January 29	Specification Development	10 a.m. – 11 a.m.	Webinar
February 12	Implementing Special Purchases	10 a.m. – 11:30 a.m.	In-House
February 26	An Introduction to West Virginia's State Purchasing Process	9 a.m. – 4 p.m.	In-House
March 12	Best Value Procurements	9 a.m. – 12 p.m.	In-House
March 26	Solicitation Process: From Pre-Planning to Award	9 a.m. – 12 p.m.	In-House
April 9	Surplus Property and Fixed Assets	10 a.m. – 11:30 a.m.	In-House
April 30	Travel Management	10 a.m. – 11 a.m.	In-House
May 7	Inspection Services and Contract Management	10 a.m. – 11:30 a.m.	Webinar
*August 13	An Introduction to West Virginia's State Purchasing Process	9 a.m. – 4 p.m.	In-House
*August 27	Vendor Registration	10 a.m. – 11 a.m.	Webinar
*September 10	Fundamental Elements of a Solicitation	9 a.m. – 12 p.m.	In-House
*September 24	Purchasing for the Non-Purchasing Manager	10 a.m. – 11 a.m.	In-House
*November 19	Implementing Special Purchases	10 a.m. – 11:30 a.m.	In-House
*December 3	Inspection Services and Contract Administration	10 a.m. – 11:30 a.m.	In-House
*December 17	Public Procurement: The Basics	10 a.m. – 11:30 a.m.	Webinar

* Classes noted with the asterisk may change based on the implementation of Enterprise Resource Planning project.

TRAINING

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to continue the tradition by providing longer sessions that will cover a process completely rather than just parts of the process.”

Classes will be offered either in the Gaston Caperton Training Center in Building 7 or in the Purchasing Division's first floor conference room. Registered attendees will be notified of the location beforehand.

To meet the needs of agency purchasers unable to attend trainings offered at the Capitol Complex in Charleston, the Purchasing Division will continue to offer quarterly webinars. For a complete listing of sessions, view the 2014 In-House Training Program schedule to the left.

Space is limited. Registration is given on a first-come, first-served basis. *The registration form will be posted to the Purchasing Division's website in early December. For more information, visit www.state.wv.us/admin/purchase/training/inhouse.html.* For questions, contact Staff Development Specialist Samantha Knapp at (304) 558-7022 or Samantha.S.Knapp@wv.gov.

Training Sessions Set for December

December 2013

- Wednesday, December 4: Basic Purchasing – 10-11 a.m. (webinar)
- Wednesday, December 11: Purchasing Tools and Resources – 10-11 a.m.

Location

Purchasing Division's first floor conference room.

Registration

For more information or to register, visit www.state.wv.us/admin/purchase/training/inhouse.html. First-come, first-served basis.

For more information

Staff Development Specialist Samantha Knapp at (304) 558-7022 or Samantha.S.Knapp@wv.gov.

Current Statewide Contract Update

(As of November 15, 2013)

This page includes a listing of current changes made to statewide contracts issued by the Purchasing Division. Information and dates listed in this **Current Statewide Contract Update** are subject to change. All statewide contracts are available online at www.state.wv.us/admin/purchase/swc. For more information, please contact your assigned agency buyer.

New Awards

<u>Contract</u>	<u>Vendor</u>	<u>Description</u>	<u>Dates</u>
NTIRE13	Goodyear Tire and Rubber Co.	Automotive tires	11/15/2013 -11/14/2014

Under Evaluation

<u>Contract</u>	<u>Description</u>	<u>Bid Opening</u>	<u>Under Eval.</u>
DPS1326	Lightbars and sirens	11/04/2013	Yes
FUELTT13	Fuel	11/20/2013	Yes
FUELTW13	Fuel	11/20/2013	Yes

Contract Renewals

<u>Contract</u>	<u>Vendor</u>	<u>Description</u>	<u>Dates</u>
FASTEN12	Grayson Industries	Fasteners	10/01/2013 -09/30/2014
HRDEV11	Epiphany Consulting	Human resources development	01/01/2014 -12/31/2014
LGLOVES12	Performance Safety Group	Latex gloves	10/01/2013 -09/30/2014
TEMP11A	WV Association of Rehabilitation Facilities	Temporary employment services	11/01/2013 -12/31/2013
TEMP11B	Adecco	Temporary employment services	11/01/2013 -12/31/2013
TEMP11C	Choice Staffing	Temporary employment services	11/01/2013 -12/31/2013

LOWE

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who has provided leadership at the state level, and who has contributed substantially to community rehabilitation programs and services with individuals with disabilities.

WVARF officials noted that Lowe “continues to be a strong supporter of the State Use Program and understands the impact of how working a job contributes to the overall success of the individual. She grasps the concept of individual goal attainment – no matter how big or little of recognition – is important to all individuals.”

Lowe has been with Surplus Property for more than four years.

FOR MORE INFORMATION

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

<u>FILE</u>	<u>BUYER</u>	<u>EMAIL</u>	<u>PHONE</u>
21	Guy Nisbet	Guy.L.Nisbet@wv.gov	558-2596
22	Roberta Wagner	Roberta.A.Wagner@wv.gov	558-0067
23	Frank Whittaker	Frank.M.Whittaker@wv.gov	558-2316
31	Shelly Murray	Shelly.L.Murray@wv.gov	**
32	Tara Lyle	Tara.L.Lyle@wv.gov	558-2544
33	Crystal Rink	Crystal.G.Rink@wv.gov	558-2402
44	Bob Kilpatrick	Robert.P.Kilpatrick@wv.gov	558-8802
52	Evelyn Melton	Evelyn.P.Melton@wv.gov	558-7023
53	Laura Hooper	Laura.E.Hooper@wv.gov	558-0094
--	Dean Wingerd*	Dean.C.Wingerd@wv.gov	558-0468
--	Beth Collins*	Beth.A.Collins@wv.gov	558-2157
--	Krista Ferrell	Krista.A.Ferrell@wv.gov	**

* File not yet assigned

** Temporarily assigned to the ERP Project

Contract Renewals

<u>Contract</u>	<u>Vendor</u>	<u>Description</u>	<u>Dates</u>
TEMP11D	Choice Staffing	Temporary employment services	11/01/2013 -12/31/2013
TEMP11F	Winans Sanitary Supply Co Inc	Temporary employment services	11/01/2013 -12/31/2013

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.

FLRCOV	Floor Covering
MV	Automobiles
OFFICE	Office Supplies
OIL	Automotive Engine Oil
SBUS	School Buses
SECSVS	Security Services
TEMP	Temporary Employment Services

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