

THE BUYERS NETWORK

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of Administration to Promote
Better Value in Public Purchasing



The Purchasing Division, pictured in a June 2014 staff photo, worked together to achieve recognition by the National Procurement Institute (NPI). The division was awarded the Achievement of Excellence in Procurement Award from NPI based on judging criteria including innovation, professionalism, productivity, and leadership.

Make a Nomination for Agency Procurement Officer of the Year!

Because much of the Purchasing Division's time and focus was spent this spring and summer with the Phase C implementation of *wvOASIS*, it was determined that it would not be possible to conduct a conference this year. However, that does not mean that there will not be an opportunity to recognize the hard work performed by our state procurement officers.

The West Virginia Purchasing Division is pleased to announce the 19th year of its recognition program for agency procurement officers. The **Agency Procurement Officer of the Year** program recognizes individuals who have demonstrated high levels of performance and professional-

Please see **HONOR**, Page 8

Purchasing Division Awarded Honor by National Procurement Institute

NPI Honor

The Purchasing Division is the only governmental agency in West Virginia and one of only seven state agencies in the United States to receive the award.

The Purchasing Division has received the award for two consecutive years.

The Purchasing Division is pleased to announce that it has been awarded for the second consecutive year the Achievement of Excellence in Procurement Award from the National Procurement Institute (NPI).

The NPI annually recognizes individuals and agencies who demonstrate member contributions and organizational excellence in public procurement. Founded in 1968, the NPI establishes cooperative relationships among its members and develops efficient purchasing methods and practices in the areas of governmental, educational, and institutional procurement. The mission of NPI is to facilitate the educational and professional development of its members.

An evaluation committee of 15 public procurement officials from around the country evaluate submissions based on an extensive set of criteria related to public procurement practices and management. Purchasing Director Dave Tincher received notification from NPI in July. Recipients will be honored at the organization's 46th annual conference in October in Texas. A trophy displaying recognition will be kept at the Purchasing Division office.

INSIDE...

- **Director's Comments:**
Always Maintain Professionalism Within Public Procurement
- Be Mindful of Responsibilities with HIPAA-Related Information
- Tips for New State Procurement Officers
- Agriculture Center Procures Equipment with Unique Purpose

Maintaining Professionalism Within the Realm of Public Procurement Remains Vital to Role

By Purchasing Director Dave Tincher

“Professionalism” is not simply a buzzword used within the Purchasing Division but rather an objective that our entire staff works toward daily.

As stewards of the taxpayers' dollars, it behooves us to always maintain a focus on meeting the highest expectations of the public.

The Purchasing Division staff is dedicated to both professional development and personal goals. This extends to working toward national certification credentials, with the target of always improving our base of knowledge.

As showcased in this issue, Purchasing Division Staff Attorney James Meadows, Senior Buyer Guy Nisbet and Contract Manager Alan Cummings joined many of our other staff members by earning the Certified Professional Public Buyer (CPPB) credential, which recognizes public pro-

urement professionals who demonstrate a comprehensive knowledge of public procurement practices.

In addition, Cummings accompanied Inspectors Junior Blount and Shane Hall in earning certification for Inspectors/Investigators through the Council on Licensure, Enforcement and Regulation's National Certified Inspector Training program.

These certifications have meant additional hours that staff members spent studying and preparing but always with the end goal of broadening our fields of knowledge and being able to provide greater service.

It was with this in mind that the Purchasing Division created its own certification program in 2009. The West Virginia Purchasing Certification pro-



gram, offering both basic and advanced certifications for procurement officers, allows state government purchasing professionals a chance to demonstrate not only their level of knowledge but also their dedication to the field.

Procurement officers are encouraged to pursue these certifications and continually raise

their personal expectations of education in the realm of public procurement.

As we look forward to the future, to the changes inherent within our field, let us not lose sight of the importance of always being professional, ethical and keeping our customer in mind. We ensure the thoughtful spending of millions of taxpayer dollars yearly, and it is a responsibility we should never take lightly.

Be Mindful of Responsibilities When Dealing with HIPAA-Related Information

About HIPAA

The HIPAA Privacy Rule provides federal protections for individually identifiable health information held by covered entities and their business associates. It gives patients an array of rights with respect to that information. procurement.

Procurement officials are reminded of their responsibilities if and when Health Insurance Portability and Accountability Act (HIPAA) information is involved with an agency contract.

If you see any medical information involved in a contract, check your department privacy officer and ask them to whether a Business Associate Agreement must be signed. If the answer is yes to all contracts, put the vendor on notice by including the BAA as a mandatory term in the bid documents. Seek your privacy officer's assistance in completing Appendix A of the BAA with respect to the description of personally identifiable information (PII). Examples could include the name of a computer system, medical claims, medical records, case summaries, or even fields such as Social Security number, street address and driver's license number. However, never include actual health information for an individual on this form. Review Appendix A to make



sure it is completed correctly and completely. Maintain a comprehensive list of all contracts with BAAs. If the answer is that a BAA is not needed, print the e-mail document the conversation and maintain documentation in the contract file.

In the event of a privacy or security incident, you must notify the individuals the vendor will notify. In the event of notification of such an incident, the department's privacy officer immediately. Your privacy officer will report the incident.

If the vendor decides not to adopt encryption, the vendor is required to submit its rationale and security analysis to the agency, which will be delivered to the procurement officer at least 10 days prior to the execution of the BAA. The agency has up to 10 days to review the information. Once the review is complete, the agency can move forward with contracting. If you receive a written rationale and security analysis

Please see HIPAA, Page 7

Important Information Related to Vendor Compliance Checks and Establishes Third-Party Approvals

Agency procurement officers are reminded that the following vendor compliance checks are currently available on the Vendor/Customer table of wvOASIS:

- Federal Debarment
- Unemployment Insurance (WorkForce WV)

However, agency procurement officers will need to continue to confirm vendor compliance status with the agencies listed below as you have in the past, directly from the websites. wvOASIS staff are continuing to work with these agencies to incorporate compliance information in wvOASIS. Agency procurement officers will be updated as the additional compliance statuses become available:

- Workers' Compensation (Insurance Commission)
- Secretary of State Registration
- Tax Clearance

For links to these compliance websites, refer to the Agency Delegated Acquisition Procedures in Section 6 of the **Purchasing Division Procedures Handbook**. These will remain visible in wvOASIS on the Vendor/Customer table but will not be used at this time to confirm compliance. Users **MUST** continue to verify compliance for these three as previously done prior to implementation of wvOASIS.

For questions regarding this matter please e-mail Procurement@wvOASIS.gov.

Also, procedures have been established for third-party approvals within wvOASIS. Examples



of third-party approvals include Fleet Management (for vehicles) and the Capitol Building Commission (for capitol improvements). The Centralized Requisition (CRQS) is used to describe this process, but the steps are the same for all related documents, including the CRQ, CPO, CCT, CDO, ARQS, ARQM, APO, ACT and ADO.

To include third-party approvals on document, he procurement user creates a new CRQS. On the Header, the procurement user should click the pick list next to Reporting Field 2 and select the appropriate third-party approval category.

The procurement user must validate and submit the transaction to workflow. The workflow rule associated with Reporting Field 2 will automatically insert a PR 3rd Party Approver role for the department into the workflow chain when Reporting Field 2 is populated.

The agency procurement officer should then log

Please see wvOASIS, Page 7

About wvOASIS

For more information on wvOASIS, please visit: www.wvoasis.gov.

Tips For Procurement Officers New to the Purchasing Process

Process Information

For more information on Purchasing Division procedures, please visit: www.state.wv.us/admin/purchase/Handbook/

Purchasing Division buyers offer the following tips for individuals new to the state purchasing process:

- **Know your Purchasing Division pre-approvals:** This tip does not refer to pre-approvals needed from outside agencies, such as the Office of Technology and Fleet Management. Instead, this tip refers to the pre-approvals required by the Purchasing Division to utilize specific processes. For example, an agency must obtain pre-approval from the Purchasing Director before it can use the request for proposals method of procurement, piggyback an existing contract, or go off of a statewide contract. The pre-approval letter should be submitted to the Purchasing Division.

- **Ensure the Requisition is complete before you submit it to the Purchasing Division:** It's easy to overlook mistakes when you've been working on

gathering all the numerous pieces of documentation for a particular solicitation, so this tip refers to the sections we see the most common mistakes. Be sure to include the agency's maximum budgeted amount, which specifically allows the agency to negotiate when all bids exceed the available funds.

- **Include the appropriate information with the requisition:** Be sure to note liquidated damages, pre-bid conferences, bid bond requirements, etc. Additional time will be required by the Purchasing Division to gather that information from the agency. In essence, it will slow down the process. Also, agencies should be sure to include the suggested vendors list with a minimum of three vendors, which will help maximize competition.

Please see TIPS, Page 4

Moorefield Agriculture Center Procures Equipment for Specific Unique Purpose

The West Virginia Department of Agriculture recently obtained an Inductively Coupled Plasma Optical Emission Spectrophotometer (ICP) in its laboratory. Though few people outside of the Moorefield Agriculture Center are aware of this equipment's function, it serves a vital function nonetheless.

"ICP is used primarily for the analysis of metals and certain nutrients in both water and land applied manure," said Josh Hardy, the assistant director of Moorefield Environmental Labs. This analysis allows for the laboratory to develop fertilizer that optimizes plant growth and to determine the toxicity of contaminated soil.

This machine plays an important role in determining what levels of certain substances are present, as it picks up trace elements that may not be uncovered otherwise. ICP technology is used primarily to analyze water, food, soil, and motor oil.

Agriculture's ICP is the newest piece of equipment in its laboratory, replacing an older machine with a similar function. "In order to maintain and keep the necessary laboratory accreditation, we need to keep up with technological advancements. In a laboratory setting, new pieces of equipment are constantly being developed. For us to



The Inductively Coupled Plasma Optical Emission Spectrophotometer purchased by the West Virginia Department of Agriculture provides an analysis of metals and nutrients in both water and land applied manure. It is the only such device of its kind owned by the state.

stay ahead of the curve, we try to upgrade as needed," said Hardy.

This device is the only one of its kind owned by the state. Uncertain as to whether there are private laborato-

ries with similar technology, Hardy expressed his satisfaction in how smoothly the procurement process went in obtaining this unique equipment for the center.

TIPS

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- If re-bidding a contract, include the contract number for the contract which is being replaced: This will allow the Purchasing Division to have a baseline to go off of when reviewing the information for the current contract.

- Make sure the date that the Purchasing Affidavit is signed is the same date it is notarized: This is a common error. The purpose of the notary is to bear witness to the signing of the Purchasing Affidavit. If the dates of the signature and notary do not match, then it is presumed that the signing of the document was not actually witnessed.

- If the Purchasing Affidavit is faxed as part of the bid and includes a raised seal, make sure the vendor submits the original copy: Oftentimes a raised seal does not have a black and white contrast on a faxed copy to validate its authenticity.

- When checking a vendor's Secretary of State Registration, pay attention to the "Charter" and whether it states that

the vendor is "Domestic" or "Foreign": If the "Charter" states that the vendor is "Foreign," this means the place of business's headquarters is located outside of West Virginia, and therefore, they are not eligible for vendor preference unless certified as a small, woman-, or minority-owned business.

- When a Certificate of Liability Insurance form is required, ensure that it has an authorized representative signature: In fact, ensure all documents have the required signatures.

- Utilize the agency process checklists to ensure all steps for a particular procurement method are taken: The checklists were developed by the Purchasing Division for agency procurement officers to utilize as a resource. They are included as Appendix O of the Purchasing Division Procedures Handbook and cover the various purchasing methods, including RFQs, RFPs, EOIs, emergency purchases, and more.

Purchasing Division Attorney Provides Clarification on Available Remedies to Vendors on Contracting

When vendors have an issue with the procurement process, be it with the specifications of the solicitation or the contract award, there are steps available for vendors to express their concern.

“The purpose of the Purchasing Division is to ensure fairness, promote competition and to obtain the best value for the state,” said James Meadows, staff attorney for the Purchasing Division. “This is why we have a vendor remedy process.”

Reasons for vendors to need remedy may include:

- Mistakes in the process;
- Unforeseen circumstances; or
- Corruption.

Meadows said available legal remedies for vendors are to file a protest, or to file suit in the circuit court or the court of claims. A protest may be one of two types: a protest of specifications, when the vendor claims the specifications were slanted unfairly toward a specific vendor; or a protest of award, where the vendor states the contract was awarded unfairly.

“There are valid grounds for this type of protest, such as the vendor preference was wrongly granted, or a Request for Proposal (RFP) was not properly scored,” Meadows said.

A protest of specifications must be submitted to the Purchasing Division prior to five days before the bid opening, Meadows said, whereas a protest of award must be received within five business



Purchasing Division Attorney James Meadows said the vendor remedy process is part of the Purchasing Division's role to ensure fairness, promote competition and obtain the best value for the state.

days after the contract award. The protest review process involves the protest letter and allegations being discussed internally within the Purchasing Division, with the result being either a written letter granting protest relief, denial of the protest, or granting a formal hearing and review before an administrative law judge. Rem-

edies include the protest being denied, the award being canceled and re-awarded to another bidder, the contract being canceled and rebid or the contract being canceled and not being rebid.

Should the protest be taken to circuit

Please see REMEDIES, Page 8

Agency Procurement Offers to Use Three-Digit Prefix in wvOASIS

Agency procurement officers are reminded to include their agency's three-digit prefix code when completing the form on the wvOASIS "Document Catalog" page prior to submitting it to the Purchasing Division. Including the agency ID code allows the electronically submitted form to be more efficiently handled when it arrives at the Purchasing Division.

Assistant Purchasing Director Mike Sheets said documents submitted to the Purchasing Division are first received in one primary location for staff members to track their arrival, compared to when paper requisitions arrived prior to the onset of wvOASIS. The documents are logged then distributed to the agency's assigned Purchasing Division buyer.

Sheets said the three-digit prefix code is the only information on this electronic form by which staff can readily determine which agency has submitted it.

“Recently, we have seen submitted documents missing this ID code and this causes a delay as the other information does not readily identify the submitting agency. When this occurs,

staff will open the document to attempt to determine which agency submitted and will then return the document to be corrected.

Sheets said situations like these are not unexpected when such a major conversion occur such as with the onset of a new comprehensive enterprise resource planning (ERP) system.

“Patience will be key for all of us involved in this transition,” he said. “I think in time we will all see that ERP will be more efficient for everyone in the state procurement process.”

Contract Management Unit Personnel Earn National Industry Certification from CLEAR

The Purchasing Division salutes the members of its Contract Management Unit which received national certification from the Council on Licensure, Enforcement and Regulation (CLEAR) in May.

Contract Manager Alan Cummings and Inspectors Junior Blount and Shane Hall earned certification for Inspectors/Investigators through CLEAR's National Certified Inspector Training program. This course is designed for investigators and inspectors working within regulatory organizations.

The three-day training program consisted of topics such as: Professional Conduct; Principles of Administrative Law and the Regulatory Process; Investigative Process; Principles of Evidence; Evidence Collection, Inspections and Inspection Procedures; and Report Writing. Cummings, Blount and Hall earned their certification upon successfully passing an examination.

CLEAR is an association of individuals, agencies and organizations that promotes regulatory excellence through conferences, educational programs, webinars, seminars and symposia. The organization provides



Purchasing Division Inspectors Junior Blount, left, and Shane Hall, right, discuss a recent inspection with Contract Manager Alan Cummings. Blount, Cummings and Hall earned certification for Inspectors/Investigators through the Council on Licensure, Enforcement and Regulation.

networking opportunities, publications, and research services for those involved with, or affected by, professional and occupational regulation. As a neutral forum to encourage and

provide for the sharing of best practices, CLEAR serves and supports the international regulatory community and its vital contribution to public protection.

Purchasing and Agency Procurement Officers Earn National Credentials

The Purchasing Division congratulates several of its employees and fellow state agency procurement officers who earned national certification credentials through the Universal Public Procurement Certification Council (UPPCC) in May.

Purchasing Division Staff Attorney James Meadows, Senior Buyer Guy Nisbet and Contract Manager Alan Cummings each earned Certified Professional Public Buyer (CPPB) credentials, which recognize public procure-

ment professionals who demonstrate a comprehensive knowledge of public procurement practices.

Also earning this distinction was Bryan Rosen of the Department of Health and Human Resources (DHHR) and Alberta Kincaid of the Treasurer's Office.

Robert Price of DHHR and Angela Negley of the Department of Natural Resources earned their Certified Public Procurement Officer (CPPO) certification in May, which marks an elite level

of achievement for public procurement management.

The UPPCC is an independent entity formed in 1978 to govern and administer the CPPO and CPPB certification programs. The CPPO and CPPB programs are highly regarded and respected among procurement professionals and employers involved in the public sector. Individuals earning these credentials must complete an arduous curriculum and exam to receive the designations.

Interested in past issues of *The Buyers Network*? Be sure to check them out on the Purchasing Division's website at: www.state.wv.us/admin/purchase/BN/bnlist.html

Fill 'Er Up! ... FUEL Statewide Contract Ready for Agency Use

State agencies which provide fueling stations for their respective vehicle fleets should take note of the vendors listed on the statewide Contract for Motor (gasoline and diesel) and Heating Fuel by Tank Wagon and Tank Truck (FUEL14) which has been awarded and became effective April 9, 2014.

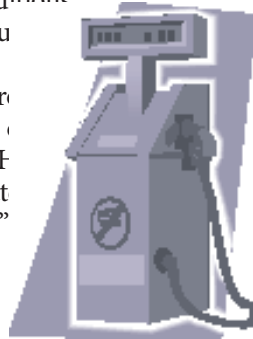
Buyer Supervisor Frank Whittaker said the terms and conditions of FUEL14 are similar in many ways to previous contracts, including one important clause.

"Agencies that place orders through FUEL must do so from the vendor designated for their district. There are 10 districts on this contract, mirroring the 10 Division of Highways (DOH) districts. DOH has the most fuel storage locations among state agencies. It just made sense to reflect that in the contract," Whittaker said.

FUEL14 contains an assortment of products that includes unleaded gasoline, diesel, biodiesel and heating fuels. Listed within FUEL14 are two types of delivery methods, by wagon (FUELTW), which requires a minimum order of 800 gallons of product or by tanker (FUELTT).

The vendors which supply fuel under each delivery method are JL Brannon, Inc. of Pinch and RT Rogers Oil Company, Inc of Hinton. Harris Oil Company, Inc. of Spencer provides fuel on FUELTT and Bruceton Petroleum Company, Inc. of Morgantown and Belmont Petroleum Corporation of Wheeling provide fuel through FUELTW.

To review FUEL14, please visit www.state.wv.us/admin/purchase/swc/FUEL.htm. To view the list of Purchasing buyer assignments for agencies and statewide contracts, please visit www.state.wv.us/admin/purchase/byrassign.pdf.



In-House Training: August - Sept. 2014

August

- Wednesday, August 13:
An Introduction to West Virginia's State Purchasing Process
9 a.m. - 4 p.m. In-House
- Wednesday, August 27:
Vendor Registration
10 - 11 a.m. Webinar

September

- Wednesday, September 10:
Fundamental Elements of a Solicitation
9 a.m. - noon In-House
- Wednesday, September 24:
Purchasing for the Non-Purchasing Manager
10 - 11 a.m. In-House

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.

HIPAA

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sis regarding encryption, give it immediately to your department's privacy officer.

Submit a list of all contracts over \$25,000 where the vendor is a business associate to your buyer at the Purchasing Division immediately. The Purchasing Division will contact each vendor and assist in getting the new BAA executed. For all contracts under \$25,000, each department must contact all of their vendors who are BAs and have them sign the new BAA. Your department privacy officer can be a resource to you in getting your list current. There are important upcoming deadlines set by the HITECH Act. For all contracts signed prior to January 25, 2013, which are not set to expire or renew or be amended prior to September 23, 2013, you have until September 22, 2014, to have the new BAA signed. For all contracts signed after January 25, 2013, through June 30, 2013, you will have to use the new BAA executed by September 23, 2013. The new BAA will start being used on all contracts where a BAA is required on July 1, 2014.

wvOASIS

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in to wvOASIS and **take** the CRQS from the Worklist. The agency procurement officer should use the Action Menu to reassign the transaction to the appropriate third-party approver.

The agency procurement officer is prompted to browse for the third-party approver from a list of users. The agency procurement officer clicks on the desired user and then clicks the "Select" link at the bottom of the list.

The *current approver* will then be reassigned to the third-party approver. Following the reassignment, navigate back to the CRQS using the Document Catalog and use the Track Work in Progress option to verify reassignment. After the third-party approver approves the CRQS, the agency procurement officer will receive it again in the Worklist to approve on to the next approver.

Any questions regarding these procedures may be directed to wvOASIS at 304.558.6708 or by e-mail at helpdesk@wvOASIS.gov.

Current Statewide Contract Update

(As of July 15, 2014)

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 the buyer assigned to the specific statewide contract.

New Contracts

Contract	Vendor	Description	Dates
ELECMON	3M Electronic Monitoring	Electronic monitoring services	06/25/2014 -12/31/2016

Contract Renewals

Contract	Vendor	Commodity	Dates
DFS12	KOMAX LLC	Disposable food supplies	05/25/2014 -08/31/2014

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.

AEBATT12 Automotive and equipment storage batteries
 CABLE13 Computer data cable
 RTIRE11 Tires, retread

HONOR

Continued from Page 1

ism. Nomination criteria for this award include but are not limited to tenure, performance, communication, training, and professional development.

This is the opportunity to recognize an agency's procurement officer or a procurement officer from another agency for his or her performance. The Purchasing Division is now accepting nominations for the **Agency Procurement Officer of the Year** award. Nominations will be reviewed by an evaluation committee and a selection will be made. The recipient of the award will be contacted during the month of September and will be joined in a ceremony by the Purchasing Director, colleagues, and friends.

The deadline for nomination submission is Friday, September 5. For more information about this award or to nominate an agency procurement officer, please visit the Purchasing Division's intranet page at intranet.state.wv.us/admin/purchase/Recognition/POYAward.html.

Questions may be directed to Staff Development Specialist Samantha Knapp at 304.558.7022 or Samantha.S.Knapp@wv.gov.

FOR MORE INFORMATION

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

FILE	BUYER	EMAIL	PHONE
21	Guy Nisbet	Guy.L.Nisbet@wv.gov	558-2596
22	Bob Kilpatrick	Robert.P.Kilpatrick@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
41	Dean Wingerd	Dean.C.Wingerd@wv.gov	558-0468
52	Evelyn Melton	Evelyn.P.Melton@wv.gov	558-7023
53	Beth Collins	Beth.A.Collins@wv.gov	558-2157
*	Greg Clay	Gregory.C.Clay@wv.gov	558-2566
*	Misty Delong	Misty.M.Delong@wv.gov	558-8802
*	Melissa Pettrey	Melissa.Pettrey@wv.gov	558-0094

* File not assigned yet

** Temporarily assigned to the ERP Project

REMEDIES

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court, remedies may include a preliminary injunction, which temporarily prevents action; an injunction, which prevents certain actions, such as the contract being awarded; and an act of mandamus, which compels certain actions, such as the contract being awarded to the protesting vendor.

"The circuit court process is a long, drawn-out process, which can take several months and which can incur significant costs," Meadows said.

A court of claims suit deals with monetary damages, Meadows said, with the suing vendor seeking financial remuneration. "The court of claims was created to address the moral obligations of the state," he said.

Meadows said the best advice for agencies to avoid having to deal with vendor remedies is to start at the beginning of the by writing good specifications, not playing favorites with vendors, following Purchasing law and heeding Purchasing Division advice.

"Understand, though, that there are some things you cannot completely control," Meadows said. "But forward thinking at the initial steps of the procurement process will help alleviate potential problems at the contract level."