2022 Agency Purchasing Conference



#### Process/Law Changes to Help You

- Increase Delegated Limits (2022): Spending thresholds for agency delegated limits were doubled with an option to increase to \$100,000.
- Sheltered Workshops Optional (2022): Agencies are no longer required to utilize sheltered workshops for commodities or services.
- Illegal Terms Law (2021): This change allows the State to enter into contracts more quickly by eliminating the need to negotiate various illegal terms.
- **Vendor Commodity Registration Report (2020):** The Purchasing Division developed a report that would identify all vendors registered for a certain commodity code so that targeted notice of bidding opportunities could be provided.
- Amazon (2020): The Purchasing Division implemented a terms agreement with Amazon that allows State agencies to receive the free shipping benefit of Amazon Prime and utilize Amazon as a bidder on contracts.

#### Process/Law Changes to Help You

- Expanded Secondary Bid to Services (2020): This change expands the use of secondary bidding to services to allow the procurement type to be more useful to agencies.
- Reduces Limits on Secondary Bidding (2018): Increases the master contract time from one year to three and increases the spending limit on commodities for secondary bidding from \$50,000 to \$1 million per order.
- Allows Agencies to Standardize Certain Commodities (2018): Establishes procedures for setting standards; which will eliminate the need for "or equal" specifications for that particular commodity and would last for a stated period of time.
- Screen Print as Bid (2018): Allowing screen prints from websites offering to sell goods and services to be accepted for the verbal bid limit.



#### **Objectives**

Steps leading up to Agency purchase

Purchasing forms/documents

wvOASIS forms/documents



- The Law West Virginia Code
  - §5A-3-4(a)(1): Rules of Director
  - §5A-3-11(b): Purchasing in open market
- Code of State Rules 148 CSR Series 1
  - Section 7.2: Purchases of \$50,000.00 or less

- WV Purchasing Procedures Handbook
  - Section 5



- State agencies may make purchases in the amount of \$50,000 or less of certain commodities and services. The \$50,000 limit shall be determined based on any of the following conditions.
  - One-time payment of \$50,000 or less within a 12-month period.
  - Monthly payments of \$4,166.66 or less for twelve consecutive months.
  - Periodic payments made in any dollar amount as long as the total amount is \$50,000 or less in a 12-month period.



#### **Purchasing Decision Path**

- Step 1: Determination of Need
- Step 2: Availability through Internal Resources
- Step 3: Availability through Statewide or Agency Contract
- Step 4: Direct Award and Emergency Purchases
- Step 5: Agency Delegated Purchasing Procedures (\$50,000.00 or less)



#### **Step 1: Determination of Need**

- Agency must determine the product or service required
  - Includes quality level, delivery requirements, and estimated cost
- Define
  - Is the need a commodity or service?
  - Is the need a "one-time" acquisition?
  - Is the need required over a period of time?
  - Is there available alternatives or options?



#### **Acquisition Planning**

- Consider acquisition and delivery time
- Expiring funds (end of fiscal year, stimulus monies)
- Shipping, delivery time, installation, and start of service
- Consider purchases during off peak times or out of season



#### Step 2: Availability through Internal Resources

- Once the need is established, the agency must determine if the product or service is available from internal resources, including:
  - Correctional Industries
  - Sheltered Workshops, or
  - West Virginia State Agency for Surplus Property



#### Step 3: Availability through Statewide or Agency Contract

- If the product or service is not available from internal resources, the agency must determine if that product or service is available from a statewide or agency contract. If available, the agency must purchase the product or service in accordance with purchasing guidelines as indicated within the statewide or agency contract
- Examples: Office supplies and information processing equipment



#### **Step 4: Direct Award and Emergency Purchases**

• If the product or service is not available through an existing statewide or agency contract, the agency must determine if the purchase will be competitive, or direct award (only one vendor who can provide this product or service without being a detriment to the agency) or an emergency.



Step 5: Agency Delegated Purchasing Procedures (\$50,000.00 or less)

- If the competitive product or service is not available through an internal resource, nor on a statewide or agency contract, the agency must utilize its delegated purchasing procedures if the acquisition is estimated to cost \$50,000.00 or less
- Delegated authority is not required. It can be revoked
- Stringing
  - Report to Legislature



\$0 - \$5,000.00

No competition required, but encouraged

\$5,000.01 - \$20,000.00

Three verbal bids required (WV-49)

\$20,000.01 - \$50,000.00

Three written bids required (ARFQ)

Over \$50,000.01

Formal bid process (CRQS/CRQM; Purchasing Division)



<sup>\*</sup>Agency Delegated Purchasing Procedures (\$50,000.00 or less)

<sup>\*</sup> Formal Acquisitions (more than \$50,000.00)

#### **Procurement Officers**

- Code of State Rules 148 CSR Series 1, Section 3.2 states:
  - Each agency has one or more procurement officers making purchasing decisions under their state agency delegated authority
  - Ensures compliance with bidding levels
  - Defines agency needs
  - Performs acquisition planning
  - Researches market
  - Creates specifications
  - Officer Listing
    - www.state.wv.us/admin/purchase/vrc/agencyli.html



#### **Competitive Bidding (\$5,000-\$20,000)**

- Call vendors
- Obtain three bids, if possible
- Screen prints permitted



Competitive Bidding (\$20,000.01-\$50,000)

- Research the market
- Develop specifications
- Release solicitation
- Evaluate bids



#### **Forms/Documents**

- Verbal Bid Quotation Summary (WV-49)
- Agreement Addendum (WV-96)
- wvOASIS agency-level entries
- Non-conflict of interest
- Agency Terms and Conditions
- WV-65A



#### Things to Remember:

- Include deadline for technical questions in Schedule of Events
- FOIA requirements
- Use military time and set bid time for times other than 1330 (1:30 pm), which is the time scheduled for Central Purchasing bid openings



#### Things to Remember:

- Enter Agency buyer info in the Header, Contact tab. Do not put Central Purchasing buyer's name in this field.
- Protests are not delegated, and any protests received should be submitted to the Purchasing Division buyer.
- Insurance requirements
- Affidavit requested prior to award. Not required with the bid.

- wvOASIS Forms and Documents
  - Agency Requisition Types
    - ARQS
    - ARQM
  - Agency Solicitation Types
    - ARFQ
    - AEOI
    - ARFI
    - ASSD
  - \*Agencies may not process ARFP



- wvOASIS Forms and Documents
  - Contract Types
    - ACT (Agency fixed amount contract with start and end dates with renewal clause)
    - AMA (Agency Master Agreement)
    - APO (One-time purchase)



#### ARQS (Agency Standard Requisition)

ARFQ (Agency Request for Quotation)

SR (Solicitation Response)

EV (Evaluation Document)

APO (Agency Purchase Order) or ACT (Agency Contract)

#### ARQM (Agency Master Agreement Requisition)

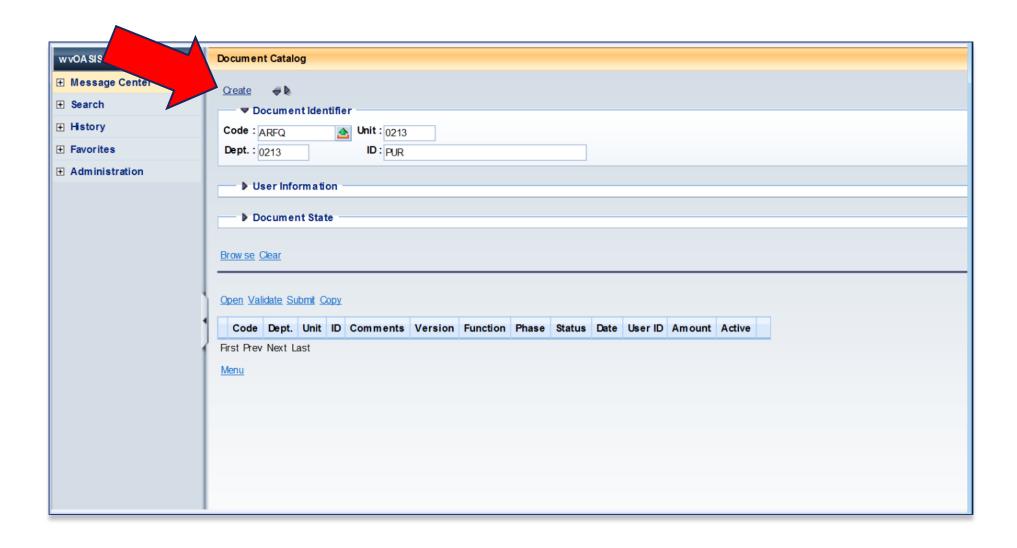
ARFQ (Agency Request for Quotation)

SR (Solicitation Response)

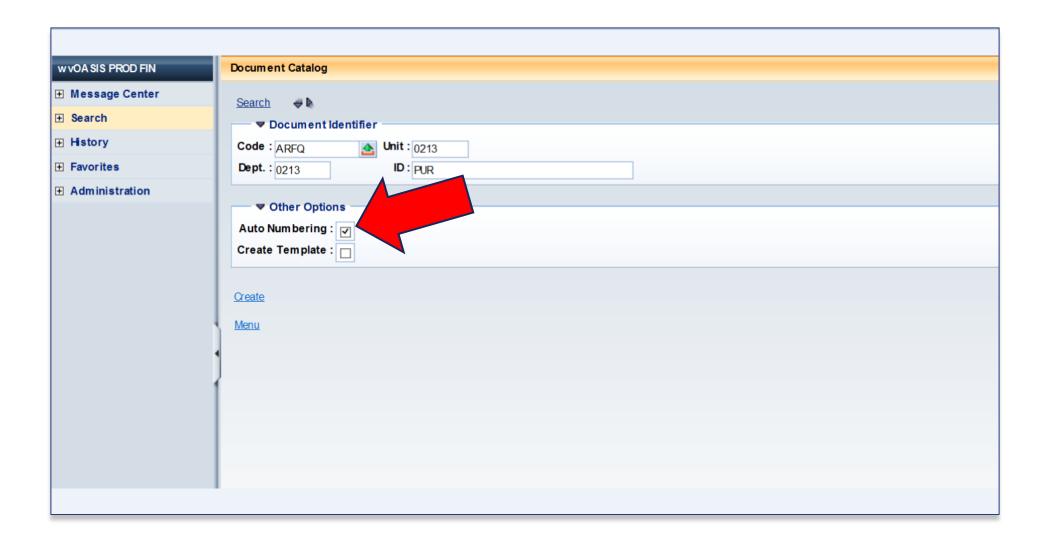
EV (Evaluation Document)

AMA (Agency Master Agreement)

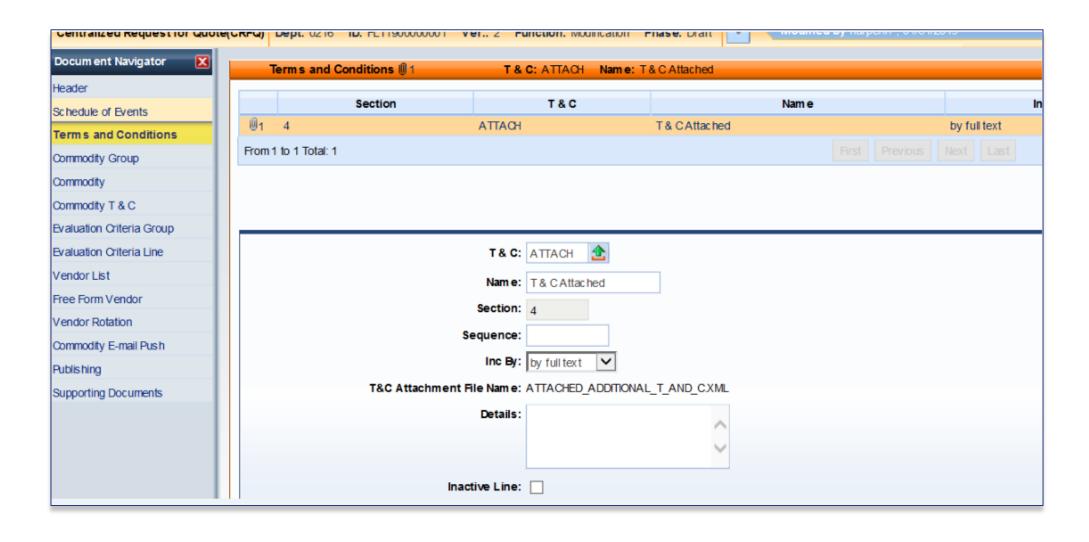
#### To Create a Document



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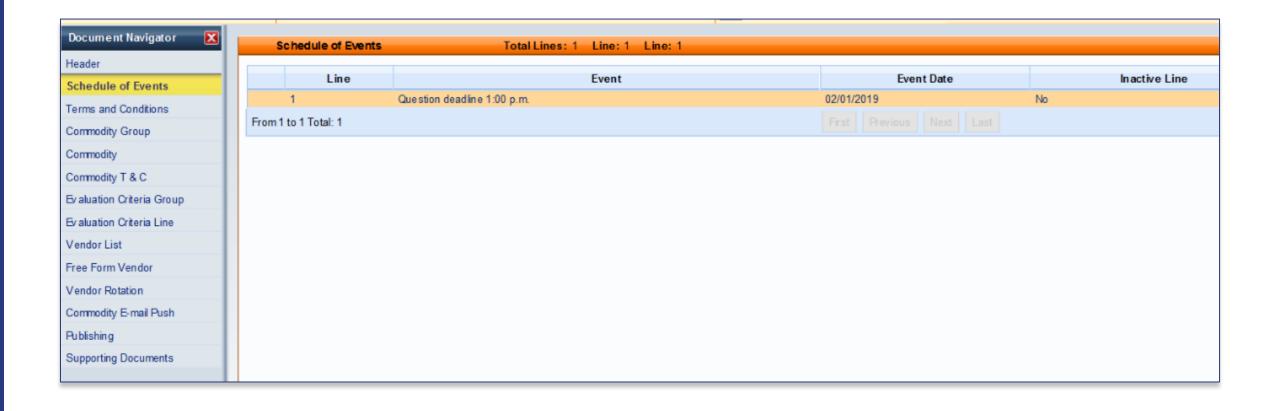
#### **Attaching Terms and Conditions**



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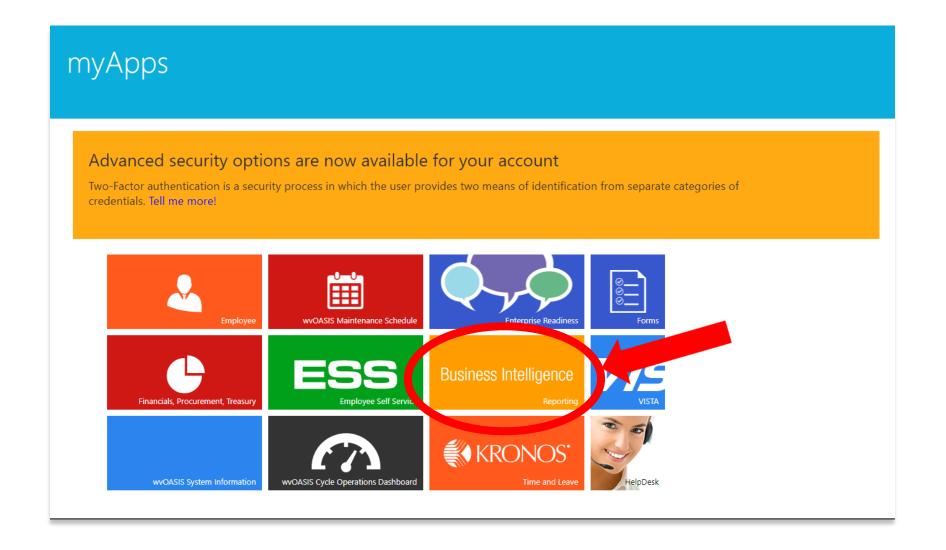
Choose											
Brow se Clear  Terms and Conditions:  Attachments Group ID:  Attachment File Name:  Attachment File Name:											
	Terms and Conditions	Nam e	Attachments Group ID	Attachments	Attachment File Name						
Select	A1	Agency Terms and Conditions	ADV135242726	1	AGENCY_TERMS_AND_CONDITIONS.XML						
Select	A2	Agency A&E Additional T & C	ADV100009105	1	AGENCY_A&E_ADDITIONAL_TERMS_AND_CONDITIONS.XML						
Select	A3	Agency Const. Additional T&C	ADV100009106	1	AGENCY_CONSTRUCTION_CONTRACTS_ADDITIONAL_T_AND_CXML						
Select	ATTACH	T & C Attached	ADV100352319	1	ATTACHED_ADDITIONAL_T_AND_CXML						
<u>Select</u>	BLANK	Revised Blank	ADV100505475	1	REVISED-BLANKXML						
<u>Select</u>	CI	Central Terms and Conditions	ADV100009107	1	CENTRAL_TERMS_AND_CONDITIONS.XML						
Select	02	Central A&E Additional T & C	ADV100009108	1	CENTRAL_A&E_ADDITIONAL_TERMS_AND_CONDITIONS.XML						
Select	ca	Central Constr Additional	ADV100009109	1	CENTRAL_CONSTRUCTION_CONTRACTS_ADDITIONAL_T_AND_C.XML						
Select	CONV	Conversion Default		0							
<u>Cancel</u>	First Prev Next Last										

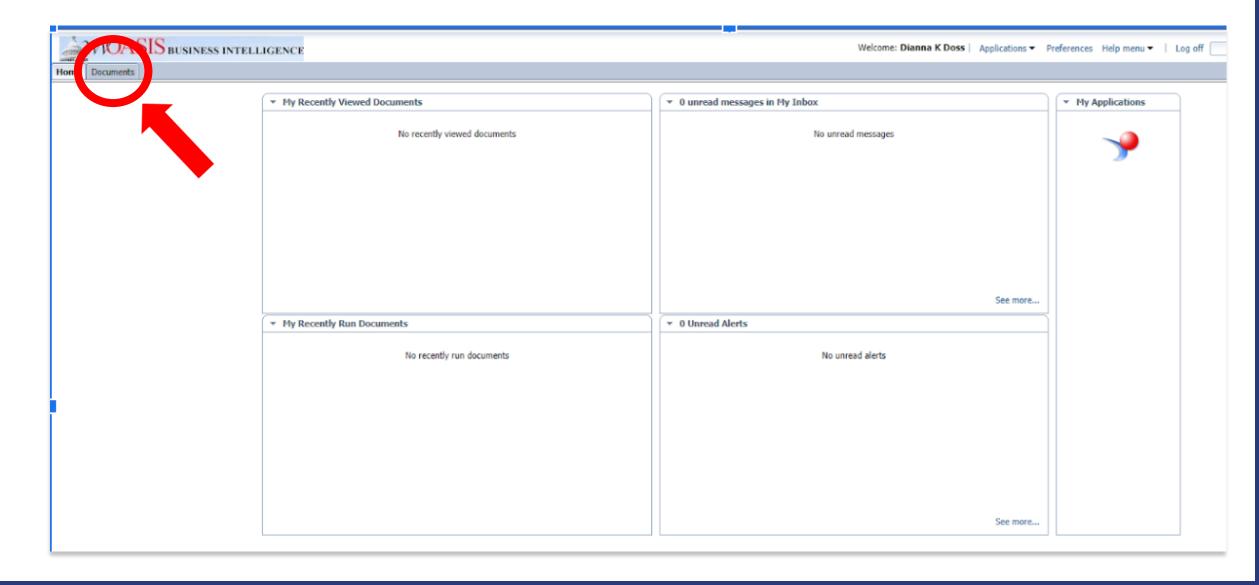
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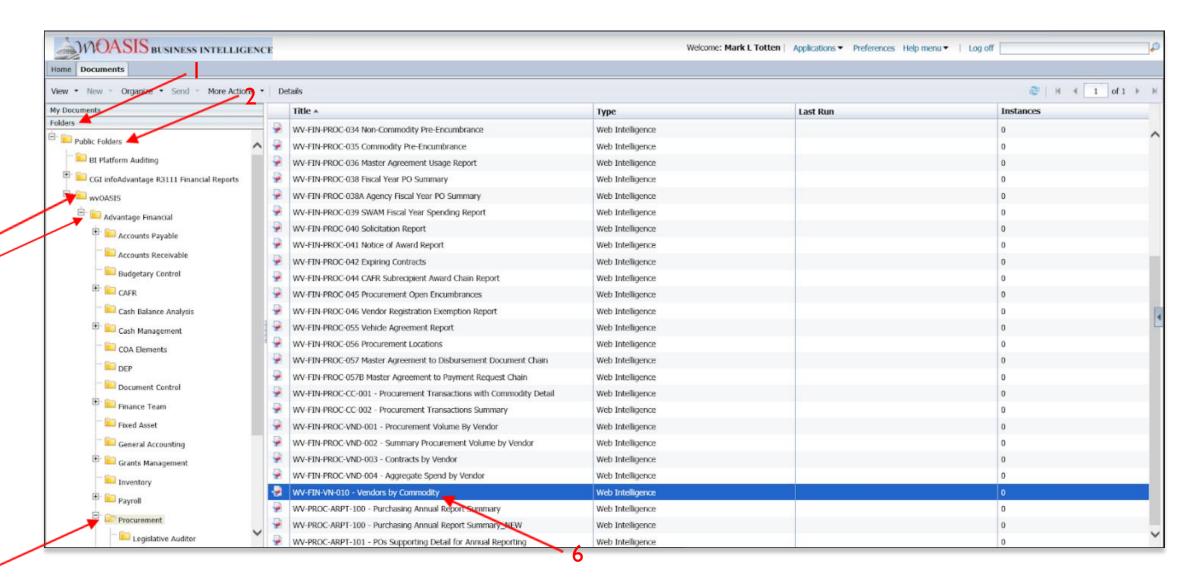


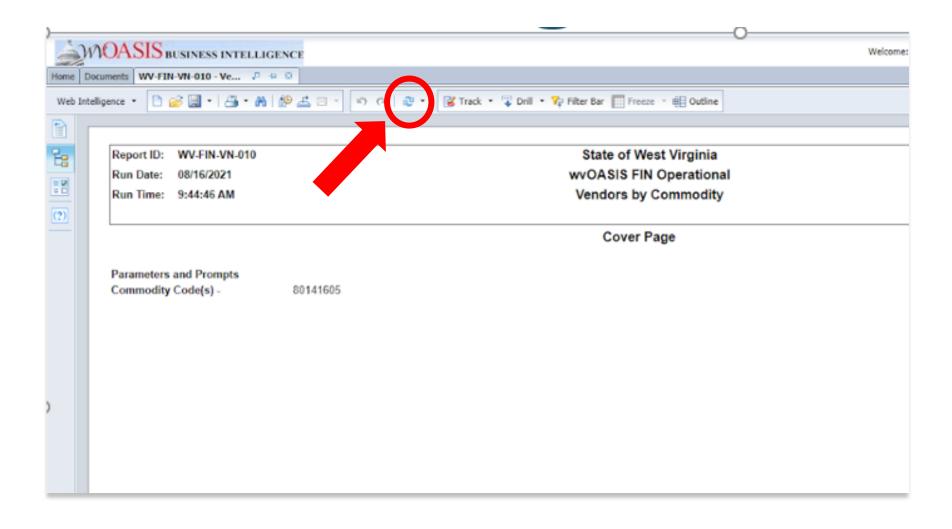
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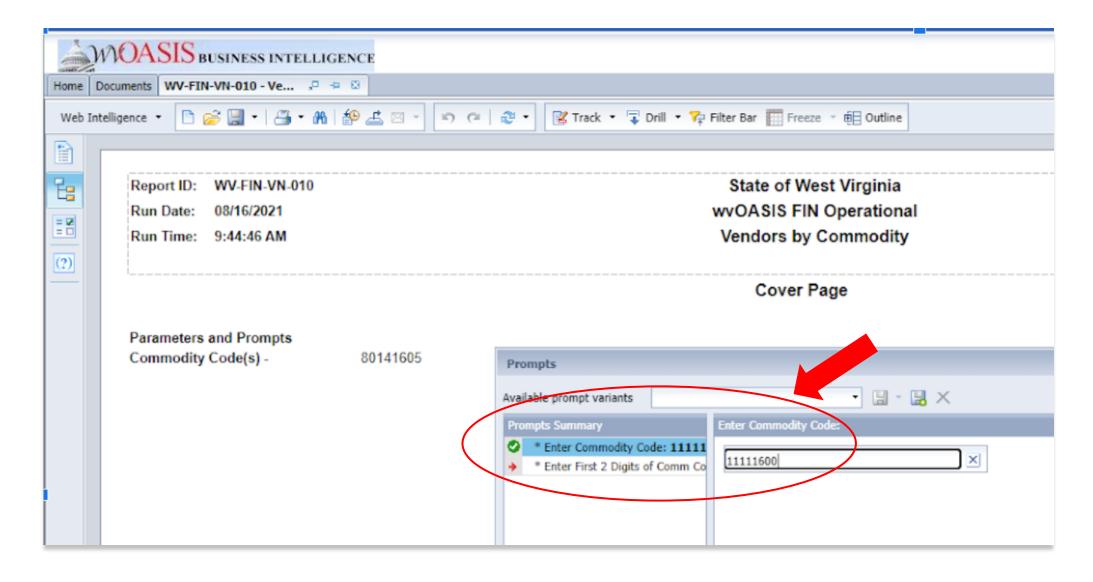
Document Navigator	Publishing					
Header	Procurement Folder:	541951	Create Vendor Notification:	<b>✓</b>	Commodity Description:	<b>✓</b>
Schedule of Events	Am endment Num ber:		Schedule of Events:	<b>✓</b>	Item Shipping:	✓
Terms and Conditions	Published Date:		Terms and Conditions:		Item Specifications (Handling):	
Commodity Group	Published Time:		Evaluation Criteria:		Item Specifications (Details):	
Commodity				_		
Commodity T & C	Original Let Date:	01/25/2019	Evaluation Criteria (Points):		Commodity Terms and Conditions:	✓
Evaluation Criteria Group	Let Date:	01/25/2019	Amendment History:	✓	Commodity Attachments:	✓
Evaluation Criteria Line	Close Date:	02/08/2019	Document Attachments:	<b>✓</b>	Prohibit Online Responses:	
Vendor List	Close Time:	13:30	Publish Vendor List:		AttachmentList:	
Free Form Vendor	Public Bid Opening Date:		Only Notify Vendor List:		Restrict Multiple Responses per	
Vendor Rotation	Public Bid Opening Time:				Vendor TIN:	
Commodity E-mail Push						
Publishing						
Supporting Documents						

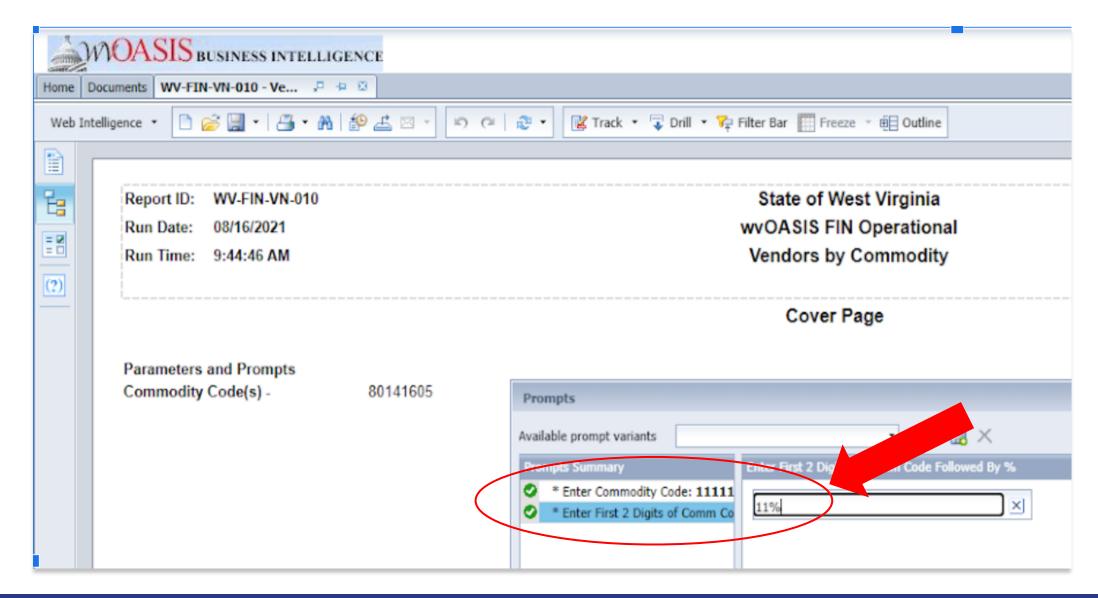


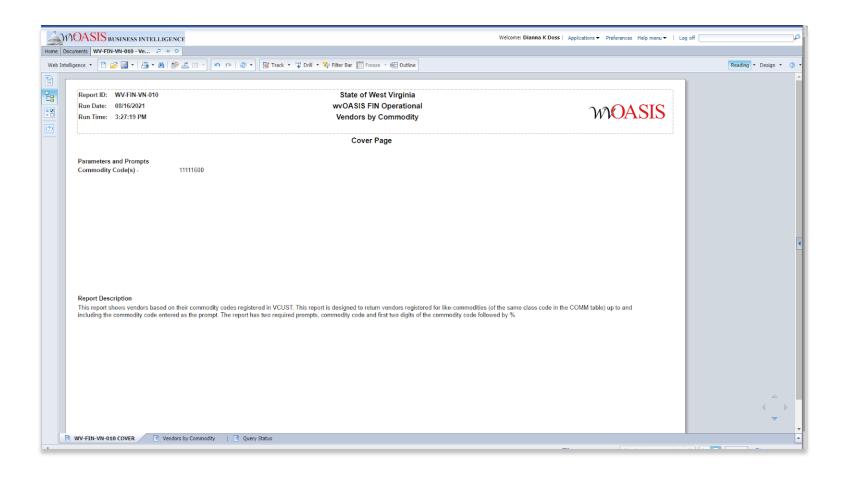


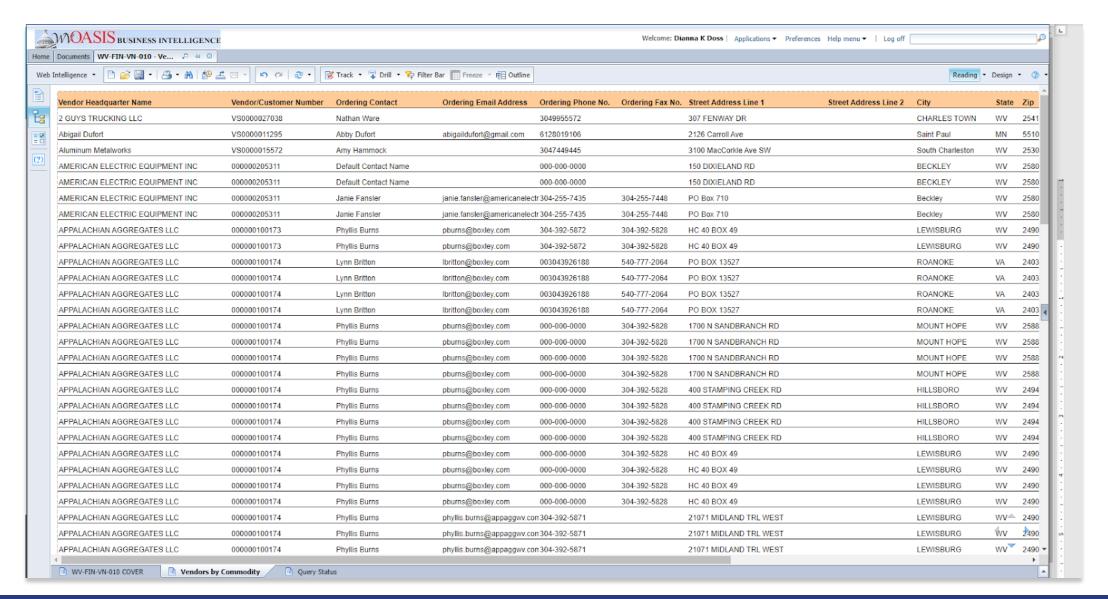












- State agencies are encouraged to use the State Purchasing Card as a payment method for purchases, whenever possible in accordance with P-Card guidelines.
- Issuing a series of requisitions or purchases to circumvent competitive bidding or to defeat the State Purchasing Card transaction or delegated purchasing limit is referred to as "stringing" and is prohibited by law.
- State agencies should continuously monitor their expenditures with vendors to ensure that the total amount spent with a given vendor, in a year's time, does not exceed a bid threshold without proper level of documentation and bidding.

#### **WV State Auditor's Office**

- Payment by EFT or State Purchasing Card
- Checks being phased out (except for special circumstances)
- Payment Method Has NO IMPACT ON PROCUREMENT REQUIREMENTS
  - Agencies must continue to comply with Purchasing Division policy





# ANY QUESTIONS?



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