

Presented by John Estep Senior Buyer

# Process/Law Changes to Help You

- •Emergency Changes (2023): Spending units are permitted to procure commodities and services for immediate delivery on an emergency basis without competitive bidding and without prior approval of the Purchasing Division.
- •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 (or \$100,000 if the agency has been approved for the higher threshold.) 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.
    - Business Intelligence reports WV-FIN-AP-055I (i.e. all transactions) and WV-FIN-AP-026 (i.e. spend for single or multiple selected vendors). Inspectors can help with showing how to run reports.

#### **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
  - Consider shipping time

#### Define

- Is the need a commodity or service?
- Is the need a "one-time" acquisition?
- Is the need required over a period of time?
- Are there available alternatives or options?
- Expiring funds (state and federal)/grant funds



#### **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 should determine if the product or service is available from internal resources, including:
  - Correctional Industries
  - Sheltered Workshops
  - 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 mandatory statewide or agency contract.
- Examples: computers 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, direct award, 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 (or \$100,000 if the agency has been approved for the higher threshold.)
- Delegated authority is not required
- 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)

- \* Agency Delegated Purchasing Procedures (\$50,000.00 or less)
- \* 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, reviews specifications (especially when coming to central Purchasing)
  - 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, review specifications
- Release solicitation
- Evaluate bids
- Award contract (APO, ACT, AMA)



#### **Forms/Documents**

- Award Checklist
- Verbal Bid Quotation Summary (WV-49)
- Non-conflict of interest
- Agency Terms and Conditions
- WV-65A



#### Things to Remember:

- Include deadline (date and time) for technical questions in Schedule of Events
- Freedom of Information Act (FOIA) requirements
  - Code 29-B-1
  - must respond within 5 business days
  - Everything except attorney-client privilege
- 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 procurement officer 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 (General terms and conditions)

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



- 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)







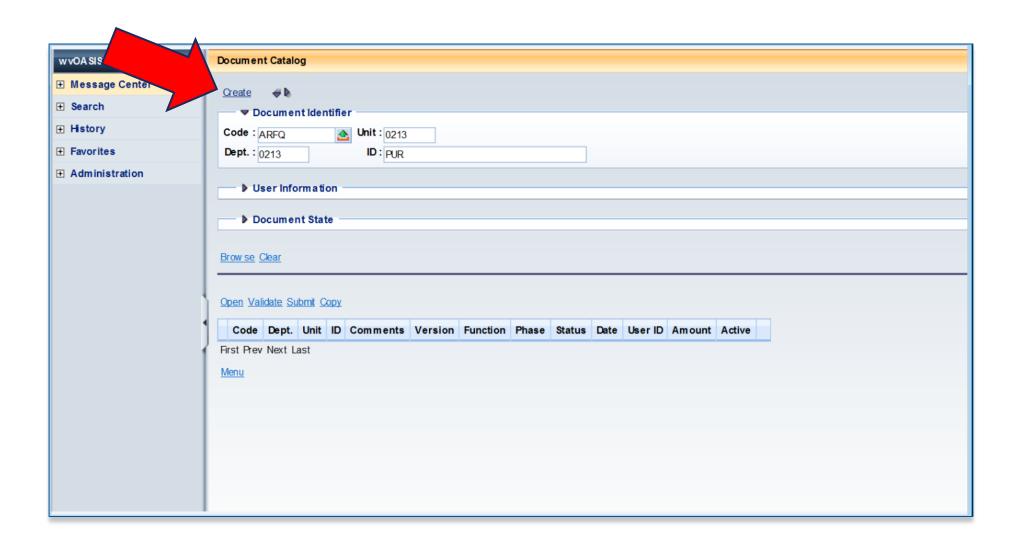
SR (Solicitation Response)

EV (Evaluation Document)

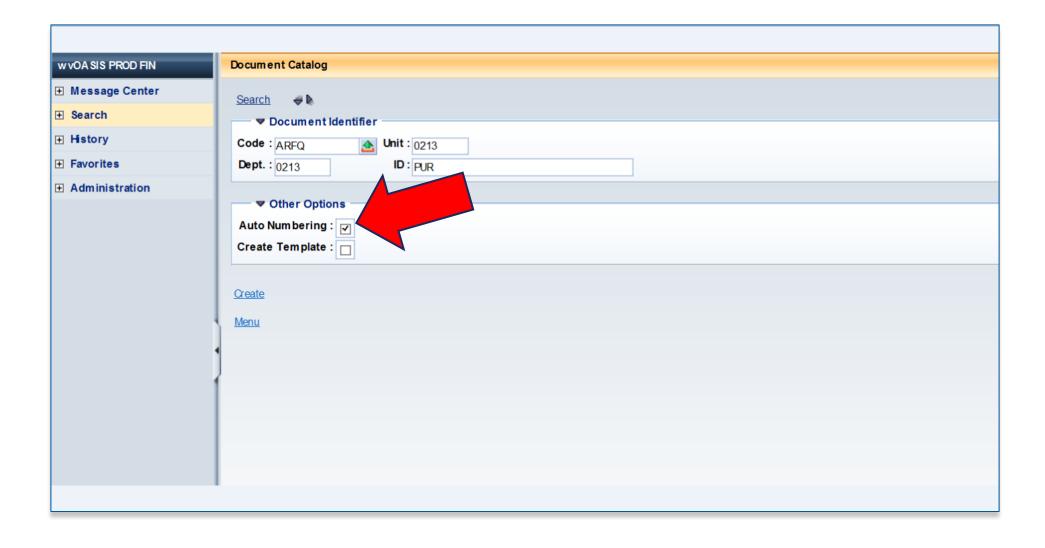
APO (Agency Purchase Order) or ACT (Agency Contract)

# ARQM (Agency Master Agreement Requisition) ARFQ (Agency Request for Quotation) SR (Solicitation Response) EV (Evaluation Document) AMA (Agency Master Agreement)

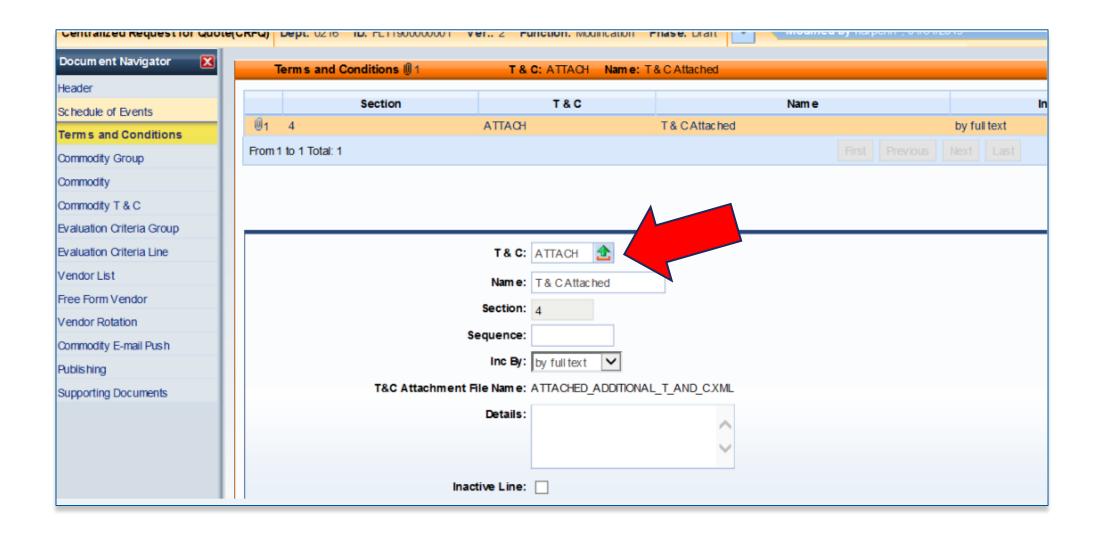
# **To Create a Document**



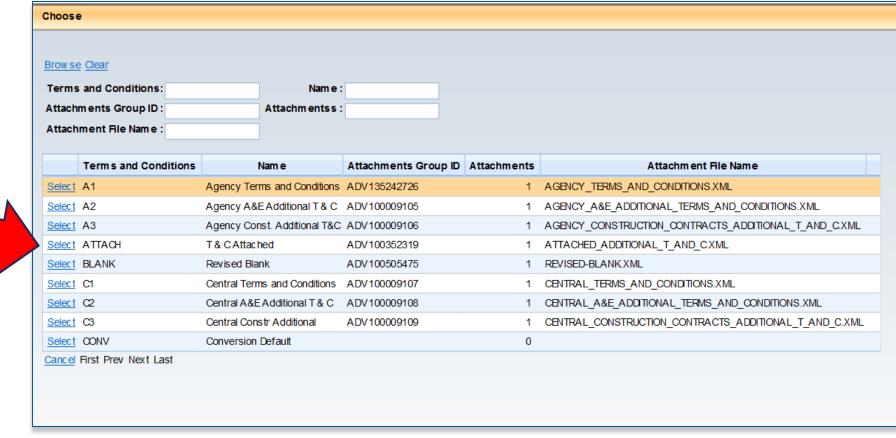
### **To Create a Document**

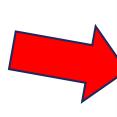


# **Attaching Terms and Conditions**

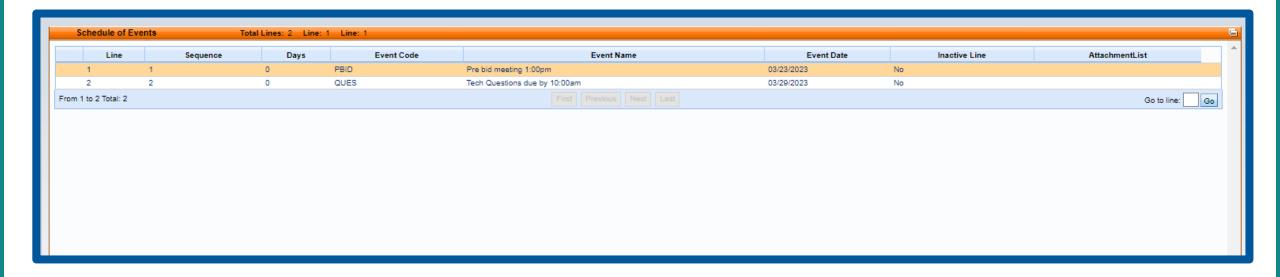


# **Attaching Terms and Conditions**



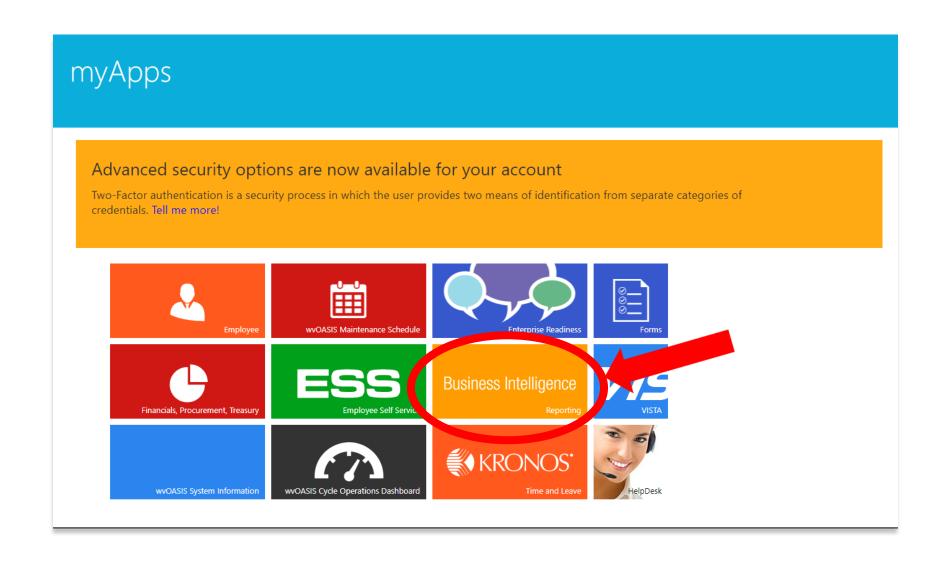


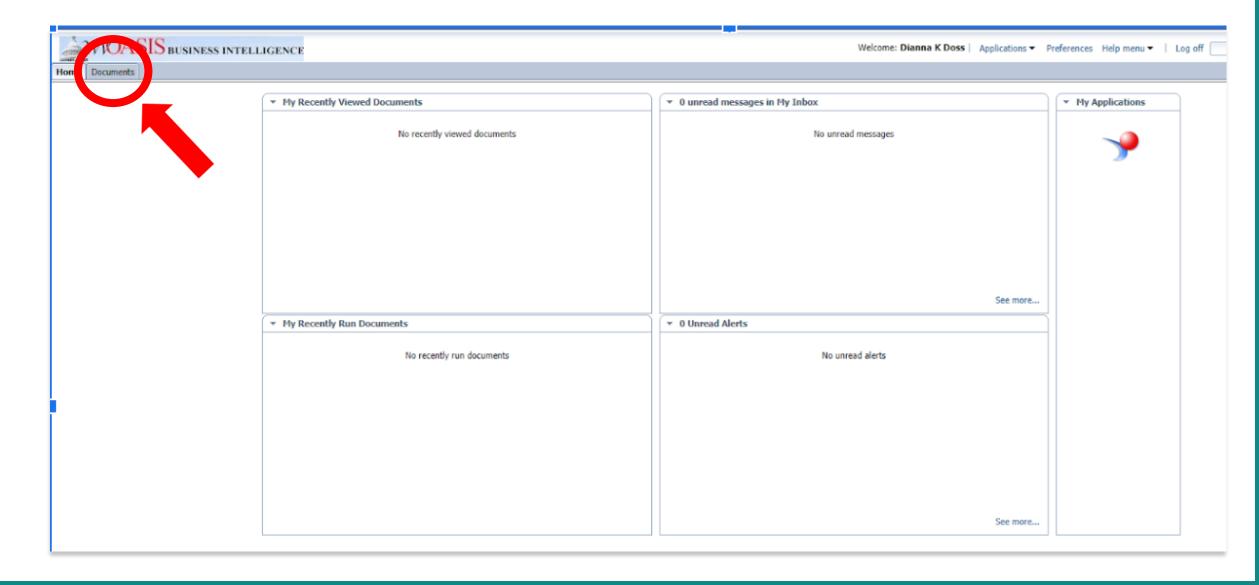
# **Schedule of Events**

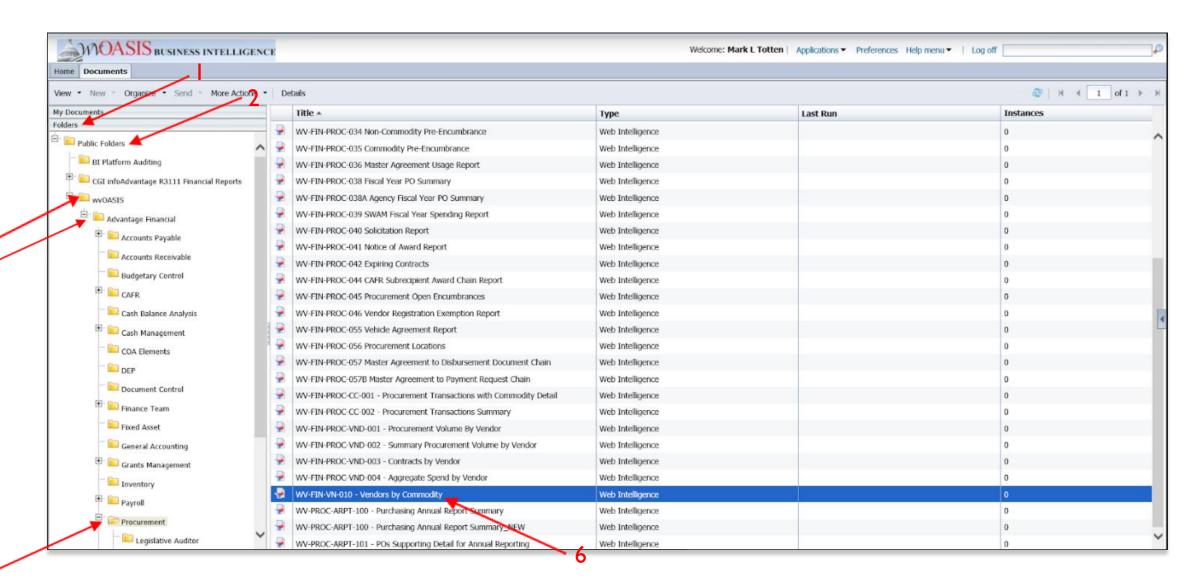


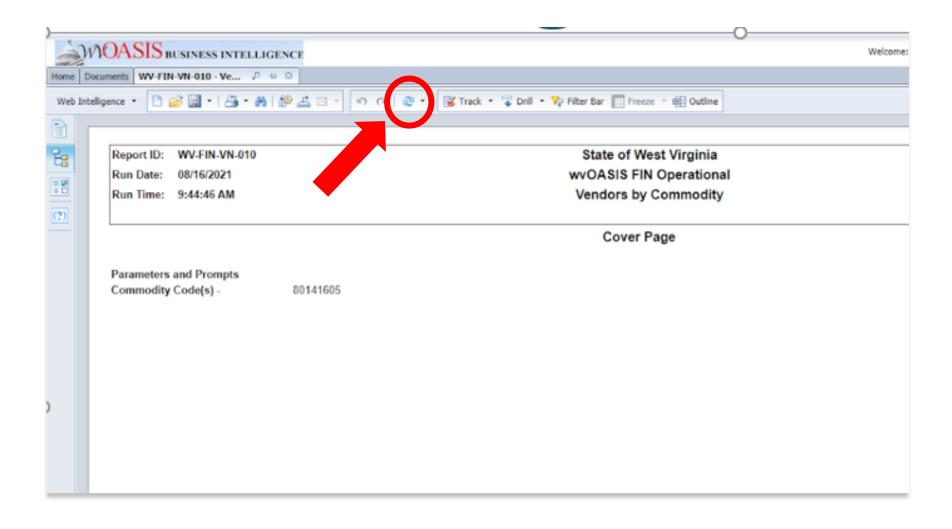
# **Publishing Tab**

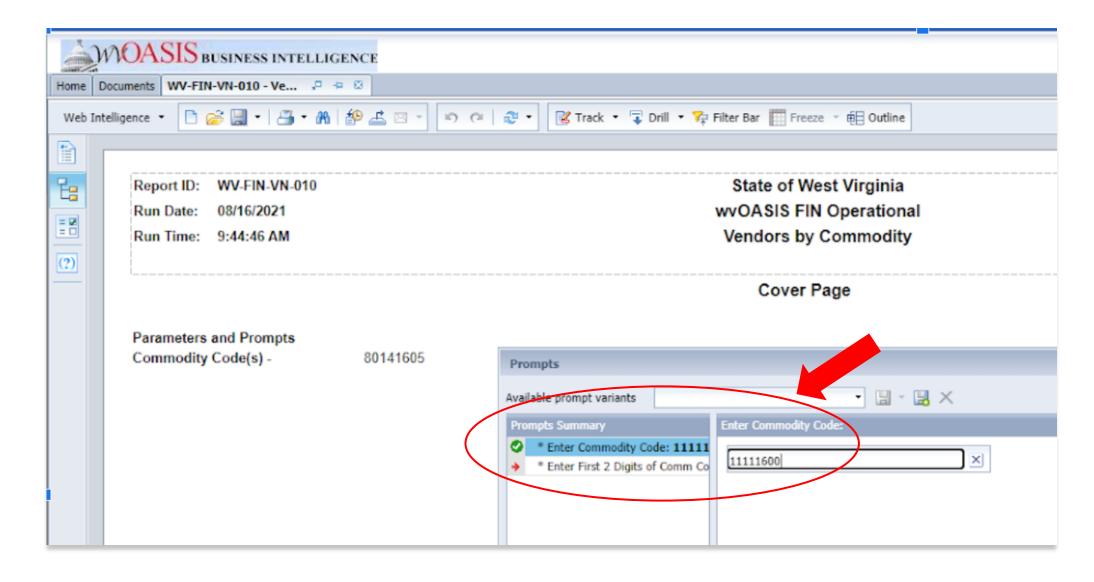
Procurement Folder: 541951							
Amendment Number:  Schedule of Events:  Ferms and Conditions:  Commodity Group  Commodity T & C  Evaluation Criteria Group  Evaluation Criteria Line  Vendor List  Free Form Vendor  Vendor Rotation  Commodity E-mail Push  Public Bid Opening Time:  Amendment Number:  Schedule of Events:  Terms and Conditions:  Free Schedule of Events:  Terms and Conditions:  Terms and Conditions:  Terms and Conditions:  Evaluation Criteria:  Terms and Conditions:  Terms and	nt Navigator	Publishing					
Terms and Conditions  Commodity Group  Commodity  Commodity T & C  Evaluation Criteria Group  Evaluation Criteria Group  Evaluation Criteria Line  Close Date: 02/08/2019  Close Time: 13:30  Public Bid Opening Date: □  Vendor Rotation  Published Date: Terms and Conditions: □  Evaluation Criteria (Points): □  Commodity Terms and Conditions: □  Commodity Terms and C		Procurement Folder: 54	11951	Create Vendor Notification: 🗔	7	Commodity Description:	5
Published Date:  Published Date:  Published Date:  Published Date:  Published Time:  Publis	of Events	Am endment Num ber:		Schedule of Events: 🗔		Item Shipping:	
Commodity Group  Commodity T & C  Commodity T & C  Evaluation Criteria (Points): Commodity T Evaluation Criteria (Points): Commodity Attachments: Evaluation Criteria (Points): Commodity Attachments: Commodity Attachments: Prohibit Online Responses: Close Time: 13:30 Publish Vendor List: Prohibit Online Responses: Public Bid Opening Date: Only Notify Vendor List: Restrict Multiple Responses per Vendor TIN: Public Bid Opening Time: Public Bid	d Conditions	Published Date:		Terms and Conditions: □	− ∕il Item S		
Commodity T & C  Evaluation Criteria Group  Evaluation Criteria Group  Evaluation Criteria Line  Vendor List  Free Form Vendor  Vendor Rotation  Commodity E-mail Push  Publishing  Commodity Terms and Conditions:  Evaluation Criteria (Points):  Commodity Terms and Conditions:  Commodity Terms and Conditions:  Commodity Attachments:  Commodity Attachments:  Prohibit Online Responses:  Only Notify Vendor List:  Restrict Multiple Responses per Vendor Tiln:	/ Group			_	_		
Evaluation Criteria Group  Evaluation Criteria Group  Evaluation Criteria Line  Vendor List  Close Date: 02/08/2019  Close Time: 13:30  Publish Vendor List: Delic Bid Opening Date: Public Bid Opening Time: Public Bid Opening Time: Publishing  Amendment History: Vendor History: Commodity Attachments: Publish Vendor List: Prohibit Online Responses: Prohibit Online Responses: Only Notify Vendor List: Restrict Multiple Responses per Vendor TiN: Public Bid Opening Time: P	/				-		
Close Date: 02/08/2019 Document Attachments: Prohibit Online Responses: Prohibit Online Responses: Prohibit Online Responses: Only Notify Vendor List: New Yendor Rotation  Commodity E-mail Push  Publishing  Close Date: 02/08/2019 Document Attachments: Prohibit Online Responses: Only Notify Vendor List: Restrict Multiple Responses per Vendor TIN:	/T&C	Original Let Date: 01	1/25/2019	Evaluation Criteria (Points):	_ Com modity	Terms and Conditions:	Ŀ
Vendor List  Close Time: 13:30 Publish Vendor List: AttachmentList:  Public Bid Opening Date: Only Notify Vendor List: Restrict Multiple Responses per Vendor TiN:  Public Bid Opening Time: Only Notify Vendor List: Need or TiN:	Criteria Group	Let Date: 0	1/25/2019	 Amendment History: 🗔	C	om modity Attachments:	•
Free Form Vendor Vendor Rotation Commodity E-mail Push  Publishing  Public Bid Opening Time:    State	Criteria Line	Close Date: 0	2/08/2019	Document Attachments:	Pro	hibit Online Responses:	[
Vendor Rotation Commodity E-mail Push  Publishing  Public Bid Opening Date:  Public Bid Opening Time:  Public Bid Opening Time:  Public Bid Opening Time:	st	Close Time: 1	3:30	Publish Vendor List:		AttachmentList:	
Vendor Rotation  Commodity E-mail Push  Publishing  Vendor TIN:	Vendor	Public Bid Opening Date:		Only Notify Vendor List:	Restrict	Multiple Responses per	[
Commodity E-mail Push  Publishing	otation	Public Bid Opening Time:				Vendor TIN:	
	/ E-mail Push	- anno ann oponing timo					
Supporting Documents	g						
	Documents						

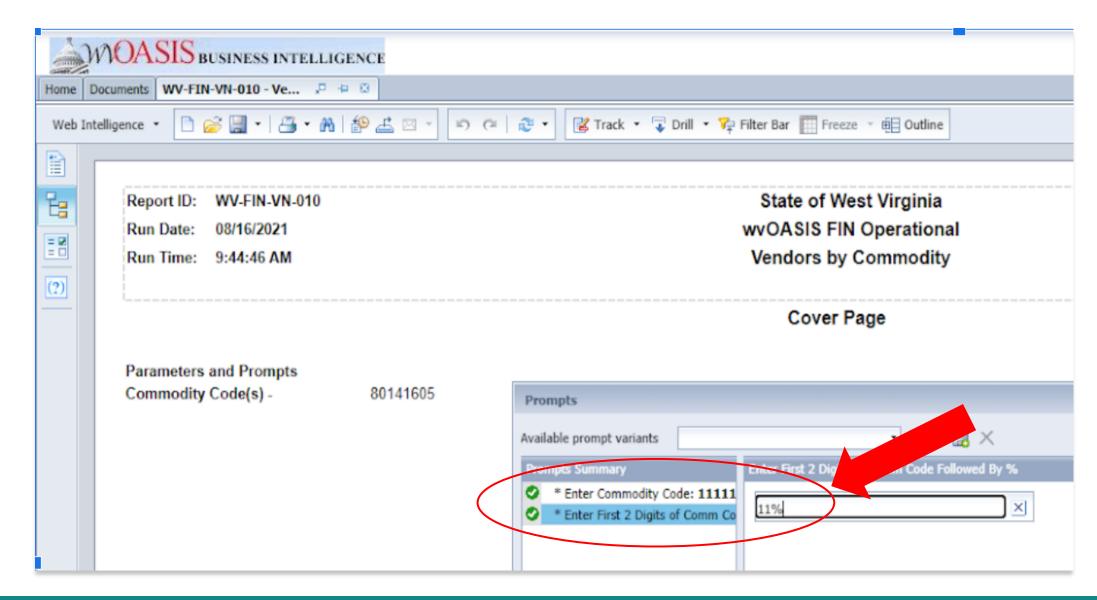


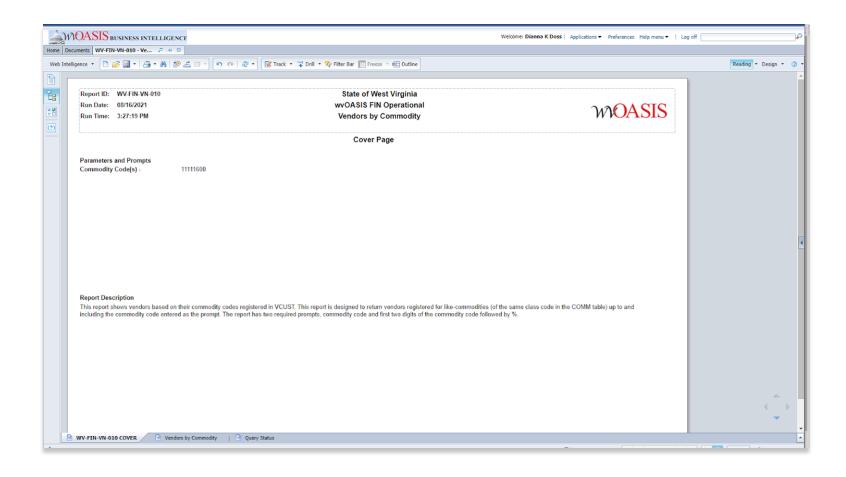


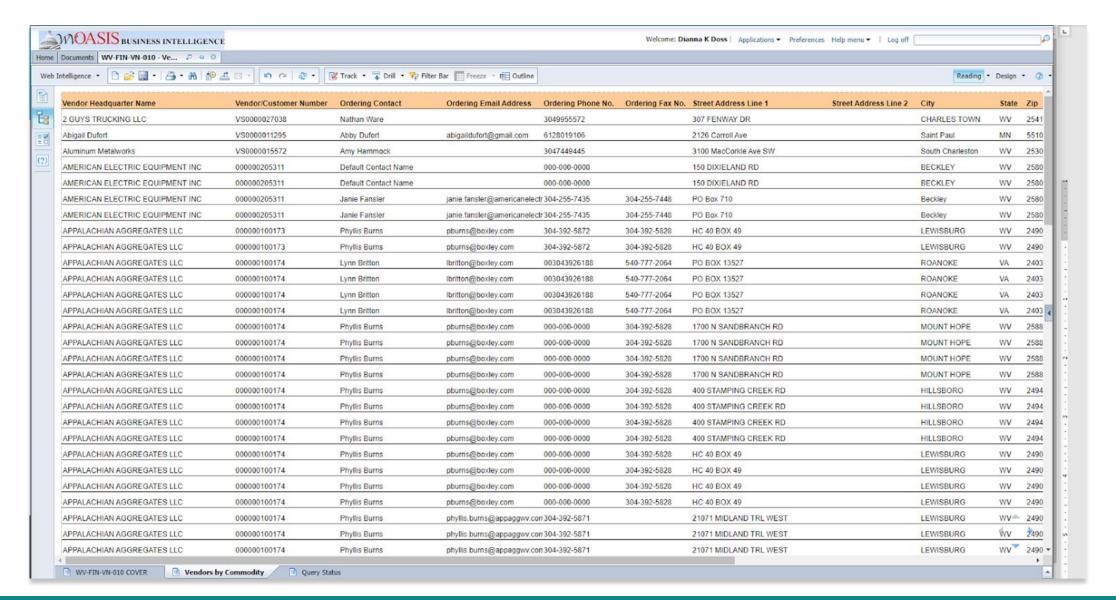












- State agencies are encouraged to use the State Purchasing Card as a payment method for purchases, whenever possible in accordance with P-Card guidelines.
- Issuing a series of requisitions or purchases to circumvent competitive bidding or to defeat the State Purchasing Card transaction or delegated 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
- Payment Method Has NO IMPACT ON PROCUREMENT REQUIREMENTS
  - Agencies must continue to comply with Purchasing Division policy





# THANK YOU

JOHN ESTEP, BUYER

304-558-2566

John.W.Estep@wv.gov