



**ALLAN L. MCVEY**  
CABINET SECRETARY

STATE OF WEST VIRGINIA  
**DEPARTMENT OF ADMINISTRATION**  
**PURCHASING DIVISION**  
2019 WASHINGTON STREET, EAST  
CHARLESTON, WEST VIRGINIA 25305-0130  
June 17, 2019

**W. MICHAEL SHEETS**  
DIRECTOR

Tom McBride, Administrator  
West Virginia Veterans Home  
512 Water Street  
Barboursville, West Virginia 25504

Dear Administrator McBride:

This is to transmit the final copy of the Purchasing Review of the West Virginia Veterans Home, Barboursville.

A preliminary copy of this report was submitted to your agency for comment. Where significant comments were returned by your agency we have included those as part of this final review report.

A Corrective Action Plan Request will follow requesting your response to all of the compliance issues identified in this report.

The Inspection Service Unit will monitor future purchases through WVoasis and may complete a spot inspection in the near future to assure that the West Virginia Veterans Home adheres to their Corrective Action Plan.

Thank you for your cooperation and that of your staff during this review.

Respectfully,

A handwritten signature in blue ink, appearing to read "W. Michael Sheets".

W. Michael Sheets, CPPO  
Director  
West Virginia Purchasing Division

Enclosure

cc: Conda Collins, ASA 1, West Virginia Veterans Home, Barboursville  
Rebecca Smith, Supervisor 2, West Virginia Veterans Home, Barboursville  
Dennis E. Davis, Cabinet Secretary, West Virginia Department of Veterans Assistance

# WV PURCHASING DIVISION INSPECTION REPORT

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*Department of Military Affairs and Public Safety*

*West Virginia Veterans Home*

FISCAL YEAR  
2018

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## **INTRODUCTION**

The Purchasing Division is broadly charged with the development and oversight of the procurement functions of state spending units under its authority. That authority is found in Chapter 5A, Article 3 of the West Virginia Code, and Title 148, Series 1, of the West Virginia Code of State Rules. That mandate requires that the Purchasing Division “appoint inspectors to review and audit spending unit requests and purchases and other transactions and performance.” W. Va. CSR § 148-1-4.14. The Purchasing Division’s Inspection Services Unit performs this function by regularly conducting inspections of all spending units subject to Purchasing Division oversight.

The Purchasing Division Inspection Services Unit conducted an onsite inspection of the WV Veteran’s Home for the period of July 1, 2017 to June 30, 2018. Notice of the inspection was provided on April 26, 2019, and the inspection commenced on May 13, 2019. The results of the inspection are contained within this report.

## SCOPE

The scope of the inspection was focused on determining whether the WV Veteran's Home's procurement transactions for the period of July 1, 2017 to June 30, 2018 were, in all material respects, in compliance with applicable provisions of the West Virginia Code, the Code of State Rules and the Purchasing Division Procedures Handbook in effect during that time period.

Inspectors utilized spending unit payment transactions to identify potential violations with a primary focus on those transactions processed at the spending unit level without Purchasing Division involvement. Those transactions included, but were not limited to, agency delegated procurements, Section 9 procurements, agency delivery orders, General Accounting Expenditure ("GAX") payments, and P-Card payments. Notwithstanding this general focus, however, Inspectors can review any transaction or internal procurement operating procedures that they deem relevant.

As noted above, the transaction review was conducted to ensure compliance with applicable provisions of the West Virginia Code, the Code of State Rules and the Purchasing Division Procedures Handbook. More specifically, the scope of the inspection included, but was not limited to, an examination to determine if any of the following infractions had been committed:

- (1) Failure to bid at central level (Stringing)[Required to be reported to the Legislature twice annually],
- (2) Internal resources not utilized,
- (3) Statewide contract not utilized,
- (4) Failure to bid at delegated level,
- (5) Vendor registration unverified and wrong vendor fee exemption code utilized,
- (6) Failure to verify compliance checks,
  - a. Unemployment
  - b. Workers' compensation
  - c. Vendor status with Secretary of State's office
  - d. Debarred vendor list
- (7) Failure to include notarized Purchasing Affidavit,
- (8) Failure to issue wvOASIS procurement award document,
- (9) Lack of compliance with fixed asset requirements (asset tags),
- (10) Failure to include Certification of Non-Conflict of Interest form,
- (11) Miscellaneous Issues
  - a. Improper award (Unjustified award to other than lowest responsible bidder meeting specifications),
  - b. Leases exceeding six months not processed centrally
  - c. Other as needed,

## SUMMARY

During the period under review, the spending unit processed 1,343 procurement transactions with a value of \$1,235,366.19. (These amounts are approximate, subject to reporting limitations from wvOASIS (including possible data entry error) and errors caused by elimination of duplicate results). Of those transactions, the Inspector selected 54 for review which represents approximately 4% of the total. This inspection of 54 selected transactions yielded 20 findings associated with 24 of the selected transactions. This means that approximately 44% of the transactions reviewed had one or more instances of noncompliance with applicable provisions of the West Virginia Code, the Code of State Rules and the Purchasing Division Procedures Handbook. The findings are further illustrated in the attached Findings Grid and Grading Sheet.

The inspection also revealed that on 4 occasions, the spending unit failed to obtain competitive bids as required by the applicable dollar level of spend. That number is comprised of 2 instance of failing to bid at the central level (also known as stringing), and 2 instances of failing to bid at the delegated level. Any instances of failure to bid at the central level will be reported to the Legislature as required by the West Virginia Code.

Based on the findings contained in this report, the Purchasing Division recommends the spending unit work to improve any areas of noncompliance. Given that the agency received a score of 63.3% on the inspection and there was a pattern of findings or one or more case of stringing, the first step must be the completion of a Corrective Action Plan, a request for which will be provided to you after this inspection is finalized.

## Grading Sheet

<b>WV Veteran's Home FY2018 Statistics</b>				
<b>Transactions Reviewed</b>	54			
<b>Non-Conformance Rate (See Summary Page)</b>	44.0%			
<b>Conformance Rate</b>	56.0%			
<b>Findings Summary</b>				
<i>Finding Category</i>	Number of Findings	Finding Percentage	Points possible	Points Received
Failure to Bid at Central Level (Stringing)	2	3.70%	30	10
Internal resources not utilized	1	1.85%	15	12
Statewide contract not utilized	0	0.00%	15	15
Failure to Bid at Delegated Level	2	3.70%	15	12
Vendor registration unverified/Wrong fee c	0	0.00%	5	5
Failure to verify compliance checks	5	9.26%	5	4
Purchasing Affidavit not included	4	7.41%	5	4
wvOASIS award document not issued	2	3.70%	3	2.4
Asset Tag/Number not affixed	0	0.00%	3	3
Cert. of Non-Conflict not included	2	3.70%	3	2.4
Miscellaneous Issue	2	3.70%	1	0.8
<b>Total</b>	<b>20</b>		<b>100</b>	<b>70.6</b>
<b>Overall Agency Score</b>				
<b>Non-Conformance &amp; Findings Average</b>			<b>Overall Letter Grade</b>	
<b>63.3%</b>			<b>F</b>	
<b>Scale (See Weight Application*)</b>				
91.66 --100 = A				
83.33 --91.65 = B				
75 -- 83.32 = C				
66.66 -- 74.99 = D				
<66.65 = F				
The Finding Summary and Number of Findings does not directly correlate with the Transactions Reviewed and Non-Conformance Rate because each transaction can yield multiple findings, and findings like stringing can include multiple transactions in a single finding.				

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## EXHIBIT A: DETAILED INSPECTION FINDINGS

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### Issue 1: Failure to bid at central level (Stringing)

**Authority:** W. Va. Code § 5A-3-10; Procedures Handbook Section 6

**Explanation:** State law mandates that the Purchasing Division competitively bid for the purchase of commodities and services estimated to exceed twenty-five thousand dollars. The law also prohibits a spending unit from issuing a series of requisitions or divide or plan procurements to circumvent this twenty-five thousand dollar threshold. The transactions listed below violated this legal mandate and will be reported to the West Virginia Legislature as required by law.

**Transactions in Violation: (2 Instances)**

<u>Date</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>	<u>Invoice</u>
09/28/17	Fruits and vegetables	Coreybrothers	\$494.50	PRCC,18*26096

**Additional Detail:** Although the individual transaction listed above falls below bid limits, the agency spent \$34,211.99 with the listed vendor during the fiscal year under review.

<u>Date</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>	<u>Invoice</u>
06/08/18	Cooling and refrigeration	Pierson Technical Services	\$1,739.76	PRCC,18*95264

**Additional Detail:** Although the individual transaction listed above falls below bid limits, the agency spent \$29,130.65 with the listed vendor during the fiscal year under review.

**Purchasing Division Recommendation:**

1. The Purchasing Division recommends that the spending unit establish central contracts through the Purchasing Division for each of the items included above and any other commodities or services that will exceed \$25,000 in a rolling 12 month period.



2. The Purchasing Division recommends that the spending unit utilize wvOASIS to create reports that will allow the spending unit to track spend and determine when spending is closing to exceeding the \$25,000 limit.
3. The Purchasing Division recommends that the spending unit forecast future needs for its commodities and services to determine in advance what should be procured at the central level.
4. The Purchasing Division recommends that the spending unit's procurement officer participate in training on this topic offered by the Purchasing Division and ensure that all procurement staff understand how to comply with this requirement moving forward

## Issue 2: Internal Resource Not Utilized

**Authority:** W. Va. Code §§ 25-7-5 and 5A-3-10; Procedures Handbook Section 3.6.1

**Explanation:** State law mandates that certain social welfare programs be utilized prior to a spending unit obtaining commodities and services in the open market. Those programs include the Sheltered Workshops established to assist disabled individuals in finding employment, and the Correctional Industries program that provides prison inmates with meaningful work. The transactions listed below should have been obtained from one of these programs, or a waiver should have been obtained. The inspection revealed that the transactions were outside of the internal programs and no waiver was granted.

**Transactions in Violation: (1 Instance)** The 1 instance of not utilizing Internal Resources will be reflected in the **Finding** Summary of the Grading Sheet. Due to the grouping of same or similar commodities or services, the transactions reviewed not utilizing Internal Resources totals 5 and will reflect this in the **Non-Conformance Rate** of the Grading Sheet.

### **1 Instance (grouped)**

<u>Date</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>	<u>Invoice</u>
06/13/18	Scrubs	Allheart	\$268.36	PRCC,19*00227
06/07/18	Scrubs	Scrubs & Beyond Ecomm	\$194.94	PRCC,18*95264
06/12/18	Scrubs	Scrubs & Beyond Ecomm	\$29.99	PRCC,18*95264
06/12/18	Scrubs	Scrubs & Beyond Ecomm	\$27.99	PRCC,18*95494
05/26/18	Scrubs	Uniform Advantage	\$279.39	PRCC,18*89175

**Additional Detail:** The transactions listed above must be purchased from WVARF.

### **Purchasing Division Recommendation:**

1. The Purchasing Division recommends that the spending unit personnel become familiar with what is available from internal sources and either procure those commodities and services from internal sources or obtain a waiver from the Purchasing Division.
2. The Purchasing Division recommends that the spending unit's procurement officer participate in training on this topic offered by the Purchasing Division and ensure that all procurement staff understand how to comply with this requirement moving forward.

### **Issue 3: Statewide Contract Not Utilized**

**Authority:** W. Va. CSR § 148-1-7.4.c.; Procedures Handbook Section 3.6.2

**Explanation:** The Purchasing Division has authority to establish contracts at a statewide level to secure economies of scale that would not be possible on an agency by agency basis. Once established, the Purchasing Division can mandate that spending units utilize those statewide contracts. For the transactions listed below, the spending unit has obtained the commodity or service in question outside of an available statewide contract without a valid waiver.

**Transactions in Violation: (0 Instances)**

#### **Purchasing Division Recommendation:**

1. The Purchasing Division recommends that the spending unit personnel become familiar with what is available from statewide contracts and either procure those commodities and services from statewide contracts or obtain a waiver from the Purchasing Division.
2. The Purchasing Division recommends that the spending unit's procurement officer participate in training on this topic offered by the Purchasing Division and ensure that all procurement staff understand how to comply with this requirement moving forward.

**Issue 4: Failure to bid at delegated level**

**Authority:** W. Va. Code § 5A-3-11(a); W. Va. CSR § 148-1-7.2; Procedures Handbook Section 5

**Explanation:** The Purchasing Division has established competitive bidding requirements that spending units must follow when procuring commodities and services below \$25,000, and above \$2,500.01. For those transactions listed below, the spending unit has failed to obtain and document competitive bids as required.

**Transactions in Violation: (2 Instances) .**

**1 Instance**

<u>Date</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>	<u>Invoice</u>
06/27/18	Medical waste disposal	Stericycle	\$298.98	PRCC,19*01138

**Additional Detail:** Although the individual transaction listed above falls below the verbal bid limit, the agency aggregate spend for the vendor exceeded the verbal bid threshold.

**1 Instance**

<u>Date</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>	<u>Invoice</u>
06/27/18	Baked goods	Bimbo Bakeries	\$1,132.02	PRCC,19*02055

**Additional Detail:** Although the individual transaction listed above falls below the written bid limit, the agency aggregate spend for the vendor exceeded the written bid threshold.

**Purchasing Division Recommendation:**

1. The Purchasing Division recommends that the spending unit follow the requirements associated with each delegated spending limit.
2. The Purchasing Division recommends that the spending unit utilize wvOASIS to create reports that will allow the spending unit to track spend and determine when spending is closing to exceeding spending limits.
3. The Purchasing Division recommends that the spending unit forecast future needs for its commodities and services to determine in advance what should be competitively bid at delegated verbal and written bid levels.

4. The Purchasing Division recommends that the spending unit's procurement officer participate in training on this topic offered by the Purchasing Division and ensure that all procurement staff understand how to comply with this requirement moving forward.

## **Issue 5: Vendor Registration Unverified/Wrong Vendor Fee Exemption Code Utilized**

**Authority:** W. Va. CSR § 148-1-6.1; Procedures Handbook Section 4

**Explanation:** The agency must verify that the vendor is registered, and the registration fee paid, if applicable. The registration process includes having the proper disclosure of information in the wvOASIS vendor/customer account. Certain vendors are exempted from paying the vendor registration fee mandated by the authority referenced above. wvOASIS has created fee exemption codes that allow the spending unit to designate the appropriate exemption code on a transactional basis. An improper exemption code was utilized in the processing of the transactions listed below.

**Transactions in Violation: (0 Instances)**

### **Purchasing Division Recommendation:**

1. The Purchase Division recommends that the spending unit only utilize vendor fee exemption codes for transactions that would allow a vendor to avoid paying the vendor registration fee.
2. The Purchasing Division recommends that the spending unit's procurement officer participate in training on this topic offered by the Purchasing Division and ensure that all procurement staff understand how to comply with this requirement moving forward.
3. The Purchasing Division recommends that the spending unit contact the Vendor Registration section within the Purchasing Division if there is uncertainty about when and how to apply a vendor fee exemption code.

**Issue 6: Failure to Verify Compliance Checks**  
**(Workers Comp, Unemployment, Sec. of State, Debarment)**

**Authority:** W. Va. CSR § 148-1-6.1.e.; Procedures Handbook Section 5.2.3.

**Explanation:** The authority cited above requires that a vendor be licensed and in good standing in accordance with all state and local laws and requirements by any state or local agency of West Virginia, including, but not limited to, the West Virginia Secretary of State's Office, the West Virginia Tax Department, West Virginia Insurance Commission, or other state agencies or political subdivisions prior to being awarded a contract. The mandated compliance checks were not included in the transactions listed below.

**Transactions in Violation: (5 Instances)**

<u>Date</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>	<u>Invoice</u>
06/21/18	Ice cream machine	Douglas Equipment	\$16,406.61	PRC,19*05715
05/31/18	Dish detergent	Ecolab Inc. MF	\$970.88	PRCC,18*89022
05/25/18	Fire sprinkler inspection	Nitro Construction Services	\$3,995.00	PRC,19*03492
06/30/18	Registered dietician	Nutrisense Nutrition Consulting	\$1,425.00	PRC,19*02999
10/12/17	Sprinkler repair	Viking Sprinkler Company	\$7,001.18	PRCC,18*28275

**Purchasing Division Recommendation:**

1. The Purchasing Division recommends that the spending unit perform all compliance checks mandated by the Handbook and properly document those compliance checks in the contract file.
2. The Purchasing Division recommends that the spending unit's procurement officer participate in training on this topic offered by the Purchasing Division and ensure that all procurement staff understand how to comply with this requirement moving forward.

**Issue 7: Purchasing Affidavit Not Included**

**Authority:** W. Va. Code §§ 5A-3-10a and 5-22-1; Procedures Handbook Section 5.2.3.

**Explanation:** West Virginia law has several restrictions against awarding a contract to a vendor that owes a debt to the State or its political subdivisions. The Purchasing Affidavit must be signed by the vendor prior to contract award to obtain assurance that the vendor is in compliance with the statutory mandates.

**Transactions in Violation: (4 Instances)**

<u>Date</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>	<u>Invoice</u>
06/27/18	Baked goods	Bimbo Bakeries	\$1,132.02	PRCC,19*02055
05/31/18	Dish detergent	Ecolab Inc. MF	\$970.88	PRCC,18*89022
06/30/18	Registered dietician	Nutrisense Nutrition Consulting	\$1,425.00	PRC,19*02999

**Additional Detail:** Although each of the individual transactions listed above falls below the \$5,000.00 threshold, the agency aggregate spent for each vendor exceeded \$5,000.00.

<u>Date</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>	<u>Invoice</u>
07/31/17	Replace AC unit	Pierson Technical Services	\$14,799.40	PRC,18*03131

**Purchasing Division Recommendation:**

1. The Purchasing Division recommends that the spending unit obtain a properly completed Purchasing Affidavit and maintain a copy in the contract file for all transactions exceeding \$5,000.01 (the threshold for obtaining written bids).
2. The Purchasing Division recommends that the spending unit's procurement officer participate in training on this topic offered by the Purchasing Division and ensure that all procurement staff understand how to comply with this requirement moving forward.



**Issue 8: wvOASIS Award Document Not Issued**

**Authority:** Procedures Handbook Section 5.1.2

**Explanation:** The Purchasing Division Procedures Handbook requires that a procurement award document be issued for all purchases exceeding \$2,500 in value. This requirement ensures that the transaction is recorded in wvOASIS in a way that allows it to be easily identified and tracked and helps to prevent spending in violation of procurement laws, rules, and procedures.

**Transactions in Violation: (2 Instances)**

<u>Date</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>	<u>Invoice</u>
01/09/18	Meat	SS Logan Packing	\$2,831.49	PRCC,18*55189
10/12/17	Sprinkler repair	Viking Sprinkler Company	\$7,001.18	PRCC,18*28275

**Purchasing Division Recommendation:**

1. The Purchasing Division recommends that the spending unit issue a purchase order through wvOASIS and maintain a copy in the contract file for all transactions exceeding \$2,500.01 (the threshold for obtaining verbal bids).
2. The Purchasing Division recommends that the spending unit's procurement officer participate in training on this topic offered by the Purchasing Division and ensure that all procurement staff understand how to comply with this requirement moving forward.

### **Issue 9: Asset Tag Not Affixed**

**Authority:** W. Va. Code § 5A-3-34; Surplus Property Operations Manual, Part II, Section 1.4

**Explanation:** The Surplus Property Operations Manual requires that all reportable assets must have a numbered identification tag affixed to the asset. Agencies are responsible for obtaining and placing the proper tags on the assets. This method of tagging assets helps to easily identify state assets during physical inspection and to guard against asset theft.

**Transactions in Violation: (0 Instances)**

#### **Purchasing Division Recommendation:**

1. The Purchasing Division recommends that the spending unit obtain a properly affix asset tags to all reportable assets. In conjunction with this, the spending unit must maintain accurate inventory records in wvOASIS.
2. The Purchasing Division recommends that the spending unit's procurement officer participate in training on this topic offered by the Purchasing Division and ensure that all procurement staff understand how to comply with this requirement moving forward.

**Issue 10: Cert. of Non-Conflict Not Included**

**Authority:** W. Va. Code §§ 5A-3-31 and 6B-2-5; Procedures Handbook Section 3.7.1.5.2

**Explanation:** The Purchasing Division requires all evaluators, advisors, and the agency procurement officer, despite the type of transaction, to sign a Certification of Non-Conflict of Interest form prior to contract award to ensure compliance with W. Va. Code § 5A-3-31 and § 6B-2-5 by affirming that they do not have a conflict of interest and did not communicate with the vendor during the solicitation, evaluation, and award period.

**Transactions in Violation: (2 Instances)**

<u>Date</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>	<u>Invoice</u>
05/25/18	Fire sprinkler inspection	Nitro Construction Services	\$3,995.00	PRC,19*03492
01/09/18	Meat	SS Logan Packing	\$2,831.49	PRCC,18*55189

**Purchasing Division Recommendation:**

1. The Purchasing Division recommends that the spending unit include a properly completed Certification of Non-Conflict of Interest form prior to contract award for all transactions exceeding \$2,500.01 and maintain a copy in the contract file.
2. The Purchasing Division recommends that the spending unit's procurement officer participate in training on this topic offered by the Purchasing Division and ensure that all procurement staff understand how to comply with this requirement moving forward.

**Issue 11: Miscellaneous**

**Authority: Various**

**Explanation:** Over the course of the inspection, various miscellaneous issues are often identified. Those items are included in this section.

**Transactions in Violation: (2 Instances)**

<u>Date</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>	<u>Invoice</u>
05/25/18	Fire sprinkler inspection	Nitro Construction Services	\$3,995.00	PRC,19*03492

**Additional Detail:** The Purchasing Affidavit provided did not have the date it was signed by the vendor.

<u>Date</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>	<u>Invoice</u>
06/27/18	Medical waste disposal	Stericycle	\$298.98	PRCC,19*01138

**Additional Detail:** Due to having vendor terms and conditions located in the file, the WV-96 Agreement Addendum form is needed. The form was not located in the file.

**Purchasing Division Recommendation:**

1. The Purchasing Division recommends that the spending unit's procurement officer participate in training on the topics listed herein that are offered by the Purchasing Division and ensure that all procurement staff understand how to comply with this requirement moving forward.

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## EXHIBIT B: COMPARISON WITH PRIOR INSPECTIONS

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A previous inspection of the West Virginia Veteran's Home was conducted in September 2011. The review consisted of 63 selected transactions from an approximate 1,443 total transactions from July 1, 2010 through June 30, 2011. This review resulted in 19 findings associated with 20 of the selected transactions. This indicated that 32% of the transactions reviewed during the inspection had one or more problems of potential nonconformity with Purchasing Division laws, rules, and/or regulations.

When comparing the statistics from 2011 to the current 2018 inspection, below is a summary of the issues identified during the 2011 inspection, as compared to the findings from the current inspection.

<b>Summary of Problem Transactions</b>		
<b><i>Findings</i></b>	<b>2011</b>	<b>2018</b>
Failure to Bid at Central Level (Stringing)	0	2
Internal Resources not utilized	0	1
Statewide Contract not utilized	0	0
Failure to Bid at Delegated Level	4	2
Vendor Registration unverified/wrong Fee Code	3	0
Failure to verify Compliance Checks	6	5
Purchasing Affidavit not included	1	4
wvOasis Award Document not issued	0	2
Asset Tag/Number not affixed	0	0
Cert. of Non-Conflict of Interest not included	5	2
Miscellaneous Issue	0	2
<b><i>Total</i></b>	<b>19</b>	<b>20</b>

There are multiple training resources available from the Purchasing Division in-house training program, as well as, through on-line training modules. These training resources would assist in educating procurement staff in purchasing procedures/requirements. Additional information can be obtained by contacting Samantha Knapp, Staff Development Specialist, at (304) 558-7022 or by visiting the Purchasing Division's website <http://www.state.wv.us/admin/purchase/training/default.html>.

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## **EXHIBIT C: AGENCY TRAINING REPORT**

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**Importance of Training:** The Purchasing Division has found that training in procurement significantly improves the ability of the spending unit to comply with applicable provisions of the West Virginia Code, the Code of State Rules and the Purchasing Division Procedures Handbook.

**Statutory Requirements:**

- W. Va. Code § 5A-3-60 requires that All executive department secretaries, commissioners, deputy commissioners, assistant commissioners, directors, deputy directors, assistant directors, department heads, deputy department heads and assistant department heads are hereby required to take two hours of training on purchasing procedures and purchasing cards annually.
- W. Va. CSR § 148-1-3.2 mandates that all designated procurement officers receive 10 hours of procurement training annually.

**Available Training:** The Purchasing Division has implemented a very robust training program that is available to all procurement officers subject to Purchasing Division oversight. That training includes:

- Online Modules
- Webinars
- Live Training Sessions
- Annual conferences
- Basic and Advanced Procurement Certification Programs
- Agency Specific Targeted Training

**Training:** The Purchasing Division records indicate that during the inspection period the following individuals within the spending unit have obtained training as shown below:

**Individual Name:**

**Conda Collins**

Attended 8 workshops (11 available)

**Rebecca Smith**

Attended 8 workshops (11 available)

**Peggy Kennedy**

Attended 8 workshops (11 available)

**Purchasing Division Recommendations:**

The Purchasing Division recommends that all procurement officers, regardless of their status as designated or undesignated, participate in at least 10 hours of training annually and that all officials subject to the training requirements in W. Va. Code § 5A-3-60 take the required 2 hours of Purchasing and P-Card Training.

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**EXHIBIT D: AGENCY RESPONSE TO INSPECTION FINDINGS**

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From:



Thomas L. McBride  
Administrator  
State of West Virginia

Dennis E. Davis  
Cabinet Secretary  
WV Dept. of Veterans Assistance

### West Virginia Veterans Home

512 Water Street  
Barboursville, WV 25504  
Phone: 304-736-1027  
FAX: 304-736-1093

June 13, 2019

Greg Clay, State Purchasing Contracts Manager  
Department of Administration Purchasing Division  
2019 Washington Street, East  
Charleston WV 25305-0130

Dear Mr. Clay:

I have received the draft copy of the West Virginia Purchasing Division Inspection Report of the West Virginia Veteran's Home, Barboursville.

Based upon your findings the Procurement Officer has received counseling and has been directed to comply with the recommendations within the Inspection Report. She along with the other staff will attend Purchasing Division training to further educate themselves on proper rules and policies.

All findings of Stringing have been answered with explanations by the Procurement Officer Margaret Kennedy (see attached). The additional findings in the Inspection Report are also being addressed.

I assure you that items identified in the Inspection Report will be resolved. Shall you have any additional recommendations please feel free to notify me. Thank you for bringing these issues to my attention.

Respectfully,

A handwritten signature in black ink that reads "Thomas L. McBride". The signature is written in a cursive style.

Thomas L. McBride, Administrator

From:

June 13, 2019

In response to the recent audit done by the Auditor's Office, I have listed the ways that the WV Veterans Home is going to solve these problems.

1. For any purchase that is open-ended or over the \$25,000.00 limit, we are having those goods and services bid out through the Purchasing Division. Currently, the bid for Fruits and Vegetables, as well as Dairy and Eggs, have been sent to the Purchasing Division for them to solicit for a contract. I am currently preparing the specifications and the request for the Cooling and Refrigeration Repairs contract to also be bid out through the Purchasing Division. This should be ready for submission no later than Monday, June 17, 2019.

I will also be contacting wvOASIS to help with obtaining the report that tracks the Agency's spending for a particular Vendor. This is so that Stringing will not happen again.

I will be working with the other two Procurement Officers to help forecast our spending and the need to procure through the Purchasing Division.

2. As for the purchase of our Nurses' Uniforms, we will not be paying the Vendor directly. We have developed a policy that states that the nursing staff either purchase through WVARF or they can purchase their own uniforms and present the Procurement Officer with the receipt for reimbursement.
3. Baked Goods are being bid out now and the Medical Waste Disposal will be bid out shortly through our Agency, since I do not foresee either of these contracts exceeding the \$25,000.00 threshold.
4. I have at this time printed out the reports from the Secretary of States' Office showing that the Vendors are in good standing with the State of West Virginia.
5. I am in the process of making sure that all of our contracts over \$5,000.00 are accompanied by a signed and notarized Purchasing Affidavit.
6. I will be discussing with the other Procurement Officers that all purchases greater than \$2,500.00 have a Purchase Order attached, as well.
7. All Procurement Officers will be made aware that a Non-Conflict of Interest Form will be filled out, signed by those deciding on the purchase, and attached to all purchases over \$2,500.00.
8. As for the miscellaneous finding, all forms, Purchasing Affidavit; WV-96; Non-Conflict of Interest Form; and etc. will be checked by me, Margaret Kennedy, primary procurement officer, to be completed and attached to all paperwork for each qualifying purchase.

I have completed the following trainings online through the Purchasing Division since this report was issued:

Agency Delegated Purchasing

Basic Purchasing

From:

I intend to complete the following trainings online through the Purchasing Division:

Best Value Procurement RFP

Blackout Period

Change Orders and Addenda

Special Purchasing Processes

Evaluation and Award Process

Requisitions for Quotations

Stinging

Writing Specifications

As these are completed, the certificates are given to Nicholas Davis, HR, to be placed in my employee file.

I have enrolled in the following courses through Coursemill.

Statewide Contracts & Inspection Services	Webinar on June 26, 2019
WvOasis Procurement	In-House on July 10, 2019
EOIs & Construction Purchases	In-House on August 7, 2019
Developing Specifications	Webinar on October 23, 2019
Solicitation Process: From Pre-Planning to Post Award	In-House on November 6, 2019
Special Purchases & Processes	Webinar on November 20, 2019
Fixed Assets and Surplus Property	In-House December 4, 2019
Inspection Services	Webinar December 11, 2019

*Margaret Kennedy*