



MARK D. SCOTT
CABINET SECRETARY

STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION
PURCHASING DIVISION

SAMANTHA WILLIS
PURCHASING DIRECTOR

May 29, 2024

Frank Foster, Director
West Virginia Division of Miners' Health, Safety and Training
1900 Kanawha Boulevard, East
Charleston, WV, 25305

Dear Director Foster:

This is to transmit the final copy of the Purchasing Review of the West Virginia Division of Miners' Health, Safety and Training.

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 the compliance issues identified in this report.

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

Respectfully,

A handwritten signature in blue ink, appearing to read "Frank Whittaker".

Frank Whittaker
Assistant Director
West Virginia Purchasing Division

Enclosure

cc: Crystal Smith, Procurement Specialist, West Virginia Division of Miners' Health, Safety and Training

WV PURCHASING DIVISION INSPECTION REPORT

Department of Commerce

West Virginia Division of Miners' Health, Safety and Training

FISCAL YEAR
2023

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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 a remote inspection of the Division of Miners' Health, Safety and Training for the period of July 1, 2022, through June 30, 2023. Notice of the inspection was provided on March 20, 2024, and the inspection commenced on April 30, 2024. The results of the inspection are contained within this report.

SCOPE

The scope of the inspection was focused on determining whether the Division of Miners' Health, Safety and Training's procurement transactions for the period of July 1, 2022, through June 30, 2023 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) Failure to bid at delegated level,
- (3) Statewide contract not utilized,
- (4) Vendor registration unverified and wrong vendor fee exemption code utilized
- (5) Failure to verify compliance checks
 - a. Unemployment
 - b. Workers' compensation
 - c. Vendor status with Secretary of State's office
 - d. Debarred vendor list
- (6) Failure to include notarized Purchasing Affidavit,
- (7) Failure to issue wvOASIS procurement award document,
- (8) Lack of compliance with fixed asset requirements (asset tags),
- (9) Failure to include Certification of Non-Conflict of Interest form,
- (10) 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 1885 procurement transactions with a value of \$2,207,296.34. 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 80 for review which represents approximately 4% of the total. This inspection of 80 selected transactions yielded 29 findings associated with 16 of the selected transactions. This means that approximately 20% 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 inspection also revealed that on 6 occasions, the spending unit failed to obtain competitive bids as required by the applicable dollar level of spend. That number is comprised of 0 instances of failing to bid at the central level (also known as stringing), and 6 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 there was a pattern of findings or one 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.

EXHIBIT A: DETAILED INSPECTION FINDINGS

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 fifty thousand dollars. The law also prohibits a spending unit from issuing a series of requisitions or divide or plan procurements to circumvent this fifty 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: (0 Instances)

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 \$50,000 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 \$50,000 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: 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 \$50,000.01, and above \$5,000.00. For those transactions listed below, the spending unit has failed to obtain and document competitive bids as required.

Transactions in Violation: (6 Instances)

<u>Date</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>	<u>Invoice</u>
4/10/2023	Advertising Materials	AP Branded Solutions	\$305.74	PRC,2300053902
6/27/2023	HVAC Maintenance	Casto Technical Solutions	\$3,340.74	PRCC,PC24023064
3/17/2023	Gas Detectors	Command Systems Inc	\$1,797.00	PRCC,PC23339222
2/28/2023	Sewage Plant Maint.	Cooks Sanitation Service Inc	\$629.00	PRC,2300047412
4/10/2023	Mining Lamps	Northwest Mine Supply	\$3,033.13	PRCC,PC23339222
8/30/2022	Gas Detectors	United Central Industrial Supply Co LLC	\$5,130.82	PRC,2300017601

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 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: (2 Instances)

<u>Date</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>	<u>Invoice</u>	<u>SW Contract</u>
7/22/2022	Fuels	OLIVER FUELS	1,260.40	PRCC,PC23050925	FUEL
11/9/2022	Auto Battery	RICK'S TIRE & AUTO, LL	189.99	PRCC,PC23155844	MVAPRTS

Additional Detail: Applicable items were not purchased from the Statewide Contract and no waiver from the Purchasing Division was present.

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.
3. Agencies should issue a delivery order to obtain goods or services from central open-end contracts unless the West Virginia State Auditor's Office has approved an alternate ordering and payment method.
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 4: 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.

Transactions in Violation: (1 Instances)

<u>Date</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>	<u>Invoice</u>
04/10/2023	Advertising Materials	AP Branded Solutions	\$305.74	PRC,2300053902

Purchasing Division Recommendation:

1. The Purchase Division recommends that the spending unit only utilize vendor fee exemption codes for transactions that would permit 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 5: Failure to Verify Compliance Checks

(Workers Comp, Unemployment, Sec. of State, Debarment)

Authority: W. Va. CSR § 148-1-6.1.e.; Procedures Handbook Section 5.3.1.6.

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: (11 Instances)

<u>Date</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>	<u>Invoice</u>
6/8/2023	Anemometers	Advance Mining	\$5,489.70	PRC,2400000388
4/10/2023	Advertising Materials	AP Branded	\$305.74	PRC,2300053902
6/27/2023	HVAC Maintenance	Casto Technical	\$3,340.74	PRCC,PC24023064
1/3/2023	Plotter/Scanner	Charleston Blueprint	\$6,100.00	PRC,2300034543
3/17/2023	Gas Detectors	Command Systems	\$1,797.00	PRCC,PC23339222
2/28/2023	Sewage Plant Maint	Cooks Sanitation	\$629.00	PRC,2300047412
2/28/2023	DOL Investigations	Hissam Forman	\$12,324.00	PRC,2300051228
5/18/2023	Fire Suppression	Nitro Mechanical	\$8,250.00	PRC,2400005615
4/10/2023	Mining Lamps	Northwest Mine	\$3,033.13	PRCC,PC23339222
4/20/2023	HVAC Repair	Tri State Roofing	\$9,367.00	PRC,2300062791
8/30/2022	Gas Detectors	United Central	\$5,130.82	PRC,2300017601

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 6: wvOASIS Award Document Not Issued

Authority: Procedures Handbook Section 5.2.2

Explanation: The Purchasing Division Procedures Handbook requires that a procurement award document be issued for all purchases exceeding \$5,000 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: (0 Instances)

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 \$5,000.00.
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: 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: (2 Instances)

<u>Date</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>	<u>Invoice</u>
10/27/2022	Printer	Colorid LLC	\$1,289.25	PRC,2300024282
5/17/2023	Metal Indent Machine	Fastenal	\$5,932.20	PRCC,PC23394288

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 8: Cert. of Non-Conflict Not Included

Authority: W. Va. Code §§ 5A-3-31 and 6B-2-5; Procedures Handbook Section 3.7.7.

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: (5 Instances)

<u>Date</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>	<u>Invoice</u>
1/3/2023	Plotter/Scanner	Charleston Blue.	\$6,100.00	PRC,2300034543
2/28/2023	DOL Investigations	Hissam Forman	\$12,324.00	PRC,2300051228
5/18/2023	Fire Suppression	Nitro Mechanical	\$8,250.00	PRC,2400005615
4/20/2023	HVAC Repair	Tri State Roofing	\$9,367.00	PRC,2300062791
8/30/2022	Gas Detectors	United Central	\$5,130.82	PRC,2300017601

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 \$5,000.00 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 9: 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>
4/3/2023	Alerting Software	ACTIVE911	\$600.00	PRCC,PC23331287
1/3/2023	Plotter/Scanner	Charleston Blueprint	\$6,100.00	PRC,2300034543

Additional Detail: Office of Technology approval required for both transactions.

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.

EXHIBIT B: COMPARISON WITH PRIOR INSPECTIONS

A previous inspection of the Division of Miners' Health, Safety and Training was conducted in June of 2020. The review consisted of 80 selected transactions from an approximate 1,459 total transactions from July 1, 2018, through June 30, 2019. This review resulted in 26 findings associated with 15 of the selected transactions. This indicated that 18.8% 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 FY 2019 to the current FY 2023 inspection, below is a summary of the issues identified during the FY 2019 inspection, as compared to the findings from the current inspection.

Summary of Problem Transactions		
<i>Findings</i>	<i>FY</i> <i>2019</i>	<i>FY</i> <i>2023</i>
Failure to Bid at Central Level (Stringing)	1	0
Failure to Bid at Delegated Level	5	6
Statewide Contract not utilized	3	2
Vendor Registration unverified/wrong Fee Code	0	1
Failure to verify Compliance Checks	6	11
wvOasis Award Document not issued	4	0
Asset Tag/Number not affixed	0	2
Cert. of Non-Conflict of Interest not included	3	5
Miscellaneous Issue	4	2
<i>Total</i>	26	29

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>.

EXHIBIT C: AGENCY TRAINING REPORT

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 at our annual Purchasing Conference as shown below:

Individual Name: Crystal Smith

Training Attended:

- 8 of 11 Courses Attended

Purchasing Division Recommendations:

The Purchasing Division recommends that all procurement officers, regardless of their status as

designated or undelegated, 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.

EXHIBIT D: AGENCY RESPONSE TO INSPECTION FINDINGS

*See Attachment



State of West Virginia

WV Office of Miners' Health, Safety & Training

Frank Foster, Director

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Minesafety.wv.gov

May 16, 2024

Mr. Shane Hall, State Contracts Manager
West Virginia Division of Purchasing
2019 Washington Street, East
Building 15
Charleston, WV 25305

RE: DRAFT COPY COMMENTS/RESPONSE
OFFICE OF MINER' HEALTH, SAFETY, AND TRAINING
PURCHASING AUDIT

Dear Mr. Hall:

This letter is regarding the draft copy of the Purchasing Review of the West Virginia Office of Miner' Health, Safety, and Training.

We have reviewed the draft copy. Please see our responses and comments below.

Issue 1: Failure to bid at central level (stringing) (0 Instances)

The agency acknowledges there are zero (0) instances of stringing. The agency will continue to monitor aggregate spend. The agency will ensure if any commodities or services exceed the \$50,000 threshold, it will perform tasks to procurement those commodities or services at the central level.

Issue 2: Failure to bid at the delegated level (6 Instances)

Transactions in Violation: (6 Instances)

Table with 5 columns: Date, Description, Vendor, Amount, Invoice. It lists 6 transactions including Advertising Materials, HVAC Maintenance, Gas Detectors, Sewage Plant Maint., Mining Lamps, and Gas Detectors.



State of West Virginia

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1. While we did hold a contract with this vendor for agency clothing, the item procured for \$305.74 was not on contract. The item needed was for an event on a specified date and the vendor had previously done work for our other agency and the item was exactly what was needed. The vendor already had our logo and design work due to performing other work for us, thus resulting in the decision to go with this vendor for the purchase.

The procurement officer was not aware of this purchase, or other purchases exceeding aggregate spend related to advertising and promotional products paid on P-Card as that is a separate function in our office and the procurement officer does not have access to those P-card related functions.

The Agency will plan to work together in the future in the comingling of Contracts and P-Card purchases. Employees will be advised to notify the Procurement Office of all purchases made on the P-card whether large or small.

2. The procurement officer was not aware of this purchase. A service contract was initiated at one of the Agency's regional offices without the knowledge of the Procurement Office, and payments made against this service agreement were made on the P-Card. The regions have been instructed that all procurements with service agreements must be brought to the attention of the Procurement Officer until any services work can be performed.
3. An employee in one of our regional offices mistakenly sent the gas detectors for service work to the wrong vendor. Those detectors are under a service warranty under the original contract with the correct vendor, however when these were sent to the wrong vendor, we incurred this charge.

The regional offices have been instructed to notify the Charleston office, as well as the Procurement Office, and wait for further instruction before sending anything off to be serviced.

4. No Defense for this purchase. Employees have been instructed that all requests for services must be brought to the attention of the Procurement Officer and the Director of MHST to be approved before any service can be performed.
5. No Defense for this purchase. Employees have been instructed that all requests for purchases must be brought to the attention of the Procurement Officer and the Director of MHST to be approved before any purchase is to be made.
6. No Defense. Employees have been instructed that all requests for purchases must be brought to the attention of the Procurement Officer and the Director of MHST to be approved before any purchase is to be made.



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Issue 3: Statewide Contract Not Utilized (2 Instances)

Transactions in Violation: (2 Instances)

<u>Date</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>	<u>Invoice</u>	<u>SW Contract</u>
7/22/2022	Fuels	OLIVER FUELS	1,260.40	PRCC,PC23050925	FUEL
11/9/2022	Auto Battery	RICK'S TIRE & AUTO, LL	189.99	PRCC,PC23155844	MVAPRTS

1. No Defense. The Agency has notified the regional offices to make themselves aware of all commodities available via statewide contracts. Further, the regions have also been instructed that all requests for purchases must be brought to the attention of the Procurement Officer and the Director of MHST to be approved before any purchase is to be made. If an item cannot be obtained from a statewide contract a waiver will be sought from the vendor.
2. No Defense. The Agency has notified the regional offices to make themselves aware of all commodities available via statewide contracts. Further, the regions have also been instructed that all requests for purchases must be brought to the attention of the Procurement Officer and the Director of MHST to be approved before any purchase is to be made. If an item cannot be obtained from a statewide contract a waiver will be sought from the vendor.

Issue 4: Vendor Registration Unverified/Wrong Vendor Fee Exemption Code Used (1 Instance)

Transactions in Violation: (1 Instance)

<u>Date</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>	<u>Invoice</u>
04/10/2023	Advertising Materials	AP Branded Solutions	5305.74	PRC,2300053902

1. No Defense. The Procurement Officer will perform all necessary checklists prior to issuance of contracts and Purchase Orders in the future. The Procurement Officer attended Vendor Registration re-training on May 8, 2024.



State of West Virginia

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Issue 5: Failure to Verify Compliance Checks (11 Instances)

Transactions in Violation: (11 Instances)

<u>Date</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>	<u>Invoice</u>
6/8/2023	Anemometers	Advance Mining	\$5,489.70	PRC,2400000388
4/10/2023	Advertising Materials	AP Branded	\$305.74	PRC,2300053902
6/27/2023	HVAC Maintenance	Casto Technical	\$3,340.74	PRCC,PC24023064
1/3/2023	Plotter/Scanner	Charleston Blueprint	\$6,100.00	PRC,2300034543
3/17/2023	Gas Detectors	Command Systems	\$1,797.00	PRCC,PC23339222
2/28/2023	Sewage Plant Maint	Cooks Sanitation	\$629.00	PRC,2300047412
2/28/2023	DOL Investigations	Hissam Forman	\$12,324.00	PRC,2300051228
5/18/2023	Fire Suppression	Nitro Mechanical	\$8,250.00	PRC,2400005615
4/10/2023	Mining Lamps	Northwest Mine	\$3,033.13	PRCC,PC23339222
4/20/2023	HVAC Repair	Tri State Roofing	\$9,367.00	PRC,2300062791
8/30/2022	Gas Detectors	United Central	\$5,130.82	PRC,2300017601

1. For instances 1-6 and 8-11, no defense. The Procurement Officer will in the future adhere to mandated compliance checks prior to awarding contracts and properly document the file. The Procurement Officer has completed re-training on "Purchasing Procedures and P-Card Rules" on May 16, 2024.
2. For instance 7, no employee in the Procurement Office or P-card Coordinators office was aware of any services being provided for DOL Investigations. To the extent of our knowledge this was a contract/service agreement which was obtained by the Attorney General's Office on our behalf because of litigation and the Attorney General's Office could not provide the services for which we needed. The Procurement and Accounting Office was only aware of these once invoices were received.

Issue 6: wvOASIS Award Document Not Issued (0 Instances)



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WV Office of Miners' Health, Safety & Training

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Issue 7: Asset Tag Not Affixed (2 Instances)

Transactions in Violation: (2 Instances)

<u>Date</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>	<u>Invoice</u>
10/27/2022	Printer	Colorid LLC	\$1,289.25	PRC,2300024282
5/17/2023	Metal Indent Machine	Fastenal	\$5,932.20	PRCC,PC23394288

1. The regional offices have been made aware to notify the Procurement Officer of any equipment with a value that is defined as a reportable asset. Furthermore, the Procurement Officer will participate in Fixed Asset training and will also frequently monitor Asset Reports to ensure adherence to these standards.

Issue 8: Certification of Non-Conflict Not Included (5 Instances)

Transactions in Violation: (5 Instances)

<u>Date</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>	<u>Invoice</u>
1/3/2023	Plotter/Scanner	Charleston Blue.	\$6,100.00	PRC,2300034543
2/28/2023	DOL Investigations	Hissam Forman	\$12,324.00	PRC,2300051228
5/18/2023	Fire Suppression	Nitro Mechanical	\$8,250.00	PRC,2400005615
4/20/2023	HVAC Repair	Tri State Roofing	\$9,367.00	PRC,2300062791
8/30/2022	Gas Detectors	United Central	\$5,130.82	PRC,2300017601

1. No defense. The Procurement Officer will ensure that all contracts will include the Non-Conflict form in the future and said form will be properly documented in the contract file.

Issue 9: Miscellaneous (2 Instances)

Transactions in Violation: (2 Instances)

<u>Date</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>	<u>Invoice</u>
4/3/2023	Alerting Software	ACTIVE911	\$600.00	PRCC,PC23331287
1/3/2023	Plotter/Scanner	Charleston Blueprint	\$6,100.00	PRC,2300034543

1. No defense. The Procurement Officer will participate in the necessary training to adhere to the rules of obtaining prior approval from the Office of Technology.



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Exhibit C (Agency Training Report)

It is noted the Procurement Officer attended 8 out of the 11 courses offered at the State Purchasing Conference for that Fiscal Year. Exhibit C did not note that the Procurement Officer did fulfill the requirement of obtaining 10 hours of Purchasing Training via other methods such as online webinars and online modules.

Should you have any questions please contact me at 304-352-3949 or by email at crystal.d.smith@wv.gov

Thank you,

Crystal Smith

Crystal Smith, Procurement Officer
WV Miners' Health, Safety and Training