I. PURPOSE

This operating procedure provides guidance for Department of Corrections units to comply with sound, ethical practices governing the procurement of goods and services to include but not limited to: the Code of Virginia, Virginia Public Procurement Act, the Agency Procurement Surplus Property Manual, the Commonwealth of Virginia Vendor’s Manual, the IT Procurement Manual, and other regulations applicable to the procurement of goods and services.

II. COMPLIANCE

This operating procedure applies to all units operated by the Department of Corrections (DOC). Practices and procedures shall comply with applicable State and Federal laws and regulations, Board of Corrections policies and regulations, ACA standards, PREA standards, and DOC directives and operating procedures.

III. DEFINITIONS

**Agency Procurement and Surplus Property Manual** (APSPM) - The manual issued by Department of General Services Division of Purchases and Supply (DGS/DP&S) containing the policies and procedures for Commonwealth of Virginia agencies to fulfill procurement responsibilities other than information technology within their delegated procurement authority limits

**Buyer** - The individual whose Employee Work Profile details the responsibility for the procurement of goods and services, according to the APSPM; the DOC has Buyers in the Headquarters Procurement Unit, Virginia Correctional Enterprises (VCE), institutions, Regional Offices, Corrections Construction Unit (CCU), the Academy for Staff Development, and Agribusiness.

**Chief Procurement Official** - The individual whose Employee Work Profile details the responsibility for the day to day management of the purchasing function and those having delegated authority to bind the agency in making contractual commitments; the Chief Procurement Official for the DOC is the Director of Procurement and Risk Management.

**Community Corrections Facility** - A residential facility operated by the Department of Corrections to provide the Detention Center Incarceration program in accordance with COV §53.1-67.8 or the Diversion Center Incarceration Program in accordance with COV §53.1-67.7.

**Confirming Purchase Order** - A purchase order issued after the fact by a procuring agency to a vendor for goods or services ordered orally or by some other informal means; the end-user must include the comment, “CONFIRMING ORDER DO NOT DUPLICATE” on the Purchase Requisition before submitting to the procuring official. If an Organizational Unit finds it necessary to issue an eVA confirming order, the confirming order must be placed in eVA within five business days after directing the contractor to proceed.

**Contract** - An agreement enforceable by law, between two or more competent parties, to do or not do something not prohibited by law; contracts include but are not limited to: state contracts, eVA purchase orders, vendor contracts, and memoranda of agreement.

**Demand Payment List** - A list of commodities and services that do not require an Agency Purchase Order as per the APSPM 14.9.b.
**Director of Procurement** - The Director of the Procurement and Risk Management Unit located at DOC Headquarters

**eVA** - The Commonwealth of Virginia’s automated procurement system

**Facility** - Any Community Corrections facility or institution

**Headquarters Procurement Unit** - The Procurement and Risk Management Unit located at the DOC Headquarters; the Headquarters Procurement Unit purchases for the DOC operating units located at Headquarters, some Community Corrections operations, some Field Units, Farmers Market, and the Virginia Parole Board.

**Institution** - A prison facility operated by the Department of Corrections; includes major institutions, field units, and work centers.

**IT Procurement Manual** - The manual issued by the Virginia Information Technologies Agency (VITA) containing the policies and procedures for Commonwealth of Virginia agencies to fulfill information technology procurement responsibilities within their delegated procurement authority limits

**Memorandum of Agreement (MOA)** - A written contract between public agencies

**Memorandum of Understanding (MOU)** - A written contract between a government and nongovernment sources; this agreement is typically the negotiated points of a Request for Proposal (RFP), Sole Source (SS) or an emergency contract.

**Organizational Unit** - A DOC operating unit, such as a correctional facility, regional office, probation and parole office, Virginia Correctional Enterprises (VCE), Academy for Staff Development, Corrections Construction Unit, Agribusiness Unit, or other separate operational unit

**Organizational Unit Head** - The person occupying the highest position in a DOC organizational unit

**Price Reasonableness** - A price reasonableness determination is required to determine if prices bid or offered are fair and reasonable when: (a) competition is restricted or lacking; (b) the prices offered do not appear to be fair and reasonable; or (c) the decision is made to award to other than the lowest Bidder or highest ranking offeror (appropriate award clause must have been included in the solicitation). Specific guidance is provided in the **APSPM**.

**Purchase Request** - Initiation of a procurement transaction that is documented by submission of an approved Purchase Requisition to the appropriate DOC procuring official

**Sole Source** - A product or service that is practicably available from only one source

**Term Contract** - A contract that is for a specified period of time that is named in the contract

**Unit Cost Code Manager** - The manager of the operating unit who is responsible for the unit’s budget

**Virginia Public Procurement Act (VPPA)** - Code of Virginia §2.2-4300 et seq. that enunciates the public policies pertaining to governmental procurement from nongovernmental sources, to include governmental procurement that may or may not result in monetary consideration for either party; the chapter shall apply whether the consideration is monetary or nonmonetary and regardless of whether the public body, the contractor, or some third party is providing the consideration.

IV. PROCEDURE

A. General

1. This operating procedure is intended to supplement but not replace provisions of the **Agency Procurement and Surplus Property Manual (APSPM)** issued by the **Division of Purchases and Supply** (DP&S). Please refer to the APSPM, **Virginia Public Procurement Act (COV §2.2-4300 et seq.)**, **Commonwealth of Virginia Vendor's Manual**, **Virginia Information Technologies Agency (VITA) IT Procurement Manual**, **Commonwealth Accounting Policies and Procedures Manual** (CAPP), and applicable sections of other Commonwealth of Virginia manuals providing detailed instructions on the purchase of goods and services.

2. This operating procedure governs the requisition and purchase of supplies, services, and equipment,
including the purchasing procedures and criteria for the selection of bidders and vendors, excluding procurement of capital outlay projects. (4-4038; 4-ACRS-7D-25; 2-CO-1B-09; 1-CTA-1B-02)

3. The Construction and Professional Services Manual issued by Department of General Services Division of Engineering and Buildings governs all capital outlay project purchases including construction projects, renovation projects, and professional architectural and engineering services.

4. This operating procedure governs the process by which funds are made available for purchasing community services to supplement existing programs and services. (4-4039; 4-ACRS-5A-11, 4-ACRS-7D-26)

B. The Headquarters Procurement Unit will provide procurement assistance to all DOC units to include:

1. Training and assistance to DOC employees on procurement procedures
2. Visitations at various DOC locations
3. Assisting all locations to solicit and award complex purchases of goods and services, and developing final contract documents
4. Purchases with an annual value of $500,000 and above that result from competitive sealed bidding, competitive negotiation, or sole source shall be submitted to the Headquarters Procurement Unit using the Secretariat of Public Safety Request to Purchase (SPS) (see Attachment 4), for obtaining the Director’s and the Secretary of Public Safety’s approval.
   a. Headquarters Procurement Unit shall assign a purchase transmittal number to the SPS and submit it accordingly.
   b. The SPS is not required for purchases from mandatory sources, commissary contracts, against revenue generated contracts, or purchases off of State Contracts.
   c. Modification to a term contract or spot purchase, which initially required an approved SPS do not require a new or revised SPS, if the modification document (usually the eVA purchase order) references the original SPS transmittal number.

C. Delegation, Approval, and Signatory Authority

1. Delegation
   a. DP&S Delegation (Goods and Printing) - DP&S has authority to delegate dollar levels of procurement authority for the procurement of goods and printing to Commonwealth of Virginia agencies.
      i. DOC Headquarters and Corrections Construction Unit (CCU) have unlimited delegated purchasing authority.
      ii. Institutions, Regional Offices, and the Academy for Staff Development have delegated authority up to $50,000 for the procurement of goods and printing.
      iii. Agribusiness has delegated authority up to $100,000 for the procurement of goods and printing.
      iv. Virginia Correctional Enterprises (VCE)
         (a) Code of Virginia §2.2-4345 exempts VCE from competitive sealed bidding or competitive negotiations when procuring materials, supplies, or services for use in and support of its production facilities, provided the procurement is accomplished using procedures that ensure as efficient use of funds as practicable and, at a minimum, includes obtaining telephone quotations. Such procedures shall require documentation of the basis for awarding contracts; however, VCE shall consult with the Deputy Director of Administration on all purchases that exceed $250,000 in value.
         (b) VCE has a delegation of $100,000 for the purchase of goods that do not support its production facilities including but not limited to equipment, software, hardware, and printing. Any purchase for these commodities that exceeds $50,000 shall be sent to DP&S for processing.
         (c) Exemption from the competitive sealed bidding or competitive negotiations process does not relieve VCE from adhering to the remainder of the APSPM, such as proper Contract
vi. Institutions shall forward all procurements over $5,000 that require solicitation to their respective Regional Office’s Procurement Staff for processing.

vi. Institutions, Regional Offices, Agribusiness, and the Academy for Staff Development shall send procurements for goods and printing that exceed their delegation to DP&S for processing. If DP&S delegates back to the Organizational Unit to process the procurement, the Organizational Unit shall place documentation of the approval in the procurement file.

b. Delegation (Services) - All organizational units that have been granted delegated procurement authority from DP&S have unlimited delegated procurement authority for the procurement of services, subject to the dollar levels signatory approval authority in Contract Approval and Signatory Authority for Goods & Services (see Attachment 1).

c. DOC Delegation of Authority - Only the Director has authority to delegate procurement authority within the DOC as follows:
   i. Authority is delegated to Wardens to approve annual Purchase Orders up to $250,000 and to Superintendents to approve annual Purchase Orders up to $50,000 to DOC Agribusiness.
   ii. Authority is delegated to all Field Unit Superintendents to approve Purchase Orders up to $2,000, except as otherwise specified.
   iii. Small Purchase Charge Card - The Director has delegated authority to the DOC SPCC Program Administrators to evaluate each request for a SPCC and to delegate SPCC procurement authority in accordance with the CAPP Manual Topic 20355 and Operating Procedure 260.3, Small Purchase Charge Card Program.
   iv. DOC Farmer’s Market - The Director has delegated authority to the Farmer’s Market Manager to place and approve produce purchase orders up to $30,000.
   v. Baskerville Correctional Center - The Director has delegated authority to this Correctional Center to place and approve purchase orders up to $5,000.

2. Purchase Requisition Approval

a. The Purchase Requisition is the initial request indicating intent to purchase goods and services. Per COV §2.2-1110, Executive Order 20(2014) and the APSPM, the Purchase Requisition begins at the point of requisitioning for all procurement actions including, but not limited to, technology, transportation & construction.
   i. The Purchase Requisition shall be submitted electronically via eVA unless exempt under APSPM 14.9.b. and the Demand Payment List.
   ii. A Purchase Requisition is a request to purchase and not a Purchase order.

b. Approval of a Purchase Requisition is primarily a budgetary function indicating that the funds for the purchase are available from the organizational and/or operating unit.

c. Authorization to Approve Purchase Requisitions for Goods and Services (see Attachment 2) lists titles of individuals authorized to approve the expenditure of funds for a DOC Organizational Unit with the attendant dollar limits. The approval flow in eVA should mirror this authorization and if required, approvers shall be inserted into the eVA approval flow.

d. The individuals listed in Attachment 2, cannot delegate their authority to approve the expenditure of funds, except under the following circumstances:
   i. Vacation
   ii. Emergency
   iii. Extended periods of leave

3. Contract Approval and Signatory Authority

a. A Contract is the legal document obligating the vendor to provide the indicated goods and services in accordance with the terms of the contract and obligating the DOC to pay the vendor for the goods and services provided.

b. All contracts or agreements for goods and services, regardless of dollar amount or whether between
government and non-government or government and government shall be forwarded to the proper procurement unit for review (i.e. Headquarters Procurement Unit, Regional Procurement Units, etc.)

c. **Contract Approval and Signatory Authority** (see Attachment 1) lists the titles of individuals authorized to approve and sign contracts on behalf of the DOC with the delegated dollar limits.

i. Contract approval and signatory authority for DOC Organizational Units (for Purchase Orders and Unilateral Contracts) shall not exceed $75,000 (annual value), except for VCE, which has authority up to $250,000 ($100,000 for the purchase of goods that do not support its production facilities), and DOC Headquarters, and Corrections Construction Unit, which have unlimited authority.

ii. Purchasing authority is unlimited for purchases from state contracts and mandatory sources such as VCE, VDC, and DBVI, however, purchases with an annual value of $500,000 and above that result from competitive sealed bidding, competitive negotiation, or sole source shall be submitted to the Headquarters Procurement Unit in accordance with Section IV., C., 1., above.

iii. Contracts exceeding the delegated authority (see Attachment 1, **Contract Approval and Signatory Authority for Goods & Services**) shall be forwarded to the Headquarters Procurement Unit for review and signature.

iv. All Memoranda of Agreement (MOA’s) shall be forwarded to the Headquarters Procurement Unit for review and approval before being signed, regardless if financial consideration is provided by the agency, the contractor, or some third party. All other contracts shall be forwarded to the Headquarters Procurement Unit for review and approval before being signed based on the Organization Unit’s signature authority (see Attachment 1) utilizing the **Contract Approval Form 260_F1**.

v. All MOA’s that do not financially impact the agency and no financial consideration is provided by the agency, the contractor, or some third party shall be forwarded to the Professional Services Unit for review. The Chief of Legal Services will decide which MOA’s require the Director’s signature and which MOA’s may be signed by those individuals listed in Attachment 1, **Contract Approval and Signature Authority for Goods and Services**.

d. A **Contract Approval Form 260_F1** shall be submitted to the Headquarters Procurement Unit by institutions, VCE, CCU, Agribusiness, and the Academy for Staff Development when submitting contracts to the Headquarters Procurement Unit for review and signature.

4. **Contract Modifications and Renewals**

a. **Contract Modifications**

i. Buyers may approve in writing contract modifications that comply with the APSPM including increases if the modification does not exceed the buyer’s signatory authority (see Attachment 1). Contract modifications exceeding an Organizational Unit’s signature authority shall be sent to the Headquarters Procurement Unit utilizing the **Contract Approval Form 260_F1** for approval prior to execution.

ii. Purchases Over $50,000 - A public contract may include provisions for modification of the contract during performance, but no fixed-price contract may be increased by more than 25% of the original amount of the contract or $50,000, whichever is greater, without the advance written approval of the Procurement Director or designee, DOC Director, and DP&S (see **Contract Modification Approval 260_F15** and Attachment 3, **Authorization to Approve Determinations**).

b. **Contract Renewals** - Any contract may be renewed by the Organizational Unit provided the original contract included a renewal clause and funding for the renewal is identified prior to renewal. The amount to be paid to the contractor during the renewal period may not be increased beyond the original contract price unless the original contract has identified the methodology for increasing the price to be paid during the renewal period and the Buyer is able to document the procurement file with justification for the price increase.

c. The Director’s signature is not required for modification or renewal for an MOA signed by the
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Director, unless there is a substantial change to the MOA. Solely extending the period of agreement of the MOA is not deemed to be a substantial change.

5. **Sole Source Purchases** - All Sole Source requests must be approved in advance by the Director of Procurement or designee using the “DGS Sole Source Request” online form located in eVA for all non-technology purchases and the [IT Goods and Services Sole Source Procurement Approval Request Form](#) for technology purchases. The following steps should be followed:

   a. The requestor/end user shall submit the appropriate *Sole Source Determination* form (*Sole Source Procurement Determinations* 260_F2 or the *IT Goods and Services Sole Source Procurement Approval Request Form*) in a Microsoft Word format to their respective Procurement Unit (e.g., Institutions submit Sole Source requests to their respective Regional Office's Procurement Unit, requests from the ASD are submitted to the ASD’s Procurement Unit, requests from Headquarters are submitted to the Headquarters Procurement Unit etc.).

   b. The Buyer will review and verify the authenticity of *Sole Source Procurement Determinations*.
      i. The Buyer may request additional information/clarification from the requestor as needed.
      ii. For non-technology purchases, the Buyer will complete and submit the Sole Source request to the Director of Procurement for review by utilizing the *DGS Sole Source Request* online e-form located in eVA and will ad hoc the Director of Procurement into the approval flow. The *DGS Sole Source Request* e-form shall not be used for IT Goods and Services Sole Sources.
      iii. For all technology purchases, the *IT Goods and Services Sole Source Procurement Approval Request Form* shall be used.
      iv. Upon the Buyer’s satisfaction, the Buyer shall forward the Sole Source Procurement Determination, along with any supporting documentation, to the Director of Procurement.

   c. The Procurement Director or designee will review the Sole Source request for approval. If additional approvals are required, the Director of Procurement will ad hoc the appropriate level into the approval flow per *Authorization to Approve Determination* (see Attachment 3).

   d. The Buyer, upon receipt of the approved Sole Source request will post the Sole Source award to the eVA VBO and forward the copy to the requestor.

   e. The requestor/end user will submit the purchase requisition in eVA using the “SO-1” selection and attach the approved *Sole Source Determination* e-form. Purchase requisitions issued against established Sole Source term contracts do not require new Sole Source approvals.

   f. For term contracts, the Procurement Officer will place a copy of the approved *Sole Source Determination* form, in the contract file for audit purposes.

6. **Emergency Purchases**

   a. The Organizational Unit Head or designee must submit to their Buyer, in writing, an *Emergency Procurement Determination* 260_F3 for emergency purchase requirements. Competition should be sought to the extent practicable. The Buyer shall review and approve the authenticity of the *Emergency Procurement Determination* before submitting for approval in accordance with *Authorization to Approve Determinations* (see Attachment 3). Refer to the [APSPM](#) for details regarding types of emergency.

   b. If the emergency purchase exceeds the Organizational Unit Head’s authority, efforts should first be made to obtain advance verbal approval from the Headquarters Procurement Unit or, if not possible, from the appropriate member of the Executive Staff under which the requirement falls. The Emergency Procurement Determination must be routed to the Headquarters Procurement Unit as soon as possible and generally no greater than one week after contracting for emergency goods and/or services.

7. **Procurement Boilerplates**

   a. All Procurement Units shall use the boilerplates listed on the Procurement and Risk Management’s intranet homepage located on iDOC.

   b. If any errors are noticed, notification should be provided to the Director of Procurement or the
Procurement Manager for corrective action.

D. Virginia Public Building Authority (VPBA) Purchases

1. Goods that are included on a Virginia Public Building Authority (VPBA) listing of equipment approved by the State Treasury Department for purchase by the DOC are subject to the laws and regulations of the Commonwealth of Virginia. DOC Business Offices shall maintain a listing of all items purchased under VPBA guidelines.

2. Privatization services procured for VPBA funded facilities are subject to Private Activity Bond Regulations and Revenue Procedures. All management contracts entered into or modified after May 16, 1997 shall be subject to the Regulations and Revenue Procedures, which state that if a Contractor has a legal entitlement to use greater than 5% of the facility's space, there are restrictions regarding compensation and term of the contract. Additional restrictions may not apply to management contracts where compensation is based upon a fixed fee or capitation fee and the term does not exceed five years. The Headquarters Procurement Unit and the A&E Services Unit will coordinate review and approval by the Department of Treasury for privatization service contracts at VPBA funded facilities.

E. Goods and Services Requiring Additional Approval, Review, and Coordination

1. The following classes of goods and services require additional approval, review, and coordination:
   a. Technology Goods and Services including Telecommunication Systems
      i. The DOC Correctional Technology Services Unit (CTSU) Chief Technology Officer or designee shall review, approve and coordinate all requests for the purchase of technology goods and services including telecommunication systems.
      ii. All VITA in-scope purchase requisitions will automatically route to the CTSU Chief/Agency Information Technology Resource (AITR).
      iii. The purchase of portable electronic communication devices and related services including but not limited to cellular telephones and Blackberries require approval of the appropriate Deputy Director or Regional Operations Chief. The appropriate Deputy Director or Regional Operations Chief must approve any change order request for the equipment or services.
   b. Radio Communication Systems - The DOC General Services Unit shall coordinate review and approval of all requests for rental, lease, and purchase of radio equipment and services to include providing guidance on authorized radio frequencies.
   c. Real Estate - The Chief of Architectural and Engineering Services shall coordinate review and approval of all requests for the lease of real property.
   d. Insurance - The DOC Risk Manager shall coordinate review and approval of all requests for the purchase of insurance.
   e. Architectural and Engineering Services - The Chief of Architectural and Engineering Services located at DOC Headquarters shall approve all requests for the purchase of engineering related services (i.e., architectural, landscape architecture, land surveying, professional engineering) above $5,000.
   f. Vehicles - The DOC Fleet Manager shall coordinate the review and approval of all requests for the purchase of vehicles through the appropriate Deputy Director or Regional Operations Chief. Information sent to the Fleet Manager shall include: an Application for Assignment/Purchase/Lease of State Vehicle (OFMS-1) (see Operating Procedure 323.1, Vehicle Operations and Maintenance); a Purchase Requisition that states the vehicle requested including all "add-on options" requested; and other supporting documentation that may be required by the Fleet Manager.
   g. Security Equipment, Supplies, and Uniforms for DOC employees
      i. The Director of Security and Correctional Enforcement shall coordinate the review and approval of all requests to purchase of the following:
         (a) New and replacement DOC metal badges
         (b) New and replacement Electronic Key Control/ Distribution Systems
         (c) Restraint Equipment
Chemical Agents/Delivery Systems
Electronic Control Devices
Distraction Devices
Impact Weapons and Munitions
Firearms and Ammunition
(i) All new security equipment, supplies, and uniforms not currently authorized for use in the DOC.

ii. The Regional Operations Chief or designee shall coordinate the review and approval of all other requests for security equipment, supplies, and uniforms unless the items have been approved for procurement as correctional items and are available from VCE.

iii. The Corrections Administration Manager for the Division of Administration will coordinate the review and approval of all requests for equipment, supplies, and uniforms for Headquarters and the Academy for Staff Development. For the purpose of training, the Academy for Staff Development will only purchase authorized security equipment and supplies as approved by the Director of Security and Correctional Enforcement.

h. Security System Installation - For the purchase of security systems that include security detection equipment, perimeter fences, surveillance cameras, monitoring, or electronically controlled locking door systems; the service must be provided by a licensed private security services business. Contact the Department of Criminal Justice Services at 804-786-1198 to determine the vendor’s licensure status (Note: This requirement does not apply if security systems are installed during the construction of the facility).

i. Medical Services - All contracts for professional medical services (physicians, dentists, optometrists, and psychiatrists) shall be solicited and managed by the Headquarters Procurement Unit. Requests for professional medical service contracts shall be submitted to the DOC Health Services Director for review and approval before submission to the Headquarters Procurement Unit.

j. Food - Purchases of food from sources other than DOC Agribusiness Operations must be submitted to the DOC Food Service Director for review and approval.

k. Publications - Each DOC organizational and operating unit (Deputy Director and Regional Operations Chief level) should periodically ensure review of each publication it or subordinate units customarily issue to determine if hard copies are necessary or whether electronic posting is more appropriate.

i. Units that develop and issue publications shall strive to control costs through the use of standard size paper, inks, and bindings.

ii. In-house graphic services shall be utilized whenever possible.

iii. Multiple colored printing and high-cost paper shall be avoided whenever possible. All multi-color print jobs require a written justification to the Director for approval detailing the intended audience for the publication and the benefit to the state for processing a multi-color print job.

iv. Printing requisitions must be processed as follows:
   (a) Virginia Correctional Enterprises (mandatory source)
   (b) Other printing needs shall be processed in accordance with the Agency Procurement and Surplus Property Manual and this operating procedure

l. Closed Circuit TV Surveillance Equipment – All purchases of closed circuit TV surveillance equipment shall be reviewed and approved by the A&E Services Electronic Security Manager.

m. Drug Testing Goods - All offender drug testing supplies and services shall be reviewed and approved by the offender Drug Testing Contract Administrator.

n. All contracts for the confinement of DOC offenders shall include in any new contract or contract renewal the entity’s obligation to adopt and comply with the PREA standards. (§115.12[a], §115.212[a]) Any new contract or contract renewal shall provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards. (§115.12[b], §115.212[b])

i. Only in emergency circumstances in which all reasonable attempts to find a private agency or
other entity in compliance with the PREA standards have failed, will the DOC enter into a contract with any entity that fails to comply with these standards. In such a case, all unsuccessful attempts to find an entity in compliance with standards must be documented. (§115.212[c])

ii. The DOC shall not enlist the services of any contractor who may have contact with offenders, who: (§115.17[a], §115.217[a])
   (a) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)
   (b) Has been civilly or administratively adjudicated to have engaged or has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse.

iii. The DOC shall consider any incidents of sexual harassment in determining whether to enlist the services of any contractor, who may have contact with offenders. (§115.17[b], §115.217[b])

iv. The DOC shall also perform a criminal background records check before enlisting the services of any contractor who may have contact with offenders. (§115.17[d], §115.217[d])

2. Individuals responsible for the review, approval, and coordination of the approval to purchase these commodities are not delegated the authority to amend procurement requirements as stated in the APSPM or this operating procedure.

3. The review and approval period should not exceed 30 days.

4. Any request to procure these commodities shall be sent to the appropriate Deputy Director or Regional Operations Chief for approval before being submitted to Headquarters (except Food purchases which are automatically routed on-line through eVA to the Food Service Director).

5. Approvers may be ad hoced into the eVA approval flow if there are not specific approval forms for the listed goods and services i.e., vehicle approval form OFMS-1.

F. Confirming Purchase Orders

1. Confirming purchases require the issuance of a confirming purchase order, even though the vendor may not require an eVA Purchase Order.

2. Confirming orders must be placed in eVA within five business days after directing the contractor to proceed.

3. All purchases shall be placed through eVA, except the exempted commodities as detailed in the APSPM and the commodities listed on the DOC Demand Payment list which is posted on iDOC.

G. Electronic Commerce

1. The DOC supports the Commonwealth of Virginia’s automated procurement system, eVA. Rules and regulations regarding eVA are detailed in the APSPM.

2. DOC facilities may not make changes to the DOC Buysense Organizational structure without the approval of the Director of Procurement.

3. To meet all DOC approval requirements, “approvers” will receive “ad hoc” access into the approval flow. The end-user is responsible for obtaining or receiving “ad hoc” approvals required in Contract Approval and Signatory Authority and Authorization to Approve Purchase Requisitions for Goods and Services (see Attachments 1 and 2).

4. New eVA users
   a. To add a new eVA user, the DOC Organizational Unit must submit a completed Request for eVA User Profile 260_F4, the certificate of completion for the eVA Security Awareness Training, and the signed eVA Acceptable Use Acknowledgment form. All three documents shall be scanned into one PDF file and saved under the eVA Requestor’s name (i.e. – Jane Smith) before emailing to: DOCeVAaccounts@vadoc.virginia.gov.
   b. The Procurement Compliance & Training Manager will log in new eVA user requests upon receipt
of all proper documentation.

c. The Procurement Compliance & Training Manager and/or the Senior Procurement Officer at the Regional Office will coordinate with eVA Requester to schedule eVA training with the Procurement Compliance & Training Manager, prior to receiving eVA access.

d. Upon completion of eVA training, the Procurement Compliance & Training Manager shall forward the roster of those who completed the training to the Procurement Director for review and confirmation of completed training.

e. Individuals who were scheduled to take eVA training but did not complete the training are responsible for contacting the Procurement Compliance & Training Manager to reschedule their eVA training.

f. The Procurement Director shall sign and date, then forward the roster confirming eVA Requesters that completed eVA training to the eVA Security Officer at DOC Headquarters.


g. The eVA Security Officer is responsible for creating and deleting eVA accounts. Once the eVA account is created, the eVA Security Officer will email the eVA Requester their eVA login and password.

h. The eVA Security Officer shall sign, date, and then return the roster confirming the establishment of the eVA accounts to the Procurement Compliance & Training Manager to scan and save to record.

5. The eVA Security Officer at DOC Headquarters is responsible for administration of the DOC eVA Security program in compliance with the policy and standards pertaining to eVA and the DP&S eVA Security Manual.

6. eVA’s Quick Quote (QQ) and the Virginia Business Opportunities (VBO) modules are reserved only for those Buyers located at Headquarters Procurement Unit, Virginia Correctional Enterprises (VCE), institutions, Regional Offices, Corrections Construction Unit (CCU), the Academy for Staff Development, and Agribusiness.

7. All Sole Sources purchases are required to be processed in eVA, in accordance with the Sole Source Purchases section above.

8. eVA Delegation:

a. eVA Users are responsible for updating their delegated approval profiles in their eVA accounts if they go out on vacation, emergencies (if possible), other types of leave, etc.

b. If an eVA User goes out of work unexpectedly and not be able to update their delegated approval profile in eVA, their supervisor must contact the eVA Security Officer to receive custodial rights to that eVA User, so that any orders or approvals can be processed in eVA.

H. Loan Agreements - Vendors will sometimes offer goods to agencies to test for a limited time. A Loan Agreement 260_F5 must be processed when accepting goods for testing purposes. The Headquarters Procurement Unit shall review and approve Loan Agreements.

I. Vending Services

1. The Department for the Blind and Vision Impaired (DBVI) is a mandatory source for the provision of vending services when annual sales are estimated to be $5,000 or greater.

2. If DBVI is unable to provide the required services and an exemption is granted, vending services shall be procured competitively.

3. As stated in the APSPM, "If there is to be a contract between a state agency and a non-governmental vendor, the Virginia Public Procurement Act and regulations set forth in the APSPM and the Vendor's Manual apply regardless of the source of funds by which the contract is to be paid or in the absence of any monetary consideration flowing to either party."

J. Contract Monitoring
1. Each Operating Unit shall implement and maintain a system to monitor expiration dates of its term contracts (government to nongovernment and government to government) in order to initiate contract replacement and renewal actions in a timely manner.

2. At the beginning of each fiscal quarterly basis, each Operating Unit shall submit a list of all term contracts (government to nongovernment and government to government) to the Director of Procurement and Risk Management. The Director of Procurement and Risk Management shall consolidate the list and post it to the Agency external website.

3. The contract administrator or designated staff shall meet at least annually with any contractor providing program services to review the program. (2-CO-1B-10)

4. Each contract, including memoranda of agreement and memoranda of understanding, should be provided to the Headquarters Procurement Unit for review and tracking purposes.

K. Purchases of Professional Services

All solicitations for the purchase of professional services shall be processed through the Headquarters Procurement Unit.

L. Purchases from Small, Women-Owned and Minority-Owned Businesses

1. Each Organizational Unit is required to make every effort to achieve the agency’s aspirational spend goals with small, women-owned and minority-owned businesses (SWaM) as established and detailed in the DOC annual Supplier Diversity Plan posted on iDOC.

   a. Procurements up to and including $10,000 shall be awarded to a Department of Small Business and Supplier Diversity (DSBSD) certified micro business bidder/offeror. If prices do not appear to be fair and reasonable, the agency shall document the procurement file to the effect, including the basis for the determination, and then obtain additional quote(s) in accordance with the Small Business Enhancement Award Priority. Entering the decision to award to other than the lowest priced certified micro business in the “Comments” section of the purchase requisition satisfies this requirement.

   b. Procurements over $10,000 and up to $100,000 shall be set-aside exclusively for DSBSD-certified small businesses; however, the procurement may be exempted from the Small Business Enhancement Award Priority if there is not a reasonable expectation that the agency or institution will receive at least two competitive bids or offers from DSBSD-certified micro/small businesses. To request a waiver to the set-aside requirement, a Waiver for Small Business Enhancement Award Priority 260_F16, must be completed and submitted to the appropriate Support Services Manager or Procurement Manager for approval.

   c. For procurements over $100,000, unless a determination has been signed by the Procurement Director or designee and supported by factual evidence explaining in sufficient detail why no subcontracting opportunities exist, all agencies and institutions shall include in the terms and conditions, the requirement for a Small Business Subcontracting Plan for the award of any prime contract. To request a waiver to remove this requirement, a Waiver for Small Business Enhancement Award Priority 260_F16, must be completed and submitted to the Procurement Director for approval.

2. The Department of Small Business and Supplier Diversity (DSBSD) posts certified small, women-owned and minority-owned businesses on-line.

3. Document attempts to identify SWaM businesses if the required number of DSBSD SWaM certified businesses are not solicited.

4. When using contracts that were awarded to multiple contractors and one or more of the Contractors is a SWaM vendor, the end-user shall make reasonable efforts to place the order with the SWaM vendor(s), if the prices are fair and reasonable and the goods/services meet the DOC’s needs.

M. Compliance Reviews
1. DP&S and APA Compliance Reviews for Organizational Units that require a written response detailing corrective action shall be approved by the Organizational Unit Head and the appropriate Deputy Director or Regional Operations Chief.

2. A draft copy of the response shall be sent to the Director of Procurement at DOC Headquarters before a final response is prepared for the above stated approval.

3. A copy of the final written response shall also be sent to the Director of Procurement at DOC Headquarters.

4. DP&S and APA Compliance Reviews processed for Headquarters shall be approved by the Deputy Director of Administration before being sent to the Compliance Agency.

5. Final response to noncompliance issues shall be submitted within timeframes established by the reviewing agency.

N. Vendor Protests

1. If a Bidder or Offeror submits a protest of award, the DOC Organizational Unit shall notify and provide the Director of Procurement with a copy of the protest letter, a draft of the protest response, and a copy of the procurement file for review and approval before the response is sent to the Bidder/Offeror.

2. All protest letters must be responded to in writing within 10 days of receipt.

3. If the protest is denied by the Director of Procurement, the denial shall be final unless the Bidder/Offeror appeals to the appropriate Circuit Court.

O. Demand Payments - All DOC facilities and Organizational Units for which the Headquarters Procurement Unit is responsible for purchasing shall adhere to the Demand Payment regulations detailed in the Demand Payments List posted on iDOC.

V. REFERENCES

DGS/DP&S Agency Procurement and Surplus Property Manual (APSPM)
Commonwealth of Virginia Vendor's Manual
Commonwealth Accounting Policies and Procedures Manual (CAPP)
Operating Procedure 323.1, Vehicle Operations and Maintenance
Virginia Information Technologies Agency (VITA) IT Procurement Manual

VI. FORM CITATIONS

Contract Approval Form 260_F1
Sole Source Procurement Determinations 260_F2
Emergency Procurement Determination 260_F3
Request for eVA User Profile 260_F4
Loan Agreement 260_F5
Contract Modification Approval 260_F15
Waiver for Small Business Enhancement Award Priority 260_F16
IT Goods and Services Sole Source Procurement Approval Request Form (VITA web site)

VII. REVIEW DATE

The office of primary responsibility shall review this operating procedure annually and re-write it no later than three years after the effective date.

The office of primary responsibility reviewed this operating procedure in December 2017 and necessary changes are being drafted.