

# CHAPTER 1

## PROCUREMENT AUTHORITY AND RESPONSIBILITY

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- 1. **General.** Public purchasing embraces a fundamental obligation to the general public to ensure that procurements are accomplished in accordance with the intent of the laws enacted by the appropriate legislative body. The intent of the Virginia General Assembly is set forth in the *Virginia Public Procurement Act (VPPA)*.

To the end that public bodies in the Commonwealth obtain high quality goods and services at reasonable cost, that all procurement procedures be conducted in a fair and impartial manner with avoidance of any impropriety or appearance of impropriety, that all qualified vendors have access to public business and that no offeror be arbitrarily or capriciously excluded, it is the intent of the General Assembly that competition be sought to the maximum feasible degree, that procurement procedures involve openness and administrative efficiency, that individual public bodies enjoy broad flexibility in fashioning details of such competition, that the rules governing contract awards be made clear in advance of the competition, that specifications reflect the procurement needs of the purchasing body rather than being drawn to favor a particular vendor, and that the purchaser and vendor freely exchange information concerning what is sought to be procured and what is offered. Public bodies may consider best value concepts when procuring goods and nonprofessional services, but not construction or professional services. The criteria, factors, and basis for consideration of best value and the process for the consideration of best value shall be as stated in the procurement solicitation. (*Code of Virginia*, § 2.2-4300).

This statement of intent by the General Assembly highlights the use of competition to the maximum feasible degree. Competitive procurement requires time and administrative effort; it does not guarantee that an agency's preferred brand or vendor will be selected. Conducted properly, competitive procurement responds to user needs, results in public confidence in the integrity of public purchasing, and generally brings the most favorable prices.

The *Virginia Public Procurement Act (VPPA)* applies generally to every "public body" in the Commonwealth, which § 2.2-4301 of the *Code of Virginia* defines to include "any legislative, executive, or judicial body, agency, office, department, authority, post, commission, committee, institution, board or political subdivision created by law to exercise some sovereign power or to perform some governmental duty...."

**If there is to be a contract between a state agency and a nongovernmental vendor, the *Virginia Public Procurement Act (VPPA)* and the regulations set forth in this manual and the *Vendors Manual* apply regardless of the source of funds by which the contract is to be paid or which may or may not result in monetary consideration for either party. These documents also 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.**

Changes to this manual will be announced through the issuance of Procurement Information Memorandums (PIMs) by DGS/DPS and should be filed in Appendix C for future reference purposes. Unless guidance accompanying a PIM states otherwise, solicitations issued on or after the effective date of the PIM shall be subject to the APSPM as revised by that PIM. Solicitations issued before the effective date of the PIM shall not be affected by the PIM unless the contracting officer chooses to issue an addendum to an outstanding solicitation or negotiate a contract change. Contract officers shall include any applicable, new or revised terms and conditions, and forms in solicitations affected by the PIM.

- 1.1 **DGS/DPS Authority and Responsibility.** The Department of General Services, Division of Purchases and Supply (DGS/DPS). DGS/DPS is the centralized purchasing agency for materials, supplies, equipment, printing, and nonprofessional services required by any state agency or institution. All such purchases made by any department, division, officer or agency of the Commonwealth shall be made in accordance with the *Code of Virginia*, Chapter 43, Title 2.2, and such rules and regulations as DGS/DPS may prescribe. Intentional violations of the centralized purchasing provisions of this article by any using agency, continued after notice from the Governor to desist, shall constitute malfeasance in office, and shall subject the officer responsible for violation to suspension or removal from office, as may be provided by law in other cases of malfeasance (*Code of Virginia*, § 2.2-1115 E.). The Comptroller shall not issue any warrant upon any voucher issued by any using agency covering the purchase of any material, equipment or supplies, when such purchases are made in violation of any provision of this article (*Code of Virginia*, § 2.2-1115 D.). Contracts awarded in violation of the *VPPA* are voidable. Contracts signed by individuals without authority to do so are void from the beginning. Individuals awarding contracts without the authority to do so may be held personally liable for payment to the contractor.

DGS/DPS has the authority to make, alter, amend or repeal regulations relating to the purchase of materials, supplies, equipment, nonprofessional services, and printing, and may specifically exempt particular agency purchases below a stated amount, or specific materials, equipment, nonprofessional services, supplies, or printing (*Code of Virginia*, § 2.2-1111).

DGS/DPS has the responsibility for the standardization of materials, equipment, and supplies purchased by or for any agency of the State (*Code of Virginia*, § 2.2-1112). DGS/DPS also has the authority to establish criteria and procedures to assure economical operation of all state-owned printing facilities (*Code of Virginia*, § 2.2-1113).

DGS/DPS is responsible for the procurement of all public printing, except as DGS/DPS may otherwise provide. This does not prohibit in-house printing. Except for purchasing from Corrections Print Shop (CORPRINT), an agency may not purchase printing from another state agency without DGS/DPS approval. To obtain approval, contact DGS/DPS State Procurement Supervisor at 804-786-5412, indicating the nature and extent of the request. In addition, DGS/DPS is authorized to establish criteria and procedures to obtain economical operation of all state printing facilities (*Code of Virginia*, § 2.2-1113).

- 1.2 **Agency Purchasing Authority.** Agency heads have the ultimate responsibility to ensure that the acquisition of goods and services does not violate or circumvent state law, executive orders, appropriations, regulations, or the provisions of this manual. Agencies shall develop local written procedures implementing the provisions of this manual. They may contain more restrictive requirements, but they must conform with the provisions of this manual and shall be available for public inspection and to DGS/DPS upon request. In addition, they must identify the chief purchasing official, e.g., the individual responsible for the day to day management of the purchasing function and those having delegated authority to bind the agency in making contractual commitments.

- a. **Goods.** The general delegation threshold for the purchase of goods including printing is \$50,000. Requirements over the agency's delegated authority shall be forwarded to DGS/DPS for processing. Purchases from state contracts are unlimited except for limitations on specific contracts.

Agencies and institutions utilizing DGS' central electronic procurement system beginning at the point of requisitioning for all procurement actions including, but not limited to, technology, transportation & construction, unless otherwise authorized in writing by the Division (*Code of Virginia*, § 2.2-1110) may request an increase in delegated procurement authority as follows:

- The agency or institution may request its delegated procurement authority be increased to \$100,000 utilizing the AGENCY/INSTITUTION REQUEST FOR \$100,000 DELEGATED PROCUREMENT AUTHORITY FOR GOODS AND PRINTING form, Annex 1-A.
- The agency or institution may request unlimited authority for the procurement of goods but must meet standards established by DGS/DPS. Unlimited authority must be requested by submitting the AGENCY/INSTITUTION REQUEST FOR UNLIMITED DELEGATED PROCUREMENT AUTHORITY FOR GOODS AND

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PRINTING form, Annex 1-B. All requests must be signed by the Agency Head and will be reviewed for conformance with published standards.

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All agency level purchase transactions should be initiated through the use of a requisition. DGS/DPS will not accept requisitions estimated to be \$5,000 or less. Between \$5,000 and the agency's delegated procurement authority, the agency has the option of forwarding requisitions to DGS/DPS for processing or handling them locally. For information concerning increased delegated procurement authority, call 804-786-1600.

- b. **Services.** Agencies are authorized to contract for services up to any dollar amount subject to applicable laws, regulations, this manual and fiscal restraints; however, agencies may submit requisitions to DGS/DPS for processing.

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- c. **Purchase of Goods for Resale in State Operated Bookstores, Commissaries, Canteens, Gift Shops, and Similar Retail Outlets.** Agencies are delegated unlimited authority for direct procurement of items for retail sale such as books, magazines, novelties, paper, pens, pencils, pre-packaged edibles, school supplies, souvenirs, tobacco products, toiletries, and wearing apparel (see 4.15).

- d. **Validity of Requirements.** It is the responsibility of the individual state agency to verify that items or services requisitioned or purchased are authorized and are applicable to that agency's mission and needs and have been properly funded. This includes any approvals required by law, regulation or policy.

- e. **Authority to Sign Procurement Documents.**

- (1) **Designations.** Agencies shall designate in writing those persons authorized to approve procurement documents. Dollar thresholds should be established, as applicable, for each signature authority. A copy of the written authorization shall be on file in the agency's purchasing office. Agency personnel having "official responsibility" as defined in *Code of Virginia*, § 2.2-4368, for procurement must comply with the *Virginia Public Procurement Act* and the policies and procedures set forth in the most recent editions of the *Vendors Manual* and this manual. Intentional violations could subject the responsible party or parties to suspension or removal from office under the provisions of *Code of Virginia*, § 2.2-1115.

- (2) **Designated signature authority is required for the following documents:** purchase requisitions submitted to DGS/DPS, agency purchase orders, contracts, *VBO* waiver, multi-colored printing, waiver of a prebid or preproposal conference, contract modification, and written determinations to support the use of emergency and competitive negotiation procedures. The agency head may delegate approval authority in writing, for sole source procurements under \$50,000 to the chief purchasing officer or a direct report to the agency head. Over \$50,000 the agency head may delegate approval authority in writing, to a direct report to the agency head.

- f. **Delegated Procurement Authority and eVA.** By statute, most direct purchases of goods and nonprofessional services by State agencies (other than technology purchases) require a delegation of purchasing authority from DPS (*Code of Virginia*, §§ 2.2-1110 and 2.2-1120).

DPS has granted agencies permission in certain circumstances to purchase non-technology goods and services directly, rather than through DPS. These grants of authority to make direct purchases include those set forth in general rules, such as Sections 1.2 and 1.4 of this Manual, as well as special orders issued by DPS to particular agencies.

On and after July 1, 2009, all of DPS's previous and future grants of direct purchasing authority shall be construed to allow direct purchasing only if the purchase is made through DPS's statewide electronic procurement system (eVA), beginning at the point of requisitioning, unless DPS gives or has given express written authorization for the purchase to be made through a non-eVA process or technology application.

Any agency desiring a grant of authority from DPS to make a non-technology purchase through any process or technology application other than eVA must request a specific, written exemption from DPS. Unauthorized direct purchases by officers or employees of using agencies shall be governed by *Code of Virginia*, § 2.2-1115(D) and (E), including but not limited to, the directive that the "Comptroller shall not issue any warrant upon any voucher issued by any using agency covering the purchase of any material, equipment or supplies, when such purchases are made in violation of this article."

In addition, the delegated procurement authority of any agency whose officers or employees violate this provision will be reduced and/or DPS review and pre-approval of agency procurement awards may be required until DPS confidence is restored in the integrity of the agency's procurement operations.

Intentional violations of the above provision are required to be reported to the Department of General Services and Auditor of Public Accounts by the Agency Head.

1.3 **Statutory Exemptions.** Unless otherwise ordered by the Governor, purchasing through DGS/DPS is not mandatory in the following cases; (*Code of Virginia*, § 2.2-1119) **however, the purchases are subject to the *Virginia Public Procurement Act* and the policies and procedures set forth in this Manual.**

- a. Materials, equipment, and supplies as are incidental to the performance of a service contract for labor or for labor and materials (see 4.21);
- b. Manuscripts, maps, audiovisual materials, books, pamphlets and periodicals purchased for the use of The Library of Virginia or any other library in the Commonwealth supported in whole or in part by state appropriations;
- c. Perishable articles, provided that no article except fresh vegetables, fresh fish, fresh meat, fresh fruits, fresh eggs and milk shall be considered perishable within the meaning of this clause, unless so classified by DGS/DPS;
- d. Materials, equipment and supplies needed by the Commonwealth Transportation Board; however, this exception may include office stationery and supplies, office equipment, janitorial equipment and supplies, coal and fuel oil for heating purposes only when authorized in writing by DGS/DPS;
- e. Materials, equipment and supplies needed by the Virginia Alcoholic Beverage Control Board; however, this exception may include office stationery and supplies, office equipment, janitorial equipment and supplies, coal and fuel oil for heating purposes only when authorized in writing by DGS/DPS;
- f. Binding and rebinding of the books and other literary materials of libraries operated by the Commonwealth or under its authority;
- g. Printing of records of the Supreme Court; and
- h. Financial services, including without limitation, underwriters, financial advisors, investment advisors and banking services.

1.4 **Administrative Exemptions.** DGS/DPS may delegate purchasing authority or authorize exceptions from its rules and regulations for particular agencies or for specified goods, non-professional services and printing (*Code of Virginia*, § 2.2-1111). One-time exemption requests must be processed using the Procurement Exemption Request form (see Annex 13-D).

- a. **Purchase of Goods and Nonprofessional Services Under Delegated Authority.** All State agencies may purchase goods within the dollar limits and categories delegated by DGS/DPS without requisitioning through DGS/DPS. The authority to purchase nonprofessional services without regard to dollar limit is delegated to all state agencies. Agencies must comply with the *Virginia Public Procurement Act*, this manual and any revisions thereto. Any agency making purchases in violation of the procedures set forth in this manual may have a part or all of the purchasing authority delegation granted by DGS/DPS withdrawn (see 1.2).
- b. **Acquisition of Automated Data Processing (ADP) and Telecommunications Equipment Goods and Services.** VITA has oversight and procurement responsibility for all Spot purchases of ADP goods and services, including telecommunications equipment. See Appendix "A" for the definition of "Spot" and "ADP Equipment" acquisitions.

Acquisition of all state term contracts for ADP goods and services, to include all telecommunications equipment and services are the responsibility of the Virginia Information Technologies Agency's Acquisition Services Division (VITA/ASD) as described in subparagraphs (3) through (6) below. Procurement of these commodities, as described in subparagraphs (4) and (5) below may be made by agencies and institutions within

their level of authority delegated by DGS/DPS using the methods prescribed in this manual (see Appendix B, Section IV, for special terms and conditions relating to these procurements.)

Before any public body procures any computer system, equipment or software, it shall consider whether the proposed system, equipment, or software is capable of producing products which facilitate the rights of the public to access official records under the *Freedom of Information Act* (§ 2.2-3700 et seq.) or other applicable law.

**NOTE:** See Chapter 8 for sole source processing requirements for Information Technology (IT) goods and services.

- (1) **ADP Equipment and Software** requirements, as defined in Appendix A, that exceed \$100,000 require prior certification from the Department of Technology Planning (DTP) that the proposed procurement is in conformance with the statewide information management plan and the agency's/institution's information technology plan. DTP review is not necessary when the procurement of computer technology is an ancillary part of a major equipment purchase.
- (2) **Computer Related Services** which exceed \$100,000 require VITA's approval prior to purchase. In addition, any renewal of software or computer related maintenance services resulting from an existing contract executed on behalf of an individual agency or institution by a central purchasing authority must be approved by DGS/DPS 60 days prior to the effective renewal date. This action is necessary to verify the renewal features contained in the individual contract.
- (3) **Telecommunications Equipment** requirements, as defined in Appendix A, are the responsibility of the Virginia Information Technologies Agency's (VITA) ASD and any request that exceeds \$100,000 requires VITA's approval prior to purchase. VITA will publish minimum technical requirements and/or recommend standards for adoption by DTP, as appropriate, for telecommunications equipment, which must be incorporated into specifications for telecommunications procurements. Agencies and institutions may make spot purchases of telecommunications equipment without the prior written approval of VITA up to the delegated limits authorized by DGS/DPS. Purchases from state telecommunications equipment contracts may be made in accordance with the same delegation(s).
- (4) **Telecommunications Services** purchases, as defined in Appendix A are the responsibility of VITA's Integrated Telecommunications Division (ITD) VITA/ITD.

Telecommunication services, are based on contracts between the Commonwealth and various telecommunications providers and are coordinated, managed, purchased, and provided through VITA. To acquire those services under contract, agencies, institutions or localities must submit a Telecommunications Service Request (TSR), which authorizes VITA to acquire the service on the agency, institution or locality's behalf. See Annex 1-C for a copy of VITA Form #300. All TSRs shall be submitted to VITA's Finance Division at FAX 804-371-6343 or e-mailed to VITA via an on-line form at [www.vita.virginia.gov](http://www.vita.virginia.gov) **NOTE:** Chapter 935, Section 4-5. 06 b.1 of the Appropriations Act requires all agencies and institutions to obtain the written approval of the Secretary of Technology prior to obtaining contracts for telecommunications services. Such requests may be sent to VITA/ITD via the facsimile number/web page listed above.

To acquire services that are not under a current VITA Telecommunications contract, agencies or institutions must submit a TSR to VITA's Finance Division as noted above. The TSR will describe the services (to include technical specifications) to be acquired, the length of contract requested, the approximate dollar value of the services being requested and a statement as to why the services currently available under an existing VITA contract does not meet the agencies or institutions requirements. The TSR will be reviewed by the Director, ITD. If the services are approved, VITA/ASD will obtain the services on the agencies, institutions or localities behalf. If the services are not approved for the agency or institution, TSR will be returned by the Director, ITD with the reason(s) why the request was denied. Requisitions exceeding \$100,000 require DTP's approval prior to issuing a solicitation.

All facilities, equipment, and services requiring Federal Communications Commission (FCC) licensing, e.g. uplinks, television and radio broadcast frequencies, microwave, two-way radio, etc. are the responsibility of VITA to coordinate/acquire. Agencies must submit a TSR to the Integrated Telecommunications Division of VITA/ITD, FAX 804-786-4177 or e-mail [phoppes@vita.virginia.gov](mailto:phoppes@vita.virginia.gov) with all supporting information to acquire any equipment or services. If the equipment or services are on a current VITA state contract, VITA/ITD will approve the request and return the appropriate written

approval. If the equipment or services are not currently available via a VITA state contract, VITA/ITD will coordinate with VITA/ASD to acquire the requested goods or services on the agency's or institution's behalf.

(5) **For open-air broadcast, satellite, microwave and other wireless telecommunications services**, VITA is responsible for coordinating the Commonwealth's approach to providing these services unless exempted by statute. Agencies and institutions should submit a TSR to the Director, ITD describing the desired services. The requisition will include the technical specifications, the length of contract requested and the approximate dollar value of the services. The Director, ITD will review the requisition and authorize ASD to proceed with the acquisition on behalf of the agency or institution or return the request with comments.

(6) **State ADP Equipment Contracts.** In addition to the requirements for telecommunications goods and services referenced above, VITA is responsible for the acquisition of all state contracts for ADP goods and services. VITA will coordinate all requirements for state ADP goods and services through the Council on Technology Services (COTS) and issue solicitations/negotiate contracts on behalf of all agencies, institutions and localities of the Commonwealth. Agencies, institutions and localities of the Commonwealth may order the goods and services represented by these agreements up to the dollar limits specified by DGS/DPS or as set forth in the individual agreements. Use of VITA's state contracts are generally not mandatory. However, most telecommunications services contracts require the agency or institution to utilize VITA's contracts. Questions regarding telecommunications services contracts may be addressed to the Director, ITD. If an agency or institution cannot fulfill their individual data processing requirement (excluding telecommunications) via a VITA state contract, they will be required to send all request(s), which exceed their delegated procurement authority to DGS/DPS for acquisition.

c. **DGS/DPS has delegated the authority to agencies and institutions to make bulk purchases of the following listed commodities.** Up to \$100,000, use small purchase procedures (see Chapter 5); over \$100,000 use the applicable method of procurement. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates shall not be made by online public auctions (*Code of Virginia*, § 2.2-4303.I).

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<u>CC#</u>	<u>COMMODITY</u>		
040-All	Animal and Livestock	45-84	Slurry Seal
325-All	Animal Feed, All types	750-07	Borrow and Soil
335-All	Fertilizer, All types	750-21	Cement, Truckload Lots
390-All	Foods, Perishable	750-35	Crushed Stone
540-78	Sawdust	750-56	Lightweight Aggregate, all types
595-All	Wood Chips & Bark, etc.	750-63	Local Option Materials, Gravel, Nonpotable Water, Pit Run, Sand, etc.
675-All	Poisons, Agriculture		
690-All	Poultry, Live	750-70	Ready-Mix Concrete
745-07	Asphalt	750-77	Sand and Gravel
745-14	Asphaltic Concrete, Cold Laid	750-95	White (Hydrated) Lime
745-21	Asphaltic Concrete, Hot Laid	770-06	Aggregate, Gravel, Marble, etc.
745-70	Road Oil		Seed, Sod, etc.
745-77	Rock Asphalt, Cold Mix		

d. **Purchases of goods (except printing) from the federal government, other states and their agencies or institutions, and public bodies** are not required to be requisitioned through DGS/DPS (see 1.5).

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e. **Purchase of Copyrighted Books and Copyrighted Audio-Visuals.** The purchase of copyrighted material such as books, written publications, standardized tests, answer sheets, and copyrighted audio/audio-visual film, diskettes, compact discs, and tapes are not required to be requisitioned through DGS/DPS. Up to \$100,000 use small purchase procedures, over \$100,000 use the applicable method of procurement.

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**Exceptions to Competitive Requirements.** DGS/DPS has determined that competition normally is either not practicable or available for purchases of the following goods or services, and purchase through DGS/DPS is not mandatory; however, one quote must be obtained and documented.

a. Purchases up to \$5,000.

- b. The following selected categories of goods and services up to and including \$30,000:
- (1) Books, pre-printed materials, reprints and subscriptions (e.g., print or electronic), pre-recorded audio and video cassettes, compact discs, slide presentations, etc., when only available from the publisher/producer.
  - (2) Academic/research consulting services.
  - (3) Purchases of used equipment including used equipment purchased at a public or online auction (see 4.17).
  - (4) Honoraria, entertainment (speakers, lecturers, musicians, performing artists).
  - (5) Training that is specialized, proprietary, not typically available to the general public for which competition is generally unavailable, off-site, and requires a registration fee. Contact the Department of Human Resource Management, Training Manager, at 804-225-2016, to ascertain if the training being requested is available through an existing contract or another source.
  - (6) Royalties and film rentals when only available from the producer or protected distributors.
  - (7) Professional Organizational Membership dues.
  - (8) Writers.
  - (9) Artists (does not include graphic artists); original works of art; and original, or authentic antique period art frames (does not include newly created replacement or reproduction frames).
  - (10) Photographers other than for graduations and yearbooks, e.g., for official photographs/portraits.
  - (11) Contributions and donations made by a university.
  - (12) Advertisements such as in newspapers, magazines, journals, radio, television, etc.
  - (13) Utility charges.
  - (14) Conference facilities (to include conference support and related lodging and meals) only when the use of a specific facility is directed by an outside donor, sponsor, or organization (see 4.16 for the purchase of conference facilities under all other conditions).
  - (15) Accreditation fees and academic testing services.
  - (16) Exhibition Rental Fees for exhibitions of historical artifacts or original works of art. (The rental fee may include charges other than the rental of the exhibition, such as transportation costs.)
  - (17) Rare and historic manuscript, printed and photographic materials (e.g. books, ephemera, maps, manuscripts, photographs, and prints) that are one of a kind or exist in very limited supply.
  - (18) Purchases for testing or evaluation (limited to purchases of quantities considered necessary for complete and adequate testing).
- c. Deleted.
- d. Purchases from the federal government, other states and their agencies or institutions, and public bodies. Care must be exercised to be certain that the price is fair and reasonable.
- e. Deleted.
- f. Deleted.
- g. Deleted.



Annex 1-A

COMMONWEALTH OF VIRGINIA  
DGS/DIVISION OF PURCHASES AND SUPPLY

AGENCY/INSTITUTION REQUEST FOR \$100,000 DELEGATED PROCUREMENT AUTHORITY FOR GOODS AND PRINTING

The Division of Purchases and Supply (DPS) is responsible for ensuring that state procurement activities in the Commonwealth meet the requirements of the *Virginia Public Procurement Act (VPPA)*, the regulations implemented by the Division, and procedures that are consistent with the Agency Procurement and Surplus Property Manual (APSPM). As a part of this responsibility, DPS will grant agencies and institutions that agree to the standards set forth below, an increase to \$100,000 from the general delegation of \$50,000 for procurement of goods and printing. These standards must be maintained for the agency or institution to retain the increased delegated procurement authority. The intent of these standards is to assure that agencies and institutions are utilizing the Commonwealth's enterprise electronic procurement system, eVA, beginning at the point of requisitioning for all procurements actions including, but not limited to, technology, transportation, and construction (*Code of Virginia*, § 2.2-1110). DPS will use these standards to consider all requests.

Accordingly, the below-named agency or institution ("Agency") hereby requests that its delegation of procurement authority for goods and printing be increased to \$100,000. To qualify for this increased delegation of authority, the Agency hereby agrees to the following standards:

1. The Agency has and will continue to use eVA, the Commonwealth's electronic procurement solution, beginning at the point of requisitioning and in accordance with all requirements set forth in *Code of Virginia*, § 2.2-1110.A, as well as those set forth in Chapter 14 of the *Agency Procurement and Surplus Property Manual (APSPM)*.
2. The Agency will use eVA Quick Quote to the maximum extent practicable for small purchases up to \$100,000. This includes using eVA to issue purchase orders for Quick Quote procurements.
3. The Agency will use eVA VBO to publicly post all solicitations, solicitation addenda, and award notices including sole source and emergency as required by *Code of Virginia*, §§ 2.2-1110, 2.2-4301 and 2.2-4303). This also includes:
  - a. Small purchase procurements that are expected to exceed \$5,000. Quick Quote solicitations meet the public posting requirement.
  - b. Professional service procurements over \$50,000.
  - c. Intent to Award notices.
4. The Agency will include access to an electronic version of the solicitation and any solicitation addenda for all procurements publicly posted on eVA VBO.
5. The Agency will not re-delegate this additional procurement authority to end users outside the Agency's central purchasing department/office unless the Agency obtains the written authorization from the Director of the Division of Purchases and Supply.

SUBMITTED BY: Agency: \_\_\_\_\_ (Printed or Typed)

By: \_\_\_\_\_ (Signature)

Name: \_\_\_\_\_ (Printed or Typed)

Title: \_\_\_\_\_ (Printed or Typed)

Telephone: \_\_\_\_\_ Email Address: \_\_\_\_\_

Date: \_\_\_\_\_ (Printed or Typed)

APPROVED BY: DGS/DPS: \_\_\_\_\_

Ron Bell, Director, DGS Division of Purchases and Supply

Effective Date: \_\_\_\_\_

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## Annex 1-B

### AGENCY STANDARDS FOR UNLIMITED DELEGATED PROCUREMENT AUTHORITY

The Division of Purchases and Supply (DPS) is responsible for ensuring that state procurement activities in the Commonwealth meet the requirements of the *Virginia Public Procurement Act (VPPA)*. As a part of this responsibility, DPS has established the following standards to help agencies and institutions receive and maintain increased delegated procurement authority. The intent of these standards is to assure that delegated processes comply with the *VPPA*, using procedures that are consistent with the *Agency Procurement and Surplus Property Manual (APSPM)*. Agency written requests for increased delegated authority must be received from the agency or institution head. DPS will use these standards to consider all requests.

#### ORGANIZATION STANDARDS

**COMPLIANCE.** An organization must maintain an acceptable standard of compliance evidenced by a satisfactory Procurement Management Review. To gain unlimited delegated authority, a satisfactory review must have been completed within the previous 12-month period. Inability to correct areas noted as deficient will be reason to consider whether continued delegated procurement authority is warranted. If not, such authority may be rescinded or reduced, as appropriate.

**DELEGATION WITHIN AN AGENCY.** Agency and institution heads have the ultimate responsibility to ensure that the acquisition of goods or services does not violate or circumvent state law, executive orders, appropriations, regulations or the provisions of the *APSPM*. The Chief Procurement Officer is responsible for purchasing activities. Subsequent delegation within an agency must be consistent with the agency's ability to manage and monitor procurement activity according to these standards, and the procedures outlined in the *APSPM*. If an agency delegates procurement authority to an end-user for amounts over the level for oral quotations, then DPS approval is required. An agency must designate in writing, with dollar thresholds, individuals authorized to approve procurement documentation. An agency's authority to procure goods and services shall not be contracted to a private entity to act on the agency's behalf for the procurement of goods and services under any circumstances.

**MANAGEMENT.** The Chief Procurement Officer shall report no lower than hierarchical level three from the agency head and have full responsibility and commensurate authority for the agency's procurement-related policy and procedure development, implementation and administration. The grade, classification and title of the Chief Procurement Officer must be commensurate with the experience necessary to meet the responsibilities of the level of increased delegation.

**ORGANIZATIONAL LOCATION.** An agency's procurement activity should be separate from the accounting activity. If an agency cannot meet this standard, then the individual charged with responsibility and authority for organizational procurement must be classified in the purchasing classification skill series.

#### PURCHASING PROGRAM STANDARDS

**AUTOMATION.** The intent of these standards is to assure that agencies and institutions are utilizing the Commonwealth's enterprise electronic procurement system, eVA, beginning at the point of requisitioning for all procurements actions including, but not limited to, technology, transportation, and construction (*Code of Virginia*, § 2.2-1110).

**CONTRACT OPPORTUNITIES.** An agency must analyze expenditures and procurements annually to assess contract opportunities.

**PURCHASING POLICIES AND PROCEDURES.** An agency must have adequate, up-to-date purchasing procedures, approved by the agency head, with applicable surplus, storage and distribution procedures. A policy statement by the agency head must be included to introduce any unique mission-oriented requirements, establish overall guidance and indicate the position responsible for procurement.

**VIRGINIA BUSINESS OPPORTUNITIES (VBO) ADVERTISING.** State public bodies shall post on the DGS central electronic procurement website, otherwise known as eVA, all Invitations to Bid, Requests for Proposal, addenda, and all award notices including sole source and emergency (*Code of Virginia*, §§ 2.2-1110 and 2.2-4301). Small

purchases that are expected to exceed \$5,000 shall also require the posting of a public notice on eVA (*Code of Virginia*, §§ 2.2-1110 and 2.2-4303).

### **STAFFING STANDARDS**

**PROCUREMENT RESPONSIBILITY AND AUTHORITY.** The individual designated by the agency head as Chief Procurement Officer must have authority that is commensurate with the responsibility for managing the procurement of goods and services.

**PROCUREMENT STAFF.** An agency must have sufficient, trained and classified purchasing staff to support the number, frequency and complexity of the agency's procurement requirements, including capital outlay and risk management.

**STAFF SUPERVISION.** The position designated with responsibility for procurement must also have responsibility for managing and supervising the purchasing staff. A staff reduction exceeding 25% will be reason to consider a modification to an agency's delegated procurement authority.

### **PROFESSIONAL STANDARDS**

**ETHICS.** An agency must comply with Ethics in Public Contracting (VPPA § 2.2-4367 to 2.2-4377), the *State and Local Government Conflict of Interests Act*, and the *Virginia Government Frauds Act*. Additionally, annual refresher training classes must be provided to all who have authority to bind the agency or institution with non-government entities.

### **TRAINING STANDARDS**

**END-USER TRAINING.** An agency must conduct annual training for end-users and contract administrators that is commensurate with agency efforts to subsequently delegate procurement authority within the agency.

**PROFESSIONAL TRAINING.** An agency's purchasing staff must maintain a standard of active participation and attendance at training conducted at DGS/DPS and/or other professional purchasing associations.

**PROFESSIONAL ASSOCIATIONS.** An agency must maintain a professional affiliation through membership in at least one professional purchasing association, e.g., CAPA, VAGP, NIGP, ISM, NASPO, etc.

**TRAINING RECORDS.** An agency must maintain records to show training that is received and provided, and a plan for future training of professional purchasing staff.

**VIRGINIA CONTRACTING OFFICER (VCO) CERTIFICATION.** An agency's Chief Procurement Officer and lead buyer must be VCO certified. Other procurement staff should achieve VCO certification within two years of increased delegated authority or within two years of hiring.

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**To request unlimited delegated procurement authority, an agency/institution head must submit a request in accordance with the following format and include the required documentation to outline the implementation methodology. Submit the request and required documentation to: Director, DPS, P. O. Box 1199, Richmond, VA 23218-1199. The agency should refer to these standards when applying for unlimited delegated authority. An on-site review may be scheduled.**

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\_\_\_\_\_  
Ron Bell, Director  
Department of General Services/Division of Purchases and Supply  
October 14, 2011

Annex 1-B Form

COMMONWEALTH OF VIRGINIA  
DGS/DIVISION OF PURCHASES AND SUPPLY  
AGENCY/INSTITUTION REQUEST FOR  
UNLIMITED DELEGATED PROCUREMENT AUTHORITY

To: Director, DGS/DPS  
1111 East Broad Street  
P. O. Box 1199  
Richmond, VA 23218-1199

Date: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Agency Code: \_\_\_\_\_

Email: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Agency Head Approval:**

\_\_\_\_\_  
(Print/Type Name)

\_\_\_\_\_  
(Signature)

**JUSTIFICATION**

Provide justification for the agency's /institution's request for unlimited delegated procurement authority.

**ORGANIZATION STANDARDS**

**1. Compliance.** Outline actions taken to remedy noncompliance issues in the most recent Procurement Management Review. Include date of last Procurement Management Review report: \_\_\_\_\_.

**2. Delegation within an Agency**

- Identify all current delegation to departments, end-users, and facility management positions within the agency/institution. Include any planned changes to internal delegation if unlimited delegated procurement authority is received.
- Attach list of individuals and/or position titles with authority to award contracts.

**3. Management**

Chief Procurement Officer: \_\_\_\_\_

Pay Band: \_\_\_\_\_

Role: \_\_\_\_\_

Working Title (if different): \_\_\_\_\_

Provide a brief synopsis of the individual's relevant professional background and experience.

**4. Organizational Location**

- Attach an organizational chart depicting the location of the Procurement Department within the agency/institution hierarchical organization.
- Attach any master plan or describe any anticipated agency development that may impact purchasing (i.e., additional agency locations, changes in personnel policy or levels, revised agency missions/goals, etc.).

**PURCHASING PROGRAM STANDARDS**

**5. Automation**

- Describe the agency/institution's utilization of the Commonwealth's enterprise electronic procurement system, eVA, beginning at the point of requisitioning for all procurements actions (*Code of Virginia* § 2.2-1110).
- If the agency/institution has an enterprise resource planning or other financial system that requires purchase transaction data, describe the steps that will be taken to integrate that system with the Commonwealth's enterprise electronic procurement system, eVA (*Code of Virginia* § 2.2-1110).

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- Describe current automation in procurement activities and initiatives to further automate agency procurement processes, and how the agency/institution would be willing to assist and participate in DPS statewide initiatives.

#### **6. Contract Opportunities**

- Describe how contract opportunities are assessed.
- Attach a list of all agency awarded term contracts, with expiration dates, renewals, and contract administrators for each.

#### **7. Purchasing Policies and Procedures**

- Attach current written purchasing procedures, approved by the agency/institution head, which include applicable surplus, storage, and distribution procedures.
- Provide a copy of the agency/institution head's procurement policy statement.

**8. Virginia Business Opportunities (VBO) Advertising.** Describe use, or intended use, of eVA VBO advertising (*Code of Virginia*, § 2.2-1110).

#### **STAFFING STANDARDS**

**9. Procurement Responsibility and Authority.** Provide a brief description of how the individual designated by the agency/institution head, as Chief Procurement Officer, has authority commensurate with procurement management responsibilities.

#### **10. Procurement Staff**

- Identify staff and scope of responsibilities for all positions awarding contracts and attach position descriptions.
- Describe any additional responsibilities handled by procurement staff (e.g., facility management, capital outlay, security, transportation, etc.).

#### **11. Staff Supervision**

- Describe the extent to which the Chief Procurement Officer manages the purchasing function.
- If not provided in No. 4, attach an organizational chart of the purchasing staff depicting structure, level, and pay bands and roles of professional purchasing staff; and separately identify accounting function.

#### **PROFESSIONAL STANDARDS**

**12. Ethics.** Describe the agency's/institution's plan to provide annual refresher and ethics training classes to all who have the authority to bind the agency or institution with non-governmental entities.

#### **TRAINING STANDARDS**

**13. End-User Training.** Describe the agency's/institution's annual training for end-users and contract administrators, commensurate with agency efforts to subsequently delegate procurement authority within the organization.

**14. Professional Training.** Describe how the agency's purchasing staff will maintain a standard of active attendance and participation in DGS/DPS training, and/or other professional purchasing associations.

**15. Professional Associations.** Describe how the agency will maintain professional affiliations through memberships in at least one professional purchasing association (e.g. CAPA, VAGP, NIGP, ISM, NASPO, etc.).

**16. Training Records.** Describe the agency's/institution's records showing training that has been received and provide a plan for future training of professional purchasing staff.

**17. VCO Certification.** Attach copy of VCO certificates for the Chief Procurement Officer and lead buyer(s). Describe how procurement staff will achieve VCO certification within two years of increased delegated authority or of hiring.

Annex 1-C

Telecommunications Form #300

Virginia Information Technologies Agency  
110 South Seventh Street, Richmond VA 23219

# Telecommunications Service Requisition

Agency Information:

Agency/Activity Code: \_\_\_\_\_ Agency: \_\_\_\_\_

Agency Telecommunications Coordinator: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Date: \_\_\_\_\_ Agency Log No.: \_\_\_\_\_

Location of Service:

Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_

Contact: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Account No. (if billed directly by Telco): \_\_\_\_\_

(VITA use only)

OGTS: \_\_\_\_\_ LG: \_\_\_\_\_

Account No.: \_\_\_\_\_ Order Writer: \_\_\_\_\_

Instructions to VITA/Telco/Vendor. Note: Changes to this Service Requisition are not authorized.

Provide service as follows: Requested due date: \_\_\_\_\_

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Certification:

I hereby certify that sufficient funds are available for this requisition.

Submitted: \_\_\_\_\_  
(Date) Agency Telecommunications Coordinator Name Signature

(VITA use only)

Date: \_\_\_\_\_ Approval: \_\_\_\_\_ Approval No.: \_\_\_\_\_

