

July 6, 2015

**MEMORANDUM**

**TO:** Purchasing Offices  
 Departments, Institutions, Agencies  
 Commonwealth of Virginia

**FROM:** Robert Gleason  
 Director

**SUBJECT:** Procurement Information Memoranda (PIM) #98-033

Enclosed is PIM #98-033, effective July 6, 2015, representing changes to the September 1998 edition of the *Agency Procurement and Surplus Property Manual (APSPM)*. The Summary of Changes below is in the order of the changes to the *APSPM*. DPS is actively working to incorporate all changes into the web-based *APSPM*, and will post as soon as it is available. It is downloadable from the eVA website at <http://www.eva.virginia.gov>. Once posted, the location of text changes will be indicated by an arrow in the margin ( → ) with the corresponding PIM #98-033 number identified next to the changes. All arrows indicating previous changes are removed. Appendix C contains a log recording the PIM number and date of revision. This memorandum and the corresponding PIM #98-033 should be filed in the back of the Appendix C log.

<b>APSPM Cite</b>	<b>Summary of Changes</b>
1.2.e.(2)	Removes requirement for signature relating to written determination for competitive negotiation.
1.4.d	Adds clarification to Government-to-Government Purchases.
1.5.d	Adds clarification to Government-to-Government Purchases.
2.1.b	Changes name of “rescue squads” to “emergency medical services agencies.
2.2.c	Clarifies that purchases to employment services organizations are exempt from set-aside requirements.
3.4.a	Adds “Fertilizer Application” to Department of Agriculture & Consumer Services.
3.7	Adds language for joint procurements and amends language for cooperative procurements.
3.7.a	Changes language from “Cooperative” to “Joint” procurement.
3.10.a	Updates statute reference.
3.10.g	Adds language to clarify that awards are set-asides.
3.10.g.1	Adds the word “Award” to each subsection’s title to clarify that awards are set-aside.
3.10.g.1*	References mandatory requirement to include Special Term and Condition #36B in all unsealed RFPs for services over \$10,000.
3.10.g.2	Changes name of “nonprofit sheltered workshops” to “employment services organizations”.
3.12.a	Updates non-discrimination language.
3.12.b	Updates statute reference.
3.16	Updates title from “Prohibited Participation” to “Prohibited Transactions”.
3.16.d	Adds section regarding personal interest.
3.18	Adds requirements for publicly posted notices.
3.18.g	Adds requirement to post government-to-government services procurements.
3.18.h	Adds requirement to post solicitation/opportunity for receipt of proposals/applications for grant awards/funds.
3.18.i	Adds requirement to post conceptual proposals submitted for PPEA/PPTA procurements.
Annex 3-B	Updates small purchases.
4.3.d.2	Changes language from “cooperative” to “joint” procurements for requirements type contracts.
4.21	Removes first sentence regarding procurements under VITA’s purview.
4.23.b	Removes language regarding posting of professional services. (See 4.23e)
4.23.e	Updates small purchase threshold for professional services from \$50,000 to \$60,000; updates statute references; adds requirement to post professional service procurements over \$30,000.
4.24.1	Updates statute reference.
4.33	Updates reference to Joint and Cooperative Procurement section.
5	Adds “non transportation-related construction” to small purchase procedures.
5.7.a	Updates title and section to “Unsealed Request for Proposals”; renumbers remaining sections.
5.7.a.2	References mandatory requirement to include Special Term and Condition #36B in all unsealed RFPs for services over \$10,000

Annex 5-F	Updates title to “Unsealed Request for Proposal Process”.
Annex 6-I	Technical: removes reference to definition.
7.2.a	Deleted; removes requirement for written determination for competitive negotiation; renumbers remaining sections.
7.2.d	Adds requirement to indicate if numerical scoring will be used in proposal evaluations; adds requirement to post weights assigned to evaluation criteria.
7.4.a	Removes language for reasonably ranked DSBSD certified small business offerors.
Annex 7-A	Updates form; removes requirement for written determination; adds numerical scoring language.
Annex 7-B.	<u>Competitive Negotiation Step-By-Step Procedures</u> : Removes Step 1 – Prepare Written Determination; renumbers remaining steps.
Annex 7-B. Step 1, V.	<u>Evaluation and Award Criteria</u> : Adds requirement to indicate if numerical scoring will be used in proposal evaluations.
Annex 7-E	Removes first check item for written determination for a RFP; <u>Evaluation Criteria</u> : Adds requirement to indicate if numerical scoring will be used in proposal evaluations check item.
Annex 7-G	Technical: removes reference to definition.
Annex 8-B	Adds that all request for approval must be submitted online using the eform available in eVA.
Annex 8-C	Updates form with language that that all request for approval must be submitted online using the eform available in eVA; removes form instructions.
10.21	Adds joint procurements to contract administration guidance.
12.7.b.3. First bullet	Changes name of “volunteer rescue squads” to “emergency medical services agencies.
13.8	Removes availability to submit the Procurement Exemption Request Form (Annex 13-D) by facsimile or mail.
Annex 13-C	Updates personnel changes.
Annex 13-D	Updates form with language that that all request for approval must be submitted online using the eform available in eVA; removes form instructions.
14.1	Adds requirement to comply with the eVA Business Plan; renumbers remaining sections.
14.4	Adds requirement for e-Mall Receiving.
14.5	Updates title and removes language clarifying competitive small purchase procedures over \$5,000.
14.5.b	Adds language to clarify that eVA tools shall be used for solicitations over \$5,000.
14.5.c, i –iii	Adds language for eVA posting requirements.
14.9.b.19	Adds reference to posting requirement for Government-to-Government procurements.
Annex 14-A	Changes invoice billing cycle from 30 to 60 days.
Appendix A Glossary & Acronyms	<u>Cooperative Procurement</u> : Updates definition.
Appendix A Glossary & Acronyms	<u>Joint Procurement</u> : Adds definition.
Appendix A Glossary & Acronyms	<u>Professional Organization</u> : Adds definition.
Appendix A Glossary & Acronyms	<u>Public Body</u> : Updates definition.
Appendix A Glossary & Acronyms	<u>Sheltered Workshops</u> : Updated definition.
Appendix B Section I, X.	<u>eVA Business-To-Government Vendors Registration, Contracts, and Orders</u> : Updates section to comply with current eVA Business Plan.
Appendix B Section II, 2	<u>Award of Contract</u> : Removed obsolete guidance relating to award to other than the lowest bidder or highest ranked offeror.
Appendix B Section II, 2, L.	<u>Award</u> : Adds language that allows awards on line item, total sum, lot, etc. basis; “When Used” clarifies that this clause shall not be used for informal RFPs.
Appendix B Section II, 4	<u>eVA Orders and Contracts</u> : Updates clause to specify the number of purchase orders that will be issued.
Appendix B Section II, 8	<u>Additional Users</u> : Updates the “When Used” guidance in regards to an agency’s delegated authority.
Appendix B Section II, 36, B	<u>Small Business Subcontracting and Evidence of Compliance</u> : Adds Term and Condition B to be included in unsealed Request for Proposal from \$10,000 up to \$100,000.; renumbers section.
Appendix C	Adds PIM 33

To print a copy of the manual, save it to your hard drive or network and print from there. Printing directly from the website may result in lost formatting. If you should have questions about the changes, please contact your Account Executive.

1.2 **Agency Purchasing Authority.**

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

- (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 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.

1.4 **Administrative Exemptions.**

- d. **Government-to-Government Purchases.** The purchase of goods and services from the federal government, other states and their agencies or institutions, and public bodies. These purchases are not required to be requisitioned through DGS/DPS (see 1.5). (See 3.18 g. Government-to-Government posting requirements).

1.5 **Exceptions to Competitive Requirements.**

- d. **Government-to-Government Purchases.** The purchase of goods and services 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. (See Section 3.18g Government-to-Government posting requirements).

2.1 **Mandatory Sources.**

- b. **Virginia Correctional Enterprises (VCE).** Goods and services produced or manufactured by state correctional facilities shall be purchased by all departments, institutions, and agencies of the Commonwealth, which are supported in whole or in part with state funds. VCE products may also be purchased by any county, district of any county, city or town and by any nonprofit organization, including volunteer emergency medical services agencies, fire departments, sheltered workshops and community service organizations (*Code of Virginia*, §53.1-47.) Products include, but are not limited to: wood and metal case goods, seating, Office Systems, shoes/boots, clothing, embroidery, silk screening, Braille, signs, document conversion to microfilm and electronic medium (CD); electronic content management (ECM) and document destruction, optical, dentures, laundry, license tags, janitorial products, and VCE Digital Works. Special or unique products or services requiring extensive production runs in volume are available.

2.2 **Nonmandatory Sources.**

c. **Employment Services Organizations (ESO).**

Purchase of goods from employment services organizations should be accomplished by utilizing an appropriate agency purchase order. These purchases are exempt from the set-aside requirement, see 3.10. g.2. Contracts may be negotiated with individual employment services organizations for nonprofessional services (*Code of Virginia*, § 2.2-1118). When establishing contracts for goods or services that involve the manual packaging of bulk supplies or the manual assemblage of goods where individual items weigh less than 50 pounds buyers should include the Employment Services Organizations special term and condition, Appendix B, Section II.

3.4 **Contractor License Requirements.**

a. **Contractor Licensing and Registration.**

Fertilizer Application

Department of Agriculture & Consumer Services

3.7 **Joint and Cooperative Procurement.** Subject to the requirements set forth below, state agencies may participate in, sponsor, conduct, or administer a joint procurement in conjunction with one or more other public agencies or institutions to satisfy requirements for goods, services or construction,. Subject to the requirements set forth below, state agencies may purchase from another public body's contract even if it did not participate in the RFP or IFB, if the RFP or IFB specified that the procurement was a cooperative procurement being conducted on behalf of other public bodies provisions listed in *Code of Virginia*, § 2.2-4304B.

- a. **Sponsoring a Joint Procurement:** No state agency or institution may sponsor, conduct or administer a joint procurement without advance approval from the Director of the Division of Purchases and Supply. If a state agency or institution seeks to assess any administrative fees that are to be paid directly or indirectly by using agencies for their participation in the cooperative agreement, the lead agency shall submit documentation sufficient to show that fees do not exceed each using agency's fair share of the total administrative costs. An agency or institution initiating a procurement and desiring to allow its use by other public bodies must include the ADDITIONAL USERS clause found at Appendix B, Section II, and shall serve as the lead agency (contracts manager) and shall administer the program in accordance with Chapter 10 of this manual. Vendor complaints and disputes will be managed by the ordering entity, but the lead agency should be provided copies of any such complaints or disputes. The Procurement Exemption Request form located in Annex 13-D must be used to request approval to sponsor cooperative contracts.

3.10 **Small, Women-Owned & Minority Businesses**

- a. **Agency Plans.** Each executive branch agency and institution of the Commonwealth shall prepare and adopt an annual SWaM (Small, Women and Minority-owned businesses) plan that will specify that agency's or institution's race-neutral and gender-neutral small business goals for procurement in accordance with Executive Order 20, dated July 22, 2014. Executive branch agencies and institutions shall submit an annual SWaM plan to the Department of Small Business and Supplier Diversity (DSBSD) and the appropriate cabinet secretary, in a form specified by the DSBSD, on September 1 of each fiscal year. The plan shall include the annual designation of a SWaM Equity Champion to ensure nondiscrimination in the solicitation and awarding of contracts.

Agencies shall establish internal procedures consistent with the provisions of the *VPPA*, this manual, and Executive Order 20, to facilitate the participation of small businesses and businesses owned by women and minorities in procurement transactions. The procedures established shall be in writing and shall comply with the provisions of any enhancement or remedial measures authorized by the Governor pursuant to § 2.2-4310 of the *VPPA*, and shall include specific plans to achieve any goals established therein.

- g. **Set-aside for Award Priority.** The goal of the Commonwealth is that more than 42% of its purchases be made from small businesses. "Small businesses" are those which have received certification from DSBSD by the due date for receipt of bids or proposals, including those small businesses (including micro) which also have been certified as women-owned and/or minority-owned certification. Procurements shall follow applicable procedures in Chapter 5 and include a tiered award clause as specified in Special Term and

Condition 2.L or 2.M. Award of a contract shall be made in order of the Small Business Enhancement Award Priority as follows:

1. Small Business Enhancement Award Priority

Awards Under \$10,000: For purchases under \$10,000, the award of a contract shall be made to the lowest priced or highest ranked DSBSD-certified micro business bidder/offeror that is responsive and responsible (for bids) or fully qualified and most suitable (for proposals) if such micro business bid or offer is available and the price is fair and reasonable. If there are no reasonably priced bids/offers meeting the above criteria received from certified micro businesses, an award shall be made to the lowest priced or highest ranked DSBSD-certified small business bidder/offeror that is responsive and responsible (for bids) or fully qualified and most suitable (for proposals) if such small business bid or offer is available and the price is fair and reasonable. If there are no reasonably priced bids or offers meeting the above criteria received from certified micro or small businesses, an award may be made to the lowest priced bidder or highest ranked offeror of any size that is responsive and responsible (for bids) or fully qualified and most suitable (for proposals) if the price is fair and reasonable. If the agency or Institution determines and documents that no bid/offered price is fair and reasonable then the procurement may be cancelled and re-solicited removing the set-aside award priority.

Awards \$10,000 up to \$100,000: For purchases from \$10,000 to \$100,000, an award shall be made to the lowest priced or highest ranked DSBSD-certified small business bidder/offeror that is responsive and responsible (for bids) or fully qualified and most suitable (for proposals) if such small business bid or offer is available and the price is fair and reasonable. If there are no reasonably priced bids/offers meeting the above criteria received from certified micro or small businesses, an award may be made to the lowest priced bidder or highest ranked offeror of any size that is responsive and responsible (for bids) or fully qualified and most suitable (for proposals) if the price is fair and reasonable. If the agency or Institution determines and documents that no bid/offered price is fair and reasonable then the procurement may be cancelled and re-solicited removing the set-aside award priority.

\* Include in all unsealed written Request for Proposals for services over \$10,000 Special Term and Condition #36 B.

**Set-aside Award Priority:**

Micro Business Set-Aside Award Priority

- under \$10,000.00      1) Micro Business  
   2) Small Business  
   3) Open to all

Small Business Set-Aside Award Priority

- \$10,000 up to \$100,000      1) Small Business (including micro businesses)  
   2) Open to all

2. However, the procurement is exempted from the set-aside requirement if exempted from competitive requirements in 1.5 b and d; or in 14.9 b items 1-4, 6-16, and 18-28; or is available from mandatory sources or non-mandatory sources in 2.1 and 2.2, such as the Virginia Industries for the Blind, Virginia Correctional Enterprises, employment services organizations, as well as purchases made from existing mandatory or optional statewide contracts. Small businesses shall be identified on the vendor list.
3. Additionally 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 and the agency includes in the procurement file determination, supported by factual evidence explaining in sufficient detail that the procurement does not qualify for a set-aside.

3.12 **Nondiscrimination.**

- a. In the solicitation, awarding or administration of contracts, no agency shall discriminate against a bidder, offeror, or contractor because of the race, religion, color, sex, age, disability, national origin, status as a service disabled veteran, or any other basis prohibited by state law relating to discrimination in

employment (*Code of Virginia*, § 2.2-4310A). Agencies and institutions shall prominently display a nondiscrimination statement in all invitations to bid, requests for proposals, contracts, and purchase orders indicating that the public body does not discriminate against faith-based organizations (*Code of Virginia*, § 2.2-4343.1D).

- b. In the solicitation or awarding of contracts, no state agency, department or institution shall discriminate against a bidder or offeror because the bidder or offeror employs ex-offenders unless the state agency, department or institution has made a written determination that employing ex-offenders on the specific contract is not in its best interest (Code of Virginia, § 2.2-4310.E).

Whenever a state agency, department or institution is issuing a solicitation and has determined in writing that it is not in its best interest for a bidder or offeror to employ ex-offenders on the specific contract, the state agency, department or institution shall state these restrictions in the solicitation. These restrictions, as determined by the state agency, department or institution must be reasonable.

### 3.16 **Prohibited Transactions.**

- d. **By employees of state government or Eastern Virginia Medical School, certain family members, and businesses in which they have a personal interest.** State employees may not enter into a contract to sell goods or services to any state governmental agency (including their own), or remain in State employment if such a contract is entered into by their spouse, a dependent living with them, or a business from which they collectively receive more than \$5,000 of annual income or own more than 3% of the equity, unless the contract is exempted. The following contracts are exempted:

- (1) Contracts having a value of \$500 or less.
- (2) Contracts with a governmental agency other than the employee's own agency if the contract is awarded as a result of (i) competitive sealed bidding or competitive negotiations or (ii) after a finding, in writing, by the administrative head of the governmental agency that competitive bidding or negotiation is contrary to the best interest of the public.
- (3) Any other contract, if the contract does not place the employee in violation of the State and Local Government Conflict of Interest Act. Examples of contracts permitted by the Conflicts Act can be found in § 2.2-3106.C through E and § 2.2-3110.A(1) through (9). In case of doubt, employees may request an advisory opinion from the Attorney General, as provided in § 2.2-3121. Employees are also encouraged to seek such advice because of the many exceptions not described here.

This subsection 3.16 d does not apply to contracts with State advisory agencies, or to employees of State advisory agencies. Advisory agencies are agencies that do not exercise any sovereign power or duty but instead merely make studies or recommendations.

This subsection is intended to restate some but not all of what the Conflicts Act already prohibits. It shall not be construed as prohibiting anything permitted by the Conflicts Act or as altering any employee's duties under the Act.

- 3.18 **Publicly Posted Notices.** All Invitations to Bid, Requests for Proposal, sole source award notices, emergency award notices, government-to-government service contracts starting at \$25,000, and conceptual proposals received under a PPEA or PPTA shall be posted on the DGS central electronic procurement system, commonly known as eVA VBO. (*Code of Virginia*, § 2.2-1110). Small purchases for goods and services greater than \$5000 and any professional service procurements over \$30,000 must be posted per §2.2-4303 . Addenda are also required to be posted. The eVA web site address is [www.eva.virginia.gov](http://www.eva.virginia.gov). The agency must include in the posting access to an electronic version of all solicitation documents.

- g. Each agency and institution shall post on the eVA home page under the "Future Procurements" link any government-to-government purchases for services over \$25,000 that appears on the Commercial Activities List provided by the Department of Planning and Budget. The posting requirement does not apply to Mandatory Sources, central services state agencies, activities operated by an Internal Service Fund or purchases from Institutions of Higher Education.

- h. Each agency and Institution shall post on eVA VBO the solicitation/opportunity for receipt of proposals/applications to receive grant awards/funds.. The posting in VBO shall be designated as “Grant Opportunity”.
- i Conceptual proposals submitted in accordance with PPEA § 56-575.17 or PPTA § 33.2-1820 shall be posted on eVA VBO.

**Annex 3-B**

**Summary of Procurement Thresholds and Associated Small Business Enhancements Policies**

**I. Small Purchases - Goods and Services, other than Professional Services (see Chapter 5)**

Thresholds	Procedures
<p><b>Small Purchase:</b> Up to \$5,000</p>	<p>Single quote from a DSBSD-certified micro business, if available. Quick Quote may be used.</p>
<p>Over \$5,000 but less than \$10,000 →</p>	<p>Quick Quote, Unsealed Bidding, or Unsealed Request for Proposals are allowed. Quick Quote is the preferred method for unsealed bidding. Solicitations under \$10,000 shall be set-aside for award to a DSBSD-certified micro business unless exempted and documentation is required. See <b>Small Business Enhancement Award Priority</b> in 3.10g. For procurements that are expected to exceed \$5000, public posting on eVA VBO is required if Quick Quote is not used.</p>
<p>\$10,000 up to \$100,000 →</p>	<p>Quick Quote, Unsealed Bidding, or Unsealed Request for Proposals are allowed. Quick Quote is the preferred method for unsealed bidding. Solicitations up to \$100,000 shall be set-aside for DSBSD-certified small business unless exempted and documentation is required. See <b>Small Business Enhancement Award Priority</b> in 3.10g For procurements that are expected to exceed \$5000, public posting on eVA VBO is required if Quick Quote is not used.</p>

**II. Competitive Sealed Bidding or Competitive Negotiation (see Chapters 6 & 7)**

Threshold	Procedures
<p>Over \$100,000; may be used for lesser amounts. →</p>	<p>If used for purchases \$100,000 or less it shall be set-aside unless documented (3.10). The Solicitation shall include a tiered award clause as specified in Special Term and Condition 2.L or 2.M, and follow procedures described in Chapters 6, or 7, as applicable.</p> <p>Procurements over \$100,000 shall include a Prime Contractor Small Business Subcontracting Plan unless documented (3.10h).</p> <p>Use one of the following methods for purchases over \$100,000 unless an exception (see III. below).            1 - Competitive sealed bidding.            2 - Two-step competitive sealed bidding.            3 - Competitive negotiation. A written justification is required.</p> <p>Public posting on eVA VBO is required. Requests for Proposal also required to be advertised in a newspaper.</p>

**III. Exceptions To Competitive Procurement (see Chapters 8 & 9)**

Thresholds	Procedures
<p>Emergency →</p>	<p>Take immediate action if required to protect personal safety or property and noncompetitively negotiate. Other emergencies, seek competition to the extent practicable. Requires written determination signed by the agency/institution head or designee. Public posting on eVA VBO is required.</p>
<p>Sole Source (Unlimited dollar amounts) →</p>	<p>Over \$5,000, a written quotation must be obtained from the vendor. Requires written justification approved in advance by the agency/institution head. Over \$50,000 requires approval from DGS/DPS. Agencies and institutions may make contract awards after appropriate approval. Purchase using noncompetitive negotiation. Public posting on eVA VBO is required.</p>

#### 4.3 Preparing the Written Solicitation.

d. **Types of Contracts.** Listed below are some various types of contracts.

- (2) **Requirements-Type Contracts.** Requirements-Type contracts are agreements for performance over a specified period of time, when quantities are indefinite. They have no fixed total dollar amount; rather, they are unit price based. They establish a framework under which goods/services are provided, but it is the degree of purchase order activity against the contract that will ultimately determine its total value. Effective administration of these open-ended agreements requires that the agency maintain some record of the degree of activity against these contracts. Purchasing must, either manually or through an automated system, have some means to capture, analyze, and report usage information. Purchase order activity must be periodically reviewed for compliance with the terms of the agreement. Contract expenditure activity should always be examined prior to the exercise of any renewal provision or re-solicitation. These contracts are generally used when conducting joint procurements and the need for close administration becomes even greater (see 10.21).

4.21 **Services.** Selecting the method for contracting for nonprofessional services shall be in accordance with section 4.22. Professional Services are addressed in section 4.23. When the estimated cost of materials, equipment, or supplies amounts to fifty percent (50%) or more of the total expenditure, it is not considered a contractual service and shall be obtained using the procedures for the procurement of goods. If there are questions as to which procedure applies, contact the DGS/DPS Deputy Director for Procurement at 804-786-3850.

#### 4.23 Professional Services.

b. **General.** Professional Services as defined in § 2.2-4301 of the *VPPA* means work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, land surveying, landscape architecture, law, dentistry, medicine, optometry, pharmacy, professional engineering, and the services of an economist procured by the State Corporation Commission.

e. **Professional Services Small Purchases.** The small purchase threshold for the procurement of professional services is \$60,000. Procurements up to \$60,000 for Professional services may only be procured by other than competitive negotiation if the agency has implemented small purchase procedures in accordance with the *Code of Virginia*, § 2.2-4303G. Professional services procurements less than \$10,000 shall be set-aside for micro businesses. For purchases from \$10,000 up to \$50,000, procurements shall be set-aside for small businesses (including micro businesses). Procurements shall follow the agency's implemented procedures or § 2.2-4302.2 and include a tiered award clause as specified in Special Term and Condition M. Additionally, architectural, landscape architectural, land surveying and professional engineering services shall be purchased in accordance with the Construction and Professional Services Manual (CPSM), issued by DGS/Division of Engineering and Buildings. Public posting is required for professional service procurements over \$30,000

#### 4.24 Construction.

l. **Construction Related Services.** The procurement of Architectural, Landscape Architectural, Land Surveying, and Professional Engineering Services for Capital Outlay projects and similar projects not classified as Capital Outlay projects must be in accordance with Chapters IV, V, and VI of the Commonwealth of Virginia's *Construction and Professional Services Manual*. Multiple project awards for architectural or professional engineering services are allowed under certain conditions. See *VPPA* § 2.2-4303.1 and the DGS/DEB *Construction and Professional Services Manual* for guidance.

4.33 **General Services Administration (GSA) Contract Pricing.** Deleted. See 3.7, Joint and Cooperative Procurement.

5. **General.** The *Virginia Public Procurement Act (VPPA)* permits a public body to establish small purchase procedures, if adopted in writing, not requiring the use of competitive sealed bidding or competitive negotiation for single or term contracts if the aggregate or sum of all phases is not expected to exceed \$100,000; however, such small purchase procedures shall provide for competition wherever practicable (*Code of Virginia*, § 2.2-4303G). The following small purchase procedures have been established by DGS/DPS for use by state agencies and institutions when acquiring materials, supplies, equipment, printing, nonprofessional services and non transportation-related construction up to \$100,000 (excluding information technology and telecommunications goods and services). Procurements made pursuant to these procedures do not require public bid openings or newspaper advertising of competitively negotiated procurements. Small purchases that are expected to exceed \$5,000 shall require the posting of a public notice on eVA VBO. Quick Quote solicitations meet the public posting requirement. For your convenience, process flowcharts for each category of small purchases have been developed and are in the annex of this chapter. Annex 5-A depicts the decision making process that will assist in determining the appropriate small purchase procedure to use up to \$100,000.

5.7 a. **Unsealed Request for Proposals** (Over \$5,000 to \$100,000). Goods or nonprofessional services up to \$100,000 may be procured using the Unsealed Request for Proposal process (see flowchart, Annex 5-F). A written determination for the use of competitive negotiation is not required for unsealed Request for Proposals. The solicitation for unsealed proposals should include a cover sheet, a general description of what is being sought, the evaluation criteria and weights to be used in evaluation, current version of the General Terms and Conditions, any Special Terms and Conditions including unique capabilities or qualifications that will be required, award term, and a requirement that under the Small Business Enhancement Award Priority they shall provide their appropriate DSBSD-certified small business (including micro) number.

1. Procurements under \$10,000 shall be set-aside exclusively for award to DSBSD-certified micro businesses if available and the price is fair and reasonable. If prices do not appear to be fair and reasonable, the agency shall document the procurement file to that effect, including stating the basis for the determination, and then an award may be made in accordance with the Small Business Enhancement Award Priority (3.10g). The solicitation shall designate in the title of the solicitation that the procurement is set-aside for micro businesses. Select “Micro Business Set-Aside Award Priority” once the set-aside box has been checked in VBO.

Procurements from \$10,000 and up to \$100,000 shall be set-aside exclusively for award to DSBSD-certified small businesses (including micro) if available and the price is fair and reasonable. If prices do not appear to be fair and reasonable, the agency shall document the procurement file to that effect, including stating the basis for the determination, and then an award may be made in accordance with the Small Business Enhancement Award Priority (3.10g). The solicitation shall designate in the title of the solicitation that the procurement is set-aside for small businesses. Select “Small Business Set-Aside Award Priority” once the set-aside box has been checked in VBO.

2. \* Include in all unsealed written Request for Proposals for services over \$10,000 Special Term and Condition #36 B.

3. eVA VBO advertising is required See 3.18.

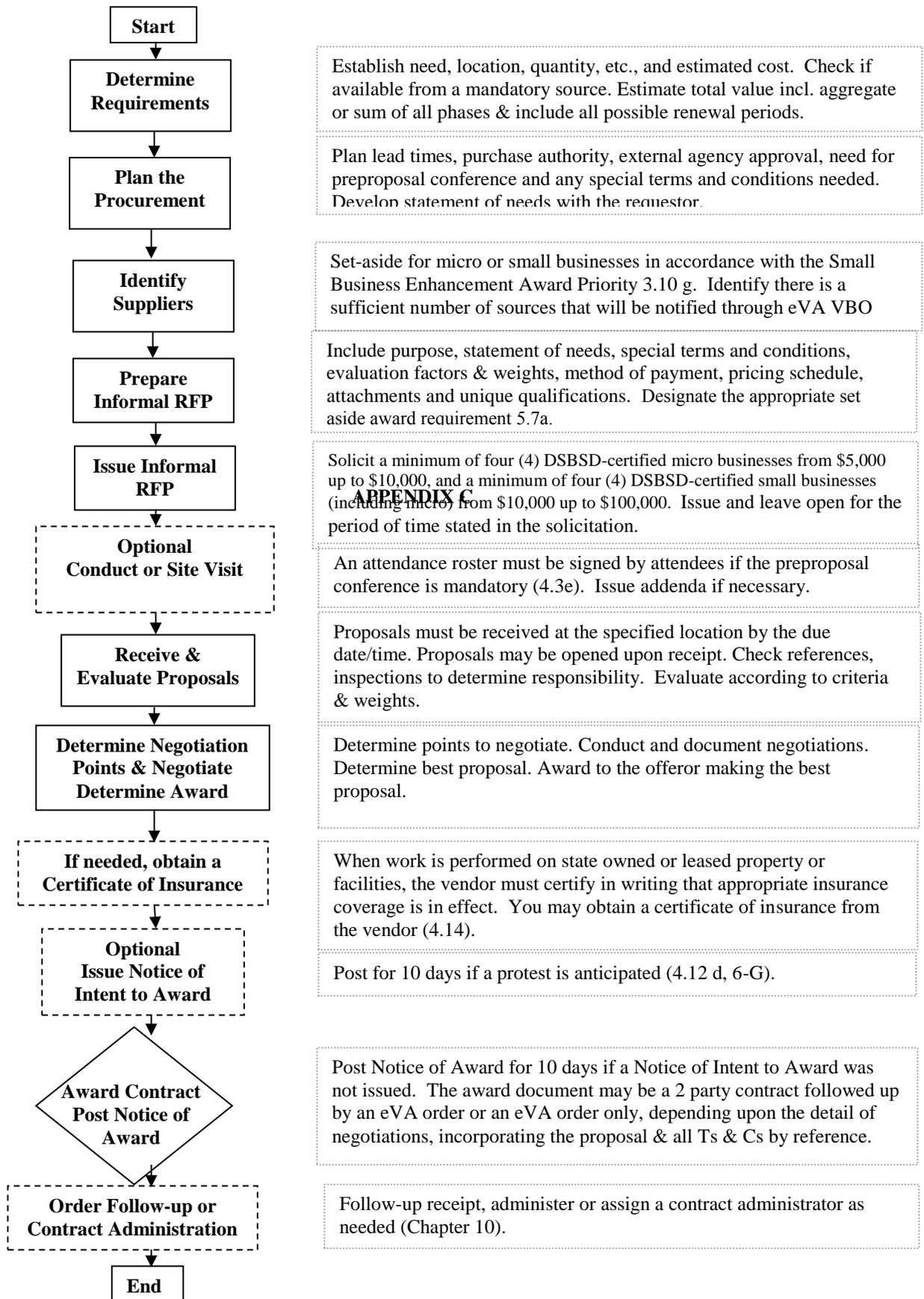
4. Offers may be opened and evaluated upon receipt. All responses must be received at the designated location by the date and time stated in the solicitation (see 3.1e).

5. In lieu of an evaluation committee, the buyer or end user may solely evaluate and rank offers. Upon completion of the evaluation, negotiations shall be conducted with the offerors selected.

6. Award should be made to the highest ranking offeror in accordance with the Small Business Enhancement Award Priority. Post Notice of Award for 10 days if a Notice of Intent to Award was not issued.

**Annex 5-F**

**Unsealed Request for Proposal Process  
For Goods and Non-professional Services over \$5,000 to \$100,000**



**APPENDIX C**

**Annex 6-I**

**Small Business Subcontracting Plan**

It is the goal of the Commonwealth that over 42% of its purchases be made from small businesses. All potential bidders are required to submit a Small Business Subcontracting Plan.

**Small Business:** "Small business (including micro)" means a business which holds a certification as such by the Virginia Department of Small Business and Supplier Diversity (DSBSD) on the due date for bids. This shall also include DSBSD-certified women- and minority-owned businesses when they also hold a DSBSD certification as a small business on the bid due date. Currently, DSBSD offers small business certification and micro business designation to firms that qualify.

Certification applications are available through DSBSD online at [www.DSBSD.virginia.gov](http://www.DSBSD.virginia.gov) (Customer Service).

**Bidder Name:** \_\_\_\_\_

**Preparer Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Instructions**

- A. If you are certified by the DSBSD as a micro/small business, complete only Section A of this form. This includes DSBSD-certified women-owned and minority-owned businesses when they have also received DSBSD small business certification.
- B. If you are not a DSBSD-certified small business, complete Section B of this form. For the bid to be considered and the bidder to be declared responsive, the bidder shall identify the portions of the contract that will be subcontracted to DSBSD-certified small business for the initial contract period in relation to the bidder's total price for the initial contract period. in Section B.

**Section A**

If your firm is certified by the DSBSD provide your certification number and the date of certification.

Certification number: \_\_\_\_\_ Certification Date: \_\_\_\_\_

7.2 **Preparation and Issuance of a Request for Proposal (RFP).**

- a. (Deleted)
- b. A written RFP is issued to describe in general terms that which is to be procured (see Annex 7-B for format and contents). The RFP must specify and list the specific requirements to be addressed by the offerors that will be used in evaluating the proposals and will contain other applicable contractual terms and conditions, including any unique capabilities or qualifications required of the contractor. When the terms and conditions of multiple awards are so provided in the RFP, awards may be made to more than one offeror. The terms or conditions of the RFP must state the manner in which public notice of the award or the announcement of the decision to award shall be given by the public body (see 3.18 and Appendix B, Section I, U.).
- c. If the method for receiving “Best and Final Offers” (BAFO) is to be used in the negotiation and evaluation process, then this must be stated in the RFP for the offerors’ notification and consideration.
- d. Mandatory requirements should be kept to a minimum and refer only to those areas that are required by law or regulation or are such that they cannot be waived and are not subject to negotiation. The use of “shall” or “must” indicates a mandatory requirement. Specify any optional information desired. The criteria to be used in evaluation shall be stated in the RFP, the weights assigned to them and an indication of whether a numerical scoring system will be used in the evaluation of proposals must be included in the RFP. The weights assigned to the evaluation criteria shall also be posted in the location used for public posting of procurement notices prior to the due date and time if the weights were not included in the RFP. A breakout of subcomponent weights need not be listed. Price shall be one of the factors considered, but need not be the determining one. Include a pricing schedule in the RFP (see Annex 7-B).
- e. Review the RFP Solicitation and File Checklist (Annex 7-E) to assure that all specific requirements applicable to the procurement have been met (see 3.18 for posting requirements). In writing the scope of work and/or technical specifications for an RFP, use the term “contractor” to describe the person/firm that is to perform the requirements of the contract after award. Use the term “offeror” to describe who is to submit a response to the RFP.
- f. Establish a proposal submission due date and time which provide sufficient time for potential offerors to develop a proposal. The minimum time period is ten (10) days from issue date of the RFP. The time period used may be greater than the required ten (10) days based on the complexity of the requirement and whether or not a preproposal conference is required. When an addendum for a sealed solicitation is issued, there must be a minimum of 10 days from the date of the addendum to the due date set for the receipt of bids, or the due date shall be extended.
- g. Sources.
  - 1) Solicit at least six (6) sources, including a minimum of four (4) DSBSD-certified small businesses, including any women, minority, or micro business also certified as a small business, if available. The list should note which vendors are small businesses. If fewer than the required number of sources are solicited, the reasons must be documented in writing and placed in the purchase file.
  - 2) If under \$100,000, set-aside accordance with the Small Business Enhancement Award Priority for small business including micro), solicit a minimum of six (6) DSBSD-certified small businesses including at least one micro business in accordance with 3.10(g).
- h. All preproposal conferences or site visits must be mentioned in the RFP and any advertisement of it. If attendance at such a conference or site visit is a prerequisite for submitting a proposal, the public notice period must be at least ten (10) days after issuance to provide adequate opportunity for potential offerors to obtain a copy of the RFP and attend. Preproposal conferences scheduled during a period of suspended State business operations must be rescheduled by the purchasing agency to a date and time which will permit proper notification to all potentially interested participants (Annex 6-E).
- i. Purchase actions requiring advertisement shall be posted in eVA VBO (3.18). In addition to advertising in eVA VBO, RFPs shall be advertised in a newspaper of general circulation in the area in which the contract is to be performed. The advertisement should be a brief statement about the requirement and information on how to receive a copy of the solicitation.

- j. In accordance with the Commonwealth's policy of facilitating and maximizing the participation of small businesses, which shall include businesses owned by women and minorities when they have also received DSBSD small business certification, an evaluation criterion for all contracts in excess of \$100,000 shall be a Small Business Subcontracting Plan (see Annex 7-G) unless no subcontractor opportunities exist. (See 3.10 h). This requirement is to ensure DSBSD-certified small business participation, which will assist efforts toward achieving the statewide goal of exceeding 42% of the Commonwealth's discretionary spending in combined prime and subcontracts for small businesses. When using numerical scoring, the weight for this evaluation criterion shall be at least 20% of the total evaluation points. If the weight for this criterion exceeds 20%, the weight should be based on the availability or likelihood of subcontracting opportunities for the goods or services being procured. See Appendix B, Section II, 36 for the special term and condition for submission of the Small Business Subcontracting Plan and Evidence of Compliance with this requirement.

If the offeror is a DSBSD-certified small business, the offeror shall indicate such in Section A of Annex 7-G, and shall receive 100% of the points assigned to this evaluation criterion. If the offeror is not a DSBSD-certified small business, the offeror is required to identify which portions of the requirement is planned to subcontract to DSBSD-certified small businesses by completing and returning Section B of Annex 7-G. The maximum number of points available if the offeror is not a DSBSD-certified small business is 75% of the points assigned to this evaluation criterion. For any particular procurement, an offeror or subcontractor shall be considered a Small Business if and only if the offeror or subcontractor holds a certification as such by the Department of Small Business and Supplier Diversity (DSBSD) on the due date for receipt of proposals.

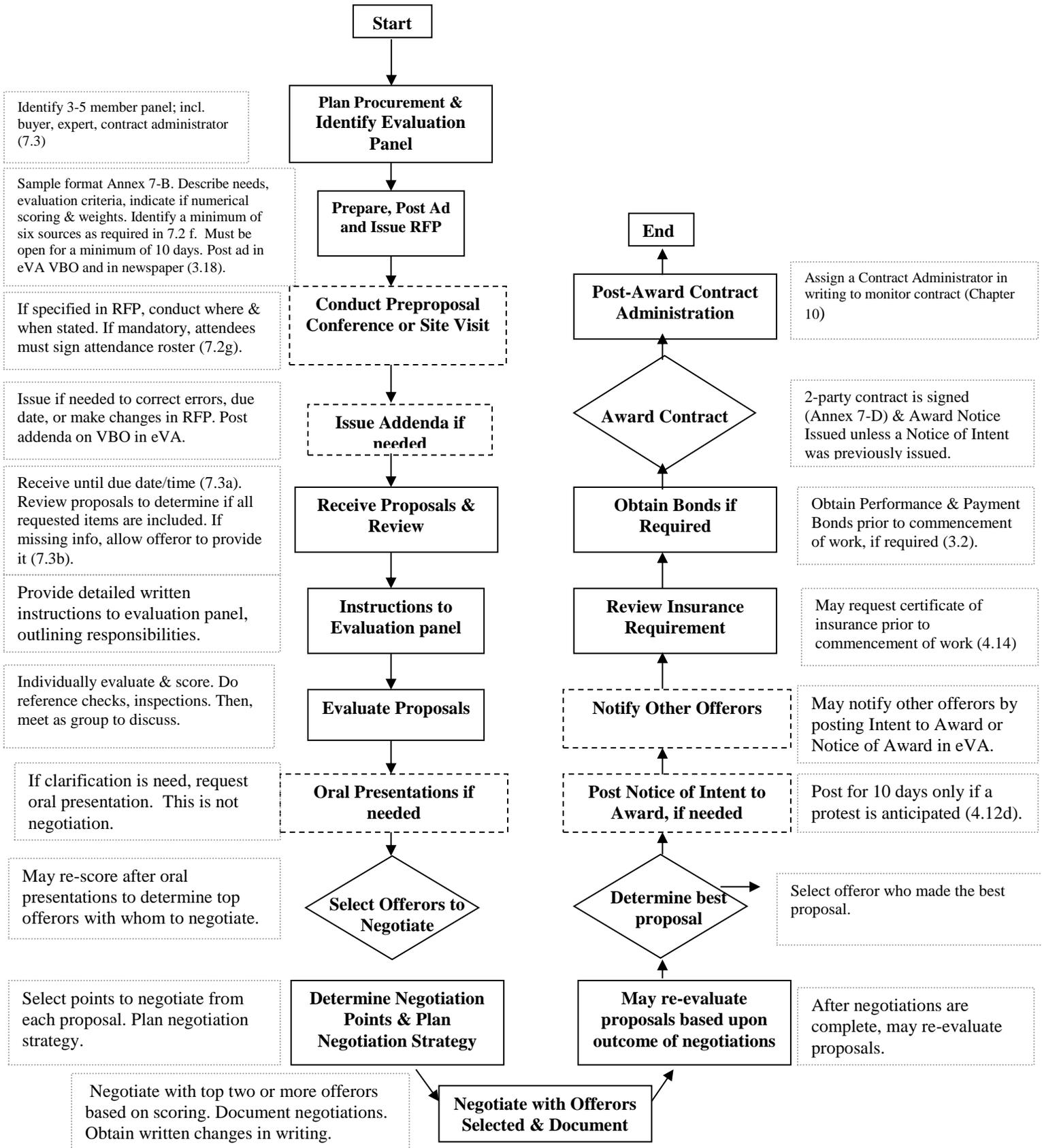
(See Annex 7-G.)

#### **7.4 Negotiation and Award.**

- a. Negotiations are conducted with each of the offerors so selected. Negotiation allows modification of proposals, including price. Offers and counter-offers may be made as many times with each offeror as is necessary to secure a reasonable contract. After negotiations have been conducted with each of the selected offerors, the proposals shall be re-scored unless there have been no changes in any of the items negotiated or only one proposal is under consideration. The Commonwealth selects the offeror which, in its opinion, has made the best proposal. In all cases, written confirmation shall be obtained from the offeror on any modifications of the original proposal. Once an Intent to Award notice is posted, no further negotiation shall be conducted.

Annex 7-A

Competitive Sealed Proposal Process  
For Goods and Non-professional Services over \$100,000 (Code of Virginia §2.2-4302.2)



Annex 7-B

SAMPLE FORMAT AND STEP-BY-STEP PROCEDURES  
REQUEST FOR PROPOSAL (RFP)

Issue Date: \_\_\_\_\_ RFP# \_\_\_\_\_

Title: \_\_\_\_\_

Commodity Code: \_\_\_\_\_

Issuing Agency: Commonwealth of Virginia

\_\_\_\_\_  
\_\_\_\_\_

Using Agency And/Or Location  
Where Work Will Be Performed: \_\_\_\_\_

\_\_\_\_\_

Initial Period Of Contract: From \_\_\_\_\_ Through \_\_\_\_\_ (\*Renewable).  
(\* If contract has renewal clause)

Sealed Proposals Will Be Received Until \_\_\_\_\_ For Furnishing The Goods/Services  
Described Herein. Time and Date

All Inquiries For Information Should Be Directed To: \_\_\_\_\_ Phone: (\_\_\_\_\_) \_\_\_\_\_.

IF PROPOSALS ARE MAILED, SEND DIRECTLY TO ISSUING AGENCY SHOWN ABOVE. IF PROPOSALS ARE  
HAND DELIVERED, THEN DELIVER TO:

\_\_\_\_\_  
Street Address Building Floor Room No.

In compliance with this Request For Proposals (RFP) and all conditions imposed in this RFP, the undersigned firm hereby offers and agrees to furnish all goods and services in accordance with the attached signed proposal or as mutually agreed upon by subsequent negotiation, and the undersigned firm hereby certifies that all information provided below and in any schedule attached hereto is true, correct, and complete.

\* Virginia Contractor License No. \_\_\_\_\_ \* DSBSD-certified Small Business No. \_\_\_\_\_  
Class: \_\_\_\_\_ Specialty Codes: \_\_\_\_\_

Name And Address Of Firm:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

By: \_\_\_\_\_

( Signature In Ink)

Zip Code: \_\_\_\_\_

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

(Please Print)

eVA Vendor ID or DUNS #: \_\_\_\_\_

Fax Number: (\_\_\_\_) \_\_\_\_\_

Title: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Telephone Number: (\_\_\_\_) \_\_\_\_\_

\* PREPROPOSAL CONFERENCE: A (mandatory/optional) proposal conference will be held on \_\_\_\_\_ at the \_\_\_\_\_ (Reference: Paragraph \_\_\_\_ herein). (If mandatory add: "NO ONE WILL BE ADMITTED AFTER \_\_\_\_\_ (Time) ") \* If special ADA accommodations are needed, please contact \_\_\_\_\_ (Name) at (phone number) by \_\_\_\_\_ (date) .

\* Delete if not applicable.

**Note: This public body does not discriminate against faith-based organizations in accordance with the Code of Virginia, § 2.2-4343.1 or against a bidder or offeror because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment.**

TABLE OF CONTENTS FOR RFP#

PAGE

- I. PURPOSE
- II. BACKGROUND
- III. STATEMENT OF NEEDS
- IV. PROPOSAL PREPARATION AND SUBMISSION INSTRUCTIONS
- V. EVALUATION AND AWARD CRITERIA
- VI. REPORTING AND DELIVERY INSTRUCTIONS
- VII. PREPROPOSAL CONFERENCE
- VIII. GENERAL TERMS AND CONDITIONS
- IX. SPECIAL TERMS AND CONDITIONS
- X. METHOD OF PAYMENT
- XI. PRICING SCHEDULE
- XII. ATTACHMENTS

NOTE: FOR SECTIONS NOT USED ENTER THE WORD "OMITTED" IN PAGE NUMBER COLUMN.

## COMPETITIVE NEGOTIATION STEP-BY-STEP PROCEDURES

The following step-by-step procedures are a guide on how to properly prepare an RFP for the procurement of goods or nonprofessional services by competitive negotiation.

### **STEP 1 - PREPARE THE REQUEST FOR PROPOSAL (RFP)**

Competitive negotiation is a method of contractor selection which includes issuance of a written RFP indicating in general terms that which is sought to be procured, specifying the factors that will be used in evaluating the proposals, and containing or incorporating by reference the applicable contractual terms and conditions including any unique capabilities or qualifications which will be required of the contractor (*Code of Virginia*, § 2.2-4302.2). The RFP should be prepared using the sequence shown on Annex 7-B. The use of this procedure by state agencies standardizes format and makes it easier for state personnel to prepare, evaluate, award, and administer a competitive negotiation program. It also makes it easier for vendors to understand and respond to RFPs. Determine if the procurement is to be set-aside for small businesses.

Preparing the RFP - The following is an explanation of the contents of each section of an RFP. Not all sections need be used in every RFP.

- I. PURPOSE: Include a brief statement of the purpose of the RFP. The following are typical examples of language used in writing this section for goods and services.
  - A. Goods: “The purpose of this Request for Proposal (RFP) is to solicit sealed proposals to establish a contract through competitive negotiation for the (purchase/lease-purchase/lease/rental) of (generic commodity description) by the (agency name).”
  - B. Services: “The purpose of this Request for Proposal (RFP) is to solicit sealed proposals to establish a contract through competitive negotiation for the purchase of (type of consultant services/type of maintenance services/type of other nonprofessional services) by the (agency name).”
- II. BACKGROUND: Optional. If used, the brief narrative should describe historical facts or events leading up to the present requirement for that which is to be purchased. It sets the stage for the proposed procurement.
- III. STATEMENT OF NEEDS:
  - A. The Statement of Needs should describe in general terms, the service to be performed or the goods to be purchased, including quantity, if applicable. Specifications and/or drawings may be referenced by attachment.
  - B. Items that should be addressed in the Statement of Needs include the specific tasks, subtasks, parameters, and limitations restricting such task or subtasks which should be accomplished and/or considered by the contractor or included in the final product. Consequently, each task should be numbered and organized in such a manner as to identify it as an individual task among many. This is one of the most important sections of the RFP, because it is the section upon which the offerors will base their proposed prices.
  - C. Other items that should be addressed, as appropriate, include but are not limited to, agency furnished materials such as State plans, statistical reports, office space, personnel, response times, workmanship, working hours, overtime, access to work site, etc.
  - D. The following content information and language usage should be observed in writing the Statement of Needs:
    1. Do not include Proposal Preparation and Submission information in the Statement of Needs section of the RFP. Likewise, do not place Statement of Needs requirements in the Proposal Preparation and Submission Instructions Section of the RFP (see IV, Proposal Preparation and Submission Instructions).
    2. In stating a requirement or fact, avoid duplication unless necessary. Duplicating a requirement, especially if it is worded differently, may be confusing. The weaker construction of two different sentences addressing the same requirement may be construed to govern in case of controversy. Courts normally rule against the writer of a document in such matters.
    3. Use the word “contractor” in the Statement of Needs to describe the person/firm under contract. Use the word “offeror” to describe who is to submit a response to the RFP. Do not use the words offeror, successful proposer, consultant, vendor, selected firm and provider or other similar nouns to identify the

contractor. These terms may create severe problems since they also identify other types of persons besides a contractor. Be consistent in the use of a term to describe a person, function, action, item or organization. For example, do not identify a person or role as a "Project Leader" in one instance and then subsequently identify the same person as a "Project Manager" in another sentence. Technically, two different positions may contractually exist in a case of strict interpretation. More importantly, the offerors may be confused by the use of different terms.

4. Use the words "must" or "shall" only for those areas which are mandatory; that is, they are required by law or regulation or are such that they cannot be waived and are not subject to negotiation. The writer should avoid the use of such phrases as "The contractor will ...." and "The report is to be completed by ...." to describe a mandatory requirement. These, and other similar expressions, may be construed as future tense or as a condition of fact rather than a mandatory requirement.
5. The words "should" and "may" are to be used to describe an advisory or permissible action for which negotiations are anticipated or desired.

E. The following are samples of the beginning language:

1. Goods: "The contractor shall furnish \_\_\_\_ each of the following described item(s):"
  - a. The description must specify the minimum desired functions of the item(s) and/or the desired characteristics, design, etc., if applicable. The use of brand names is more appropriate in an IFB than a RFP.
  - b. Other items that should be addressed include but are not limited to inside delivery, set up and assembly, removal of trash, warranty, maintenance, packaging, etc., as appropriate.
2. Consultant Services: "The contractor shall furnish all labor and resources to conduct a management study of (name of specific area, etc.) for the purpose of analyzing and recommending appropriate changes to improve efficiency, etc."
3. Nonprofessional Services: "The contractor shall furnish all labor, materials, etc. to provide Janitorial Services/Dental Services/Food Service Operations/etc. to the (name of the agency or specific areas, etc.)."

#### IV. PROPOSAL PREPARATION AND SUBMISSION INSTRUCTIONS:

A. GENERAL INSTRUCTIONS: This section is used to inform the potential offerors of how many copies of the proposal must be submitted, how the proposal is to be prepared, the possibility of oral presentations by the offerors, etc. To reduce administrative burden and costs, request enough copies so that each evaluator is provided a copy. The following are sample paragraphs normally used in this section.

1. RFP Response: In order to be considered for selection, offerors must submit a complete response to this RFP. One (1) original and ( ) copies of each proposal must be submitted to the issuing agency. No other distribution of the proposal shall be made by the offeror.
2. Proposal Preparation:
  - a. Proposals shall be signed by an authorized representative of the offeror. All information requested should be submitted. Failure to submit all information requested may result in the purchasing agency requiring prompt submission of missing information and/or giving a lowered evaluation of the proposal. Proposals which are substantially incomplete or lack key information may be rejected by the purchasing agency. Mandatory requirements are those required by law or regulation or are such that they cannot be waived and are not subject to negotiation.
  - b. Proposals should be prepared simply and economically, providing a straightforward, concise description of capabilities to satisfy the requirements of the RFP. Emphasis should be placed on completeness and clarity of content.
  - c. Proposals should be organized in the order in which the requirements are presented in the RFP. All pages of the proposal should be numbered. Each paragraph in the proposal should reference the paragraph number of the corresponding section of the RFP. It is also helpful to cite the paragraph number, subletter, and repeat the text of the requirement as it appears in the RFP. If a response

covers more than one page, the paragraph number and subletter should be repeated at the top of the next page. The proposal should contain a table of contents which cross-references the RFP requirements. Information which the offeror desires to present that does not fall within any of the requirements of the RFP should be inserted at an appropriate place or be attached at the end of the proposal and designated as additional material. Proposals that are not organized in this manner risk elimination from consideration if the evaluators are unable to find where the RFP requirements are specifically addressed.

- d. As used in this RFP, the terms "must", "shall", "should" and "may" identify the criticality of requirements. "Must" and "shall" identify requirements whose absence will have a major negative impact on the suitability of the proposed solution. Items labeled as "should" or "may" are highly desirable, although their absence will not have a large impact and would be useful, but are not necessary. Depending on the overall response to the RFP, some individual "must" and "shall" items may not be fully satisfied, but it is the intent to satisfy most, if not all, "must" and "shall" requirements. The inability of an Offeror to satisfy a "must" or "shall" requirement does not automatically remove that Offeror from consideration; however, it may seriously affect the overall rating of the Offerors' proposal.
  - e. Each copy of the proposal should be bound or contained in a single volume where practical. All documentation submitted with the proposal should be contained in that single volume.
  - f. Ownership of all data, materials, and documentation originated and prepared for the State pursuant to the RFP shall belong exclusively to the State and be subject to public inspection in accordance with the *Virginia Freedom of Information Act*. Trade secrets or proprietary information submitted by an offeror shall not be subject to public disclosure under the *Virginia Freedom of Information Act*; however, the offeror must invoke the protections of § 2.2-4342F of the *Code of Virginia*, in writing, either before or at the time the data or other material is submitted. The written notice must specifically identify the data or materials to be protected and state the reasons why protection is necessary. The proprietary or trade secret material submitted must be identified by some distinct method such as highlighting or underlining and must indicate only the specific words, figures, or paragraphs that constitute trade secret or proprietary information. The classification of an entire proposal document, line item prices, and/or total proposal prices as proprietary or trade secrets is not acceptable and will result in rejection of the proposal. If, after being given reasonable time the offeror refuses to withdraw an entire classification designation, the proposal will be rejected.
3. Oral Presentation: Offerors who submit a proposal in response to this RFP may be required to give an oral presentation of their proposal to the agency. This provides an opportunity for the offeror to clarify or elaborate on the proposal. This is a fact finding and explanation session only and does not include negotiation. The issuing agency will schedule the time and location of these presentations. Oral presentations are an option of the purchasing agency and may or may not be conducted.
- B. SPECIFIC PROPOSAL INSTRUCTIONS: Use this section to inform the potential offerors of the information that must be submitted with their proposals. The information requested is used as the basis for developing the proposal evaluation criteria. The following is a sample of the beginning language and examples of typical specific requirements:

"Proposals should be as thorough and detailed as possible so that the (agency name) may properly evaluate your capabilities to provide the required goods/services. Offerors are required to submit the following items as a complete proposal:

1. Return the RFP cover sheet and all addenda acknowledgments, if any, signed and filled out as required.
2. Offeror Data Sheet, included as an attachment to the RFP, and other specific items or data requested in the RFP.
3. A written narrative statement to include:
  - a. Experience in providing the goods/services described herein.
  - b. Names, qualifications and experience of personnel to be assigned to the project.
  - c. Resumes of staff to be assigned to the project.
4. Specific plans for providing the proposed goods/services including:

- a. List of proposed equipment/goods/etc. including operating parameters, illustrations, etc.
  - b. What, when and how the service will be performed.
  - c. Time frame for completion (if not otherwise specified by the agency in the statement of needs).
5. Proposed Price. Indicate in the pricing schedule, Section XI of the RFP, if provided.
  6. Small Business Subcontracting Plan – Summarize the planned utilization of DSBSD-certified small businesses under the contract to be awarded as a result of this solicitation. This is a requirement for all prime contracts in excess of \$100,000 unless no subcontracting opportunities exist. (See 3.10 h and Appendix B, Section II, 36.) Complete Annex 7-G.
  7. State Corporation Commission Form: Required of all offerors pursuant to Title 13.1 or Title 50 (See Appendix B, Section II, 64.). Include SCC Form, Annex 7-I, in Request for Proposals.

V. EVALUATION AND AWARD CRITERIA: This section is in two parts. The first part, “Evaluation Criteria,” tells the offerors how the proposals will be evaluated. **The criteria must be developed from the items asked for in the “Specific Proposal Instructions” section.** The RFP shall indicate whether a numerical scoring system will be used in the evaluation of proposals . The point values assigned to each of the evaluation criteria shall be included in the RFP or be posted in the location used for public posting of procurement notices prior to the due date and time. Prepare a written evaluation plan showing the maximum point values to be assigned to each of the evaluation criteria appearing in the RFP. It is suggested that the point values assigned to the evaluation criteria when totaled equal 100. The second part is the “Award of Contract” clause that states how the award will be made. Select from Appendix B, Section II, the appropriate award clause. The following is a **sample** of the beginning language and example evaluation and award criteria that can be modified to reflect the agency's needs:

**Annex 7-E**

**RFP SOLICITATION AND FILE CHECKLIST**

✓	<b>RFP SOLICITATION CHECKLIST</b>	✓	<b>FILE CHECKLIST</b>
	<u>Approval</u> : Required approvals should be obtained prior to preparing the solicitation and a copy placed in the solicitation file. Examples include a release from Corrections to purchase a good(s) or service they produce from a commercial source, authority from the DGS/DPS for an agency to make a direct procurement in excess of its delegated purchase authority (see 1.2, 1.4 and 2.1).		Special Approval
	<u>Approved Request</u> : Written approval to expend funds must be included in the file. When considering the value of the procurement, include all possible renewal periods.		Purchase Requisition
	<u>Statement of Needs</u> : The Statement of Needs describes in general terms what is to be procured.		
	<u>Preproposal Conferences/Site Visits</u> : If a preproposal conference or site visit is to be held, the solicitation must state the date, time, place, and whether attendance is optional or mandatory.		Preproposal sign-in sheet
	<u>General Terms and Conditions</u> : The general terms and conditions or “boilerplate” must be included in every solicitation. Taxes, Use of Brand Names, and Transportation and Packaging General Terms and Conditions are not normally required for service contracts. The Insurance clause is not normally required for goods purchases.		
	<u>Special Terms and Conditions</u> : Each procurement is different, and for each solicitation the special terms and conditions used should be carefully reviewed to ensure that the proper ones are included. They should be essential to the requirement, protect the interests of the Commonwealth, and assist the offeror in understanding the agency’s intent.		
	<u>Evaluation Criteria</u> : The evaluation criteria must be stated in the solicitation, and be based on the requirements stated therein. Typical evaluation criteria include price, approach to the work, experience and qualifications of offerors. Indicate in the RFP whether a numerical scoring system will be used in the evaluation of the proposal. The weights assigned to each criteria must be either included in the RFP or posted prior to receipt of proposals.		Evaluation criteria weights (if not included in the RFP)
	<u>Method of Payment</u> : If payment is to be made prior to final acceptance of the service or goods to be provided, the solicitation should set forth the procedure; e.g., progress payments, partial payments, etc.		
	<u>References</u> : If references are required, the number and type should be specified in the solicitation, and those listed should be checked.		Results of Reference Checks (if requested)

**Annex 7-G**

**Small Business Subcontracting Plan**

It is the goal of the Commonwealth that more than 42% of its purchases be made from small businesses. All potential bidders are required to submit a Small Business Subcontracting Plan.

**Small Business:** "Small business (including micro)" means a business which holds a certification as such by the Virginia Department of Small Business and Supplier Diversity (DSBSD) on the due date for proposals. This shall also include DSBSD-certified women- and minority-owned businesses when they also hold a DSBSD certification as a small business on the proposal due date. Currently, DSBSD offers small business certification and micro business designation to firms that qualify.

Certification applications are available through DSBSD online at [www.DSBSD.virginia.gov](http://www.DSBSD.virginia.gov) (Customer Service).

**Offeror Name:** \_\_\_\_\_

**Preparer Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Instructions**

- A. If you are certified by the DSBSD as a micro/small business, complete only Section A of this form. This includes but is not limited to DSBSD-certified women-owned and minority-owned businesses when they have also received DSBSD small business certification.
- B. If you are not a DSBSD-certified small business, complete Section B of this form. For the offeror to receive credit for the small business subcontracting plan evaluation criteria, the offeror shall identify the portions of the contract that will be subcontracted to DSBSD-certified small business for the initial contract period in Section B..

Offerors which are small businesses themselves will receive the maximum available points for the small business participation plan evaluation criterion, and do not have any further subcontracting requirements.

Offerors which are not certified small businesses will be assigned points based on proposed expenditures with DSBSD-certified small businesses for the initial contract period in relation to the offeror's total price for the initial contract period.

Points will be assigned based on each offeror's proposed subcontracting expenditures with DSBSD certified small businesses for the initial contract period as indicated in Section B in relation to the offeror's total price.

**Section A**

If your firm is certified by the Department of Small Business and Supplier Diversity (DSBSD), provide your certification number and the date of certification):

Certification number: \_\_\_\_\_ Certification Date: \_\_\_\_\_

**Annex 8-B**

**SOLE SOURCE CHECKLIST**

- \_\_\_\_\_ 1. Written determination approved by the agency head or designee as provided in 8.1, for procurements to \$50,000. The procurement must address the four points shown in 8.2.
- \_\_\_\_\_ 2. Approval for sole source, non-technology procurements over \$50,000 must be signed by the agency head or designee, as provided in 8.2 and sent to DGS/DPS for approval prior to commencement of the actual procurement. All request for approval must be submitted online using the eform available in eVA.
- \_\_\_\_\_ 3. Noncompetitive negotiation shall be conducted. The file shall include the results of the negotiations.
- \_\_\_\_\_ 4. Evidence that a determination of price reasonableness was conducted.
- \_\_\_\_\_ 5. Post sole source notice of award on eVA VBO.
- \_\_\_\_\_ 6. PO or contract issued.

(Rev.7/10)

DGS 41-080  
Annex 8-C

**Sole Source Procurement Approval Request  
Non-Technology Goods and Services**

**All request for approval must be submitted online using the eform available in eVA.**

**If you do not have access contact your account executive**

10.21 **Joint and Cooperative Procurement Contract Administration**. Overall administration of multi-user contracts (joint and cooperative procurements) shall remain the responsibility of the state agency or institution granted authority by DPS. Procedures for contract administration by the issuing agency include:

- a. Providing authorized users a complete copy of the contract or a summary of its terms to include, at a minimum: contract period, contractor address and phone number, pricing schedule, ordering procedure, payment terms, shipping terms and any other pertinent information.
- b. Providing a copy of all contract changes to authorized users.
- c. Maintaining a master list of all authorized users.
- d. Instructing users to refer all contract complaints in accordance with paragraph 10.17 with one copy of the Procurement Complaint Form furnished to the issuing agency.
- e. The issuing agency must obtain a volume purchase report from the contractor prior to contract expiration or renewal action. This data can be used to support estimated usage for the next solicitation or when evaluating contractor requested price adjustments.

Participating agencies should fully administer their portion of the contract without direct administration from the issuing agency. Procedures for contract administration by the using agency include:

- a. Notifying the issuing agency of any changes desired in the contract or any problems with performance by the contractor.
- b. If applicable, appointing a contract administrator in writing.
- c. Relaying contract information to the end users or contract administrator.
- d. Providing accounts payable with a pricing/payment schedule.

12.7 **Surplus Property Disposal Methods and Procedures.**

**b. Surplus Property Disposal Methods.**

**3. Preliminary Sales Offering of Surplus Property to Eligible Organizations: Political Subdivisions, School Divisions and Qualified Non-Profit 501(c) Organizations.**

- Emergency medical services agencies and fire departments established pursuant to *Code of Virginia*, §15.2-955;

13.8 **Submission of DGS/DPS Purchase Requisition.** The DGS/DGS requisition is the document that initiates the procurement action for goods and printing, whose value exceeds an agency's or institution's delegated authority. It is also used to initiate procurement action for services contracted by DGS/DPS on behalf of an agency. It should contain all the essential information a DGS/DPS buyer needs to blend the appropriate contract terms and conditions with a full, clear and concise description of the requirement into a solicitation which can be issued to qualified bidders or offerors. Any approvals required or exceptions granted regarding the procurement should also be furnished. Should an agency require special exemption from purchasing through DGS/DPS, the Procurement Exemption Request Form in Annex 13-D must be submitted to DGS/DPS for prior approval. The following paragraphs highlight essential elements which should be included in every requisition. Requisitions without complete information may be returned causing delay.

**Annex 13-C**

Directory of Procurement Assistance

<http://www.eva.virginia.gov/pages/eva-dps-directory-of-procurement.htm>

Division of Purchases and Supply  
 P. O. Box 1199, Richmond, VA 23218-1199  
 (1111 East Broad Street, Richmond, VA 23219)

**Phone:** 804-786-3842  
**Main FAX:** (804) 225-3707  
**eVA Customer Care:** (804) 371-2525 **Toll-Free** 1-866-289-7367

<b>DIVISION MANAGEMENT</b>			
Director	Robert Gleason	804-786-3846	<a href="mailto:Robert.gleason@dgs.virginia.gov">Robert.gleason@dgs.virginia.gov</a>
Deputy Director	Linwood Spindle	804-786-3846	<a href="mailto:Linwood.spindle@dgs.virginia.gov">Linwood.spindle@dgs.virginia.gov</a>
Administrative Support	Sherie Sensabaugh	804-786-3846	<a href="mailto:Sherie.sensabaugh@dgs.virginia.gov">Sherie.sensabaugh@dgs.virginia.gov</a>
FAX		804-371-7877	
<b>BUSINESS SERVICES</b>			
Director	David Nims	804-225-3796	<a href="mailto:David.nims@dgs.virginia.gov">David.nims@dgs.virginia.gov</a>
Business Manager	Dawn Harper	804-786-6641	<a href="mailto:Dawn.harper@dgs.virginia.gov">Dawn.harper@dgs.virginia.gov</a>
Flags	Davina Ellis	804-692-0747	<a href="mailto:Davina.ellis@dgs.virginia.gov">Davina.ellis@dgs.virginia.gov</a>
Reception	Letha Ferrell	804-786-3842	<a href="mailto:Letha.ferrell@dgs.virginia.gov">Letha.ferrell@dgs.virginia.gov</a>
FAX		804-371-7877	
eVA Business Manager	Jan Giffin	804-225-3689	<a href="mailto:Jan.giffin@dgs.virginia.gov">Jan.giffin@dgs.virginia.gov</a>
eVA Billing Manager	Bryan Chamberlain	804-225-4046	<a href="mailto:Bryan.chamberlain@dgs.virginia.gov">Bryan.chamberlain@dgs.virginia.gov</a>
FAX		804-786-5413	
<b>PROCUREMENT MANAGEMENT</b>			
Statewide Strategic Sourcing Manager	Pete Stamps	804-786-0079	<a href="mailto:Pete.stamps@dgs.virginia.gov">Pete.stamps@dgs.virginia.gov</a>
Administrative Support	Diane Coles	804-786-8996	<a href="mailto:Diane.coles@dgs.virginia.gov">Diane.coles@dgs.virginia.gov</a>
FAX		804-786-5712	
<b><i>CLICK LINK FOR LIST OF BUYERS</i></b>			
Statewide Strategic Sourcing Manager	Ron King	804-786-1601	<a href="mailto:Ron.king@dgs.virginia.gov">Ron.king@dgs.virginia.gov</a>
Administrative Support	Pauline Loving	804-786-3862	<a href="mailto:Pauline.loving@dgs.virginia.gov">Pauline.loving@dgs.virginia.gov</a>
FAX		804-786-5413	
<b><i>CLICK LINK FOR LIST OF BUYERS</i></b>			
<b>SUPPLIER RELATIONSHIP MANAGEMENT (Compliance)</b>			
Manager	Cidna Unger	804-225-4045	<a href="mailto:Cidna.unger@dgs.virginia.gov">Cidna.unger@dgs.virginia.gov</a>
FAX		804-786-5712	
<b>POLICY, CONSULTING AND REVIEW</b>			

Director	Sandra Gill	804-786-1600	<a href="mailto:Sandra.gill@dgs.virginia.gov">Sandra.gill@dgs.virginia.gov</a>
Administrative Support	Angela Smith	804-371-8355	<a href="mailto:Angela.smith@dgs.virginia.gov">Angela.smith@dgs.virginia.gov</a>
FAX		804-786-5712	
<b>CLICK LINK FOR LIST OF ACCOUNT EXECUTIVES</b>			
<b>eVA - ePROCUREMENT</b>			
Director	Shane Caudill	804-786-3855	<a href="mailto:Shane.caudill@dgs.virginia.gov">Shane.caudill@dgs.virginia.gov</a>
Deputy Director			
Administrative Support	Tiara Coles	804-371-8363	<a href="mailto:Tiara.coles@dgs.virginia.gov">Tiara.coles@dgs.virginia.gov</a>
eVA Customer Care	Ghania Matias	804-371-2525	866-289-7367 or <a href="http://www.eva.virginia.gov">www.eva.virginia.gov</a>
eVA Website	David Foster	804-225-4628	<a href="mailto:David.foster@dgs.virginia.gov">David.foster@dgs.virginia.gov</a>
FAX		804-786-3883	
<b>LEARNING AND DEVELOPMENT – VIRGINIA INSTITUTE OF PROCUREMENT</b>			
Manager	Linda Morris	804-786-4634	<a href="mailto:Linda.morris@dgs.virginia.gov">Linda.morris@dgs.virginia.gov</a>
Coordinator	Frances Boynton	804-225-4058	<a href="mailto:Frances.boynton@dgs.virginia.gov">Frances.boynton@dgs.virginia.gov</a>
FAX		804-371-8937	
<b>VIRGINIA DISTRIBUTION CENTER</b>			
Director	Andy Repak	804-328-3233	<a href="mailto:Andy.repak@dgs.virginia.gov">Andy.repak@dgs.virginia.gov</a>
Assistant Director	Tom Daniel	804-328-3234	<a href="mailto:Tom.daniel@dgs.virginia.gov">Tom.daniel@dgs.virginia.gov</a>
Customer Service, Ordering & Delivery		804-328-3232 x 0	
Invoice Questions		804-328-3232 x 253	
Quality Assurance/Product Specs		804-328-3223	
Receiving Appointments	Warehouse Manager	804-328-3224	
Technical Support	Teresa Owens	804-328-3226	<a href="mailto:Teresa.owens@dgs.virginia.gov">Teresa.owens@dgs.virginia.gov</a>
Vendor Relations	Gary Borden	804-328-3230	<a href="mailto:Gary.borden@dgs.virginia.gov">Gary.borden@dgs.virginia.gov</a>
	Kevin Davis	804-328-3228	<a href="mailto:Kevin.davis@dgs.virginia.gov">Kevin.davis@dgs.virginia.gov</a>
FAX		804-328-3222	

**Annex 13-D**

**Department of General Services - Division of Purchases & Supply  
Procurement Exemption Request**

**Form is available online in eVA**

**Submit request in eVA**

**If you do not have access contact your account executive**

- 14.1 **eVA Business Plan:** All agencies and institutions shall comply with the eVA Business plan currently in effect
- 14.2 **Agency Responsibility.** Agencies and institutions should develop written internal policies, procedures and controls on the use of eVA. This should include re-delegation of purchasing authority, requisition approval process, how to incorporate terms and conditions, interface with finance and accounting, record keeping, encumbrance of funds, receiving (central and/or decentralized) and interface with internal automated systems. Additionally, guidelines should be included for conducting compliance audits/reviews of purchase transactions made by or on behalf of agency employees. Although *BuysenseOrg* functionality will provide that each organization can use its own accounting structure, business rules and workflow, only minimal levels of approval should be included in the process so as to maximize the benefits of eVA. Descriptions on each of the eVA core functions are contained in the *eVA Implementation Guide*.
- 14.3 **e-Mall Shopping.** Any available mandatory source, mandatory use contract or optional use contract will appear in the response(s) received to an item search in the e-Mall. Unit prices shown in the electronic catalogs are inclusive of shipping charges; however, a minimum order requirement may apply, which can be determined by clicking on the item description to view further information. The extent to which agencies and institutions use eVA will be taken into consideration when evaluating requests for (and maintenance of) higher levels of delegated purchasing authority (see 1.2a). The below procedures shall apply to purchases made via the e-Mall:
- a. **Mandatory Sources and Mandatory Use Contracts (see 2.1):** Agencies and institutions shall place all orders through eVA on mandatory use contracts. Purchases may be made up to any dollar amount unless otherwise limited by the specific mandatory source or contract. Exception to the use of a mandatory source or contract must be approved in advance, in writing, by an official of the mandatory source, or the contract officer in the case of a DGS/DPS contract, utilizing the Procurement Exemption Request form located at Annex 13-D. Approved requests must be attached to the purchase transaction file either electronically or by hard copy.
  - b. **Optional Use Contracts and Pricing Agreements (see 2.2a):** Purchases from optional use contracts may be made up to any dollar amount unless otherwise limited by the specific contract. Pricing Agreements allow for purchases from other sources; however, if it is to be made from another source and the total cost exceeds the single quote limit, the requirement must be competed.
  - c. **Non-mandatory Sources (see 2.2b. & c.):** Surplus property listed in the e-Mall is available for purchase up to any dollar amount. Sheltered workshops are not listed. Purchases from sheltered workshops are exempt from competitive procurement within the guidelines stipulated in 2.2c, but can only be accessed outside eVA.
  - d. **Open Market Sources:** In addition to any available mandatory source, mandatory contract or optional use contract, other vendors may appear as choices during the e-Mall shopping for the specific requirement. When a mandatory source or contract is not available to satisfy the requirement or an exemption has been granted to bypass it, any open market vendor may be selected when the total value does not exceed the single quote limit. See paragraph 14.5 for small purchase competitive requirements.
- 14.4 **e-Mall Receiving:** Agencies and institutions shall receive all purchases orders in eVA using either central receiving or desktop receiving functionality.
- 14.5 **Competitive Requirements.** Small purchase solicitations that are expected to exceed \$5,000 shall require the posting of a public notice in eVA VBO. The use of Quick Quote meets the public posting requirement for small purchases. All other written informal and formal solicitations expected to exceed \$5,000 shall be posted using eVA VBO. All small purchase solicitations over \$5,000 shall be open for a minimum of three (3) business days (24 business hours) unless exempted in writing by the agency head or designee who shall be a direct report to the agency head. However, a sufficient length of time should be given to all bidders to respond considering but not limited to solicitation requirements, complexity of the procurement, market trends, etc.
- a. **Single Quotation (up to \$5,000):** An e-Mall catalog (non-contract) price is acceptable as a quote when the value of the purchase is \$5,000 or less. The lowest priced item received as a result of an e-Mall catalog search need not be chosen, but such selection should be based on the product that best meets the need and the required delivery date and when the price is considered fair and reasonable. Documentation that the one quote selected is from the eVA e-Mall is required; a notation on the electronic purchase requisition (comments section) is

acceptable documentation. Although an e-Mall catalog price response is acceptable, competition may be solicited via Quick Quote whenever the requirement is for multiple quantities and/or when it can be expected that a lower price and/or savings in shipping costs may be realized.

- b. eVA advanced sourcing tools (i.e., Quick Quote, eVA VBO, eProcurement) shall be used for all solicitations over \$5,000 requiring competition. Quick Quote is the preferred method for unsealed bidding. Use the appropriate eVA advanced sourcing tool to conduct procurements in compliance with APSPM Chapters 5-9.
- c. Agencies and institutions shall post on the DGS central electronic procurement website all Invitations to Bid, Requests for Proposal, addenda, sole source award notices, and emergency award notices to ensure visibility and access to the Commonwealth's procurement opportunities on one website.
  - i. Each agency and institution shall post on the eVA home page under the "Future Procurements" link any government-to-government purchases for services over \$25,000 that appears on the Commercial Activities List provided by the Department of Planning and Budget. The posting requirement does not apply to Mandatory Sources, central services state agencies, activities operated by an Internal Service Fund or purchases from Institutions of Higher Education.
  - ii. Each agency and institution shall post on eVA VBO the solicitation/opportunity for receipt of proposals/applications to receive grant awards/funds. The posting in VBO shall be designated as "Grant Opportunity".
  - iii. Conceptual proposals submitted in accordance with PPEA § 56-575.17 or PPTA § 33.2-1820 shall be posted on eVA VBO.
- d. **Quick Quote (over \$100,000):** Quick Quote shall not be used to solicit competition for requirements over \$100,000; however, emergency purchase requirements meeting the criteria of paragraph 9.1 may be solicited via Quick Quote up to any dollar amount.

14.9 **Use of eVA:**

- b. **Optional Use of eVA.** At the option of the agency or institution, non-procurement (payment) transactions and the following eVA-excluded procurement transactions may be processed through eVA, by issuing the order to the vendor and coding the requisition with the X02 purchase order category. The X02 purchase order category is to be used for the exclusive purpose of identifying eVA-excluded procurement transactions (listed below), as well as non-procurement (payment) transactions, created in eVA.

The resulting benefit of using X02 will allow for agencies to have one source to enter all transactions (excluded and non-excluded purchase orders as well as payment transactions). This will also give agencies and institutions the ability to report, track, and analyze all their transactions in one place. eVA orders with the X02 purchase order category will be exempt from eVA agency and vendor transaction fees.

- 19. Government-to-government purchases, other than purchases from mandatory sources (See 3.18g Government-to-Government posting requirements).

## Annex 14-A

### Standard eVA Term and Condition

**Standard eVA Order Term and Condition:** This order is governed in all respects by the laws of the Commonwealth of Virginia, including the Virginia Public Procurement Act, the Commonwealth of Virginia Agency Procurement and Surplus Property Manual, and the Commonwealth of Virginia Vendors Manual copies of which are available at [www.eVA.virginia.gov](http://www.eVA.virginia.gov). The stated price(s) include shipping FOB destination unless otherwise stated in the body of the order. In addition, this order is subject to an eVA transaction fee in accordance with the eVA Fee Schedule a copy of which is available at [www.eVA.virginia.gov](http://www.eVA.virginia.gov). This fee will be invoiced to your company, approximately 60 days after the order issue date specified above, by the Commonwealth of Virginia, Department of General Services. Any modification to these terms must be agreed to in writing by both parties prior to performance of this order.

## APPENDIX A

### GLOSSARY AND ACRONYMS

**Cooperative Procurement:** A procurement by a public body with one or more other public bodies, for the purpose of combining requirements for the purchase of like goods and/or services in order to increase efficiency and/or reduce administrative expenses. Usually one public body is lead and other public bodies can purchase from the contract.

**Joint Procurement:** A procurement by a public body with one or more other public bodies, for the purpose of combining requirements for the purchase of like goods and/or services in order to increase efficiency and/or reduce administrative expenses. All authorized parties are involved in the procurement process and only those parties can participate jointly in purchasing from the contract. No other public bodies can purchase from the contracts as joint purchasers.

**Professional Organization:** Generally defined as a group of professional individuals in a like occupation charged with educating, certifying and lobbying for its members.

**Public Body:** In the context of this manual, any state-funded agency that is required to follow the provisions of the *Code of Virginia* and the *Virginia Public Procurement Act (VPPA)* unless exempted, in the course of their procurement activities.

**Sheltered Workshops:** Deleted. See definition for Employment Services Organization and Nonprofit Organizations Serving the Handicapped.

## APPENDIX B

### SECTION I

#### REQUIRED GENERAL TERMS AND CONDITIONS GOODS AND NONPROFESSIONAL SERVICES

- X. **eVA BUSINESS-TO-GOVERNMENT VENDOR REGISTRATION, CONTRACTS, AND ORDERS:** The eVA Internet electronic procurement solution, web site portal [www.eVA.virginia.gov](http://www.eVA.virginia.gov), streamlines and automates government purchasing activities in the Commonwealth. The eVA portal is the gateway for vendors to conduct business with state agencies and public bodies. All vendors desiring to provide goods and/or services to the Commonwealth shall participate in the eVA Internet e-procurement solution by completing the free eVA Vendor Registration. All bidders or offerors must register in eVA and pay the Vendor Transaction Fees specified below; failure to register will result in the bid/proposal being rejected.

Vendor transaction fees are determined by the date the original purchase order is issued and the current fees are as follows:

- a. For orders issued July 1, 2014, and after, the Vendor Transaction Fee is:
  - (i) DSBSD-certified Small Businesses: 1%, capped at \$500 per order.
  - (ii) Businesses that are not DSBSD-certified Small Businesses: 1%, capped at \$1,500 per order.
- b. Refer to Special Term and Condition “eVA Orders and Contracts” to identify the number of purchase orders that will be issued as a result of this solicitation/contract with the eVA transaction fee specified above assessed for each order.

For orders issued prior to July 1, 2014, the vendor transaction fees can be found at [www.eVA.virginia.gov](http://www.eVA.virginia.gov).

The specified vendor transaction fee will be invoiced, by the Commonwealth of Virginia Department of General Services, typically within 60 days of the order issue date. Any adjustments (increases/decreases) will be handled through purchase order changes.

## SECTION II

### SPECIAL TERMS AND CONDITIONS GOODS AND NONPROFESSIONAL SERVICES

The following is an index of Special Terms and Conditions clauses. Some are mandatory whereas others may be used at the buyer's discretion in IFBs and RFPs as the individual procurement may dictate. These clauses cover a broad spectrum of goods, printing, and services and are followed by a brief explanation (indicated by an asterisk \*) of when each should be used. Other special terms and conditions may be developed and included in the solicitation when appropriate.

#### INDEX - SPECIAL TERMS AND CONDITIONS

##### MANDATORY FOR MOST CONTRACTS

1.	AUDIT	B-11
2.	AWARD OF CONTRACT	B-11
3.	CANCELLATION OF CONTRACT	B-14
4.	eVA ORDERS AND CONTRACTS	B-14
5.	RENEWAL OF CONTRACT	B-15

2. **AWARD OF CONTRACT:** All solicitations must specify the method of award.

B. **AWARD:** The Commonwealth will make the award(s) on \_\_\_\_\_ basis to the lowest responsive and responsible bidder. The purchasing office reserves the right to conduct any test it may deem advisable and to make all evaluations. The Commonwealth also reserves the right to reject any or all bids, in whole or in part, to waive informalities and to delete items prior to making the award, whenever it is deemed in the sole opinion of the procuring public body to be in its best interest.

L. **AWARD:** The Commonwealth will make the award(s) on \_\_\_\_\_ basis to the lowest responsive and responsible bidder that is a DSBSD-certified micro business if such a bid is received, provided that the bid is less than \$10,000 and the agency in its sole discretion determines that the bid price is fair and reasonable. Otherwise, award of the contract shall be made to the lowest responsive and responsible bidder that is a DSBSD-certified small business if such a bid is received, provided that the bid is not more than \$100,000 and the agency in its sole discretion determines that the bid price is fair and reasonable. If, in the agency's opinion, the criteria in the previous two sentences are not present, then award shall be made to the lowest responsive and responsible bidder of any size, provided the agency in its sole discretion determines that the price is fair and reasonable. If applicable, unit prices, extensions and grand total must be shown. In case of arithmetic errors, the unit price will govern. If cash discount for prompt payment is offered, it must be clearly shown in the space provided. Discounts for early prompt payment will not be considered in making awards. The State reserves the right to reject any and all bids in whole or in part, to waive any informality, and to delete items prior to making an award.

**\* When Used: This award clause may be used in invitations for bids for goods or non-professional services that are set-aside in accordance with the Small Business Enhancement Award Priority by filling in the blank, i.e., line item, total sum, lot, etc. This shall not be used in informal request for proposals.**

4. **eVA ORDERS AND CONTRACTS:** The solicitation/contract will result in (\_\_\_\_\_) purchase order(s) with the applicable eVA transaction fee assessed for each order.

Vendors desiring to provide goods and/or services to the Commonwealth shall participate in the eVA Internet e-procurement solution and agree to comply with the following: If this solicitation is for a term contract, failure to provide an electronic catalog (price list) or index page catalog for items awarded will be just cause for the Commonwealth to reject your bid/offer or terminate this contract for default. The format of this electronic catalog shall conform to the eVA Catalog Interchange Format (CIF) Specification that can be accessed and downloaded from [www.eVA.virginia.gov](http://www.eVA.virginia.gov). Contractors should email Catalog or Index Page information to [eVA-catalog-manager@dgs.virginia.gov](mailto:eVA-catalog-manager@dgs.virginia.gov).

**\*When Used: This Special Term and Condition 4 shall be included in all solicitations, contracts and contract renewals. If the quantity of orders that will be issued is known, insert the expected number of orders in the blank provided (e.g., one, twelve, monthly, etc.). If the exact quantity is unknown, change the first sentence to read, "It is anticipated that the contract will result in multiple purchase orders (i.e., one for each delivery requirement) with the eVA transaction fee specified below assessed for each order."**

8. **ADDITIONAL USERS:** This procurement is being conducted on behalf of state agencies, institutions and other public bodies who may be added or deleted at anytime during the period of the contract. The addition or deletion of authorized users not specifically named in the solicitation shall be made only by written contract modification issued by this agency or institution and upon mutual agreement of the contractor. Such modification shall name the specific agency added or deleted and the effective date. The contractor shall not honor an order citing the resulting contract unless the ordering entity has been added by written contract modification.

**\*When Used: Authorization to use this clause must be granted by DPS, see 3.7a. If the value of the contract, including any renewal periods is within the delegated authority of the lead agency and other agencies and institutions may benefit, the lead agency may issue a solicitation and include this clause on behalf of other public bodies. The value of the contract, including other agency orders, must remain within the lead agency's delegated authority. To obtain maximum pricing advantage, every effort should be made to identify participating agencies and their expected usage in the solicitation.**

36. **SMALL BUSINESS SUBCONTRACTING AND EVIDENCE OF COMPLIANCE:**

A. 1. It is the goal of the Commonwealth that 42% of its purchases be made from small businesses. This includes discretionary spending in prime contracts and subcontracts. All bidders/offerors are required to submit a Small Business Subcontracting Plan. Unless the bidder/offeror is registered as a DSBSD-certified small business and where it is not practicable for any portion of the awarded contract to be subcontracted to other suppliers, the contractor is encouraged to offer such subcontracting opportunities to DSBSD-certified small businesses. This shall include DSBSD-certified women-owned and minority-owned businesses when they have received DSBSD small business certification. No bidder/offeror or subcontractor shall be considered a small business unless certified as such by the Department of Small Business and Supplier Diversity (DSBSD) by the due date for receipt of bids or proposals. If small business subcontractors are used, the prime contractor agrees to report the use of small business subcontractors by providing the purchasing office at a minimum the following information: name of small business with the DSBSD certification number, phone number, total dollar amount subcontracted, category type (small, women-owned, or minority-owned), and type of product/service provided.

2. Each prime contractor who wins an award in which a small business subcontracting plan is a condition of the award, shall deliver to the contracting agency or institution on a \_\_\_\_ (insert monthly, quarterly, or other frequency) \_\_\_\_ basis, evidence of compliance (subject only to insubstantial shortfalls and to shortfalls arising from subcontractor default) with the small business subcontracting plan. Upon completion of the contract, the contractor agrees to furnish the purchasing office at a minimum the following information: name of firm with the DSBSD certification number, phone number, total dollar amount subcontracted, category type (small, women-owned, or minority-owned), and type of product or service provided. Payment(s) may be withheld until compliance with the plan is received and confirmed by the agency or institution. The agency or institution reserves the right to pursue other appropriate remedies for non-compliance to include, but not be limited to, termination for default.

3. Each prime contractor who wins an award valued over \$200,000 shall deliver to the contracting agency or institution on a \_\_\_\_ (insert monthly, quarterly, or other frequency) \_\_\_\_ basis, information on use of subcontractors that are not DSBSD-certified small businesses. Upon completion of the contract, the contractor agrees to furnish the purchasing office at a minimum the following information: name of firm, phone number, total dollar amount subcontracted, and type of product or service provided.

**\* When Used: Use in solicitations for goods, nonprofessional services, or non capital outlay construction when a small business subcontracting plan is a condition of the award. Required in solicitations valued over \$100,000 that are not set-aside for small business unless a written determination, signed by the chief purchasing officer and supported by factual evidence explaining in sufficient detail why no subcontracting**

**opportunities exist is made. Fill in the blank with period of time or occurrence when evidence of compliance is due, e.g., request for final payment, monthly, quarterly, annually, end of contract period.**

- B. If the contractor intends to subcontract work as part of its performance under this contract, the contractor shall include in the proposal a plan to subcontract to small, women-owned, minority-owned, and service disabled veteran-owned businesses.”

**\* When Used:** Unsealed Request for Proposals over \$10,000 up to \$100,000 for services, where the award was made pursuant to the Small Business Enhancement Award Priority. **Not for Quick Quotes, unsealed bidding, Invitations to Bid.**

**PROCUREMENT INFORMATION MEMORANDUM (PIM)  
RECORD OF CHANGES**

<b>PIM NUMBER</b>	<b>TOPIC</b>	<b>DATE FILED</b>	<b>INITIALS</b>
98-033	Removes written determination requirement for Competitive Negotiation; requires posting of Government-to-Government services procurements greater than \$25,000; added joint procurements and updated cooperative procurement language; requires receiving in eVA.	7/1/15	