



Virginia Department of Corrections

Financial Management and Procurement

Operating Procedure 260.1

Procurement of Goods and Services

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Directive 260, Procurement and Surplus Property

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4-ACRS-5A-11, 4-ACRS-7D-25, 4-ACRS-7D-26;
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REVIEW

The Content Owner will review this operating procedure annually and re-write it no later than three years after the effective date.

The office of primary responsibility reviewed this operating procedure in July 2020 and necessary changes are being made.

The content owner reviewed this operating procedure in May 2021 and determined that no changes are needed.

COMPLIANCE

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

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PURPOSE

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

PROCEDURE

I. General

- A. This operating procedure is intended to supplement but not replace provisions of the *DPS Agency Procurement and Surplus Property Manual (APSPM)* issued by the Division of Purchases and Supply (DP&S). Please refer to the APSPM, *Virginia Public Procurement Act (COV §2.2-4300 et seq.)*, *Commonwealth of Virginia Vendor's Manual*, *Virginia Information Technologies Agency (VITA) IT Procurement Manual*, *Commonwealth Accounting Policies and Procedures Manual (CAPP)*, and applicable sections of other Commonwealth of Virginia manuals providing detailed instructions on the purchase of goods and services.
- B. This operating procedure governs the requisition and purchase of supplies, services, and equipment, including the purchasing procedures and criteria for the selection of bidders and vendors, excluding procurement of capital outlay projects. (5-ACI-1B-14; 4-4038; 4-ACRS-7D-25; 2-CO-1B-09; 1-CTA-1B-02)
- C. Purchases for architectural or engineering services or construction that requires a building permit and/or plans, drawings, or specifications prepared by an architect or engineer will be procured in accordance with the Construction and Professional Services Manual and fall under the purview of the Infrastructure and Environmental Management Unit. The *Construction and Professional Services Manual* issued by Department of General Services, *Division of Engineering and Buildings (DEB)* governs all capital outlay project purchases including construction projects, renovation projects, and professional architectural and engineering services.
- D. This operating procedure governs the process by which funds are made available for purchasing community services to supplement existing programs and services. (5-ACI-1B-15; 4-4039; 4-ACRS-5A-11, 4-ACRS-7D-26)

II. Responsibilities of the Headquarters Procurement Unit

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

B. Delegation, Approval, and Signatory Authority

1. The Division of Purchases and Supply (DP&S) has authority to delegate dollar levels of procurement authority to Commonwealth of Virginia agencies.
 - a. Goods and Printing
 - i. DOC Headquarters and Corrections Constructions Unit (CCU) have unlimited delegated purchasing authority.
 - ii. Institutions, Regional Offices, and the Academy for Staff Development have delegated authority up to \$ 50,000 for the procurement of goods and printing.
 - iii. Agribusiness has delegated authority up to \$100,000 for the procurement of goods and printing.
 - iv. Virginia Correctional Enterprises (VCE)
 - (a) COV §2.2-4345 *Exemptions from competitive sealed bidding and competitive negotiation for certain transactions*; *limitations* exempts VCE from competitive sealed bidding or competitive negotiations when procuring materials, supplies, or services for use in and support of its production facilities, provided the procurement is accomplished using procedures that ensure as efficient use of funds as practicable and, at a minimum, includes obtaining telephone quotations. Such procedures must require documentation of the basis for awarding contracts; however, VCE must consult with the Deputy Director for Administration on all purchases that exceed \$250,000 in value.
 - (b) VCE has a delegation of \$100,000 for the purchase of goods that do not support its production facilities including but not limited to equipment, software, hardware, and printing. Any purchase for these commodities that exceeds \$50,000 must be sent to DP&S for processing.
 - (c) Exemption from the competitive sealed bidding or competitive negotiations process does not relieve VCE from adhering to the remainder of the APSPM, such as proper Contract Administration, Surplus Property, etc.
 - v. Institutions must forward all procurements over \$10,000 that require solicitation to their respective Regional Office's Procurement Staff for processing.
 - vi. Institutions, Regional Offices, Agribusiness, and the Academy for Staff Development must send procurements for goods and printing that exceed their delegation to DP&S for processing. If DP&S delegates back to the Organizational Unit to process the procurement, the Organizational Unit must place documentation of the approval in the procurement file.
 - b. Services – DP&S has delegated authority for the procurement of services to all organizational units, subject to the dollar level signatory approval authority in Attachment 1, *Contract Approval and Signatory Authority for Goods & Services*.
 - c. The Director has sole authority to delegate procurement authority within the DOC as follows:
 - i. Authority is delegated to Wardens to approve Purchase Requisitions up to \$75,000.
 - ii. Authority is delegated to all Field Unit Superintendents to approve Purchase Requisition up to \$10,000, except as otherwise specified.
 - iii. Authority is delegated to all Field Unit Superintendents to approve annual Purchase Orders up to \$75,000 to DOC Agribusiness.
 - iv. Small Purchase Charge Card (SPCC) - The Director has delegated authority to the DOC SPCC Program Administrators to evaluate each request for a SPCC and to delegate SPCC procurement authority in accordance with the [CAPP Manual Topic 20355](#) and Operating Procedure 260.3, *Small Purchase Charge Card Program*.
 - v. DOC Farmer's Market - The Director has delegated authority to the Farmer's Market Manager to place and approve produce Purchase Orders up to \$30,000.
2. Purchase Requisition Approval
 - a. The Purchase Requisition is the initial request indicating intent to purchase goods and services. Per COV §2.2-1110, *Using agencies to Purchase through Division of Purchases and Supply, exception., Executive Order 20 (2014) Advancing Equity for Small, Women and Minority Owned Businesses*, and the APSPM, the Purchase Requisition begins at the point of requisitioning for all

procurement actions including, but not limited to, technology, transportation & construction.

- i. The Purchase Requisition must be submitted electronically via eVA unless exempt under APSPM 14.9.b. and the Demand Payment List.
 - ii. A Purchase Requisition is a request to purchase and not a Purchase Order.
- b. Approval of a Purchase Requisition is primarily a budgetary function indicating that the funds for the purchase are available from the organizational and/or operating unit.
- c. Attachment 2, *Authorization to Approve Purchase Requisitions for Goods & Services* lists titles of individuals authorized to approve the expenditure of funds for a DOC Organizational Unit with the attendant dollar limits. The approval flow in eVA should mirror this authorization and if required, approvers must be inserted into the eVA approval flow.
- d. The individuals listed in Attachment 2, *Authorization to Approve Purchase Requisitions for Goods & Services* cannot delegate their authority to approve the expenditure of funds, except under the following circumstances:
- i. Vacation
 - ii. Emergency
 - iii. Extended periods of leave
3. Contract Approval and Signatory Authority
- a. A Contract is the legal document obligating the vendor to provide the indicated goods and services in accordance with the terms of the contract and obligating the DOC to pay the vendor for the goods and services provided.
- b. All contracts or agreements for goods and services, regardless of dollar amount or whether between government and non-government or government and government must be forwarded to the proper procurement unit for review (i.e. Headquarters Procurement Unit, Regional Procurement Units, etc.) All High-Risk Contracts must be reviewed by the Office of the Attorney General (OAG).
- c. Attachment 1, *Contract Approval & Signatory Authority for Goods & Services* lists the titles of individuals authorized to approve and sign contracts on behalf of the DOC with the delegated dollar limits.
- i. Contract approval and signatory authority for DOC Organizational Units (for Purchase Orders and Unilateral Contracts) must not exceed \$75,000 (annual value), except for VCE, which has authority up to \$250,000 (\$100,000 for the purchase of goods that do not support its production facilities), and DOC Headquarters, and Corrections Construction Unit, which have unlimited authority.
 - ii. Purchasing authority is unlimited for purchases from state contracts and mandatory sources such as VCE, VDC, and the Department for the Blind and Vision Impaired (DBVI), however, purchases with an annual value of \$500,000 and above that result from competitive sealed bidding, competitive negotiation, or sole source must be submitted to the Headquarters Procurement Unit in accordance with this operating procedure.
 - iii. Contracts exceeding the delegated authority (See Attachment 1, *Contract Approval and Signatory Authority for Goods & Services*.) must be forwarded to the Headquarters Procurement Unit for review and signature.
 - iv. All Memoranda of Agreement (MOA's), including Government-to-Government MOA's, must be forwarded to the Headquarters Procurement Unit for review and approval before being signed, by the Agency Director, regardless if financial consideration is provided by the agency, the contractor, or some third party. All other contracts must be forwarded to the Headquarters Procurement Unit for review and approval before being signed based on the Organization Unit's signature authority (Attachment 1) utilizing the [Contract Approval Form 260_F1](#). (added 9/1/20)
 - v. All agreements or Memoranda of Understanding (MOU's) that do not financially impact the agency and no financial consideration is provided by the agency, the contractor, or some third party must be forwarded to the Administrative Compliance Unit for review. The Director of Administrative Compliance will decide which MOU's require the Director's signature and which MOU's may be signed by other DOC employees

- d. A [Contract Approval Form](#) 260_F1 must be submitted to the Headquarters Procurement Unit by institutions, VCE, CCU, Agribusiness, and the Academy for Staff Development when submitting contracts to the Headquarters Procurement Unit for review and signature.
4. Contract Modifications and Renewals
 - a. Contract Modifications
 - i. Buyers may approve in writing contract modifications that comply with the APSPM including increases if the modification does not exceed the buyer's signatory authority (Attachment 1). Contract modifications exceeding an Organizational Unit's signature authority must be sent to the Headquarters Procurement Unit utilizing the [Contract Approval Form](#) 260_F1 for approval prior to execution.
 - ii. Cumulative Modifications Over \$50,000
 - (a) A public contract may include provisions for the modification of the contract during performance, but no fixed-price contract may be increased by more than \$5,000, without the advance written approval of the DOC Director of Procurement & Risk Management along with DOC Director and DP&S if the increase is more than 25% of the original contract or \$50,000, whichever is greater. (See [Contract Modification Approval](#) 260 F15 and Attachment 3, *Authorization to Approve Determinations.*).
 - (b) Buyers are authorized to approve and sign contract modifications within their delegated authority to increase fixed-price contracts if the particular cumulative increase(s) does not exceed \$5,000.
 - b. Contract Renewals
 - i. Any contract may be renewed by the Organizational Unit provided the original contract included a renewal clause and funding for the renewal is identified prior to renewal.
 - ii. The amount to be paid to the contractor during the renewal period may not be increased beyond the original contract price unless the original contract has identified the methodology for increasing the price to be paid during the renewal period and the Buyer is able to document the procurement file with justification for the price increase.
 - c. The Director's signature is not required for modification or renewal for an MOA signed by the Director, unless there is a substantial change to the MOA. Solely extending the period of agreement of the MOA is not deemed to be a substantial change.
 5. Sole Source Purchases
 - a. All Sole Source requests for non-technology purchases for goods and services over \$50,000 must be approved by DGS/DPS electronically through the eVA/Ariba "eForms" DGS Sole Source Request form.
 - b. All Sole Source requests must be approved in advance by the Director of Procurement and Risk Management or designee using the [Sole Source Procurement Determination](#) 260_F2 for all non-technology purchases and the [IT Goods and Services Sole Source Procurement Approval Request Form](#) for technology purchases. The following steps should be followed:
 - c. The requestor/end user must submit the appropriate Sole Source Determination form ([Sole Source Procurement Determination](#) 260_F2 or the [IT Goods and Services Sole Source Procurement Approval Request Form](#)) in a Microsoft Word format to their respective Procurement Unit (e.g., Institutions submit *Sole Source* requests to their respective Regional Office's Procurement Unit, requests from the ASD are submitted to the ASD's Procurement Unit, requests from Headquarters are submitted to the Headquarters Procurement Unit etc.).
 - d. The Buyer will review and verify the authenticity of *Sole Source Procurement Determinations*.
 - i. The Buyer may request additional information/clarification from the requestor as needed.
 - ii. The Buyer will complete and submit the *Sole Source* request to the Director of Procurement and Risk Management for review.
 - iii. If the request for is a non-technology Sole Source procurement, all agency employees having official responsibility for the procurement must complete the [Conflict of Interest Agreement for Sole Source Procurement](#) 260_F20.

- iv. For all technology purchases, the [IT Goods and Services Sole Source Procurement Approval Request Form](#) must be used. The *IT Goods and Services Sole Source Procurement Approval Request Form* must not be sent to VITA for approval until the Director of Procurement and Risk Management has approved the sole source request.
 - v. Upon the Buyer's satisfaction, the Buyer must forward the *Sole Source Procurement Determination*, along with any supporting documentation, to the Director of Procurement and Risk Management.
 - d. The Director of Procurement and Risk Management or designee will review the *Sole Source* request for approval. If additional approvals or more information is required, the Director of Procurement and Risk Management or designee will notify the Buyer
 - e. The Buyer, upon receipt of the approved *Sole Source* request will post the *Sole Source Award* to the eVA VBO and forward the copy to the requestor.
 - f. The requestor/end user will submit the purchase requisition in eVA using the "SO-1" selection and attach the approved *Sole Source Determination* e-form. Purchase requisitions issued against established *Sole Source* term contracts do not require new *Sole Source* approvals.
 - g. For term contracts, the Procurement Officer will place a copy of the *approved Sole Source Determination* form, in the contract file for audit purposes.
6. Emergency Purchases
- a. The Organizational Unit Head or designee must submit to their Buyer, in writing, an [Emergency Procurement Determination](#) 260_F3 for emergency purchase requirements. Competition should be sought to the extent practicable. The Buyer must review and approve the authenticity of the Emergency Procurement Determination before submitting for approval in accordance with Attachment 3, *Authorization to Approve Determinations*. Refer to the *DPS Agency Procurement and Surplus Property Manual (APSPM)* for details regarding types of emergency.
 - b. If the emergency purchase exceeds the Organizational Unit Head's authority, efforts should first be made to obtain advance verbal approval from the Headquarters Procurement Unit or, if not possible, from the appropriate member of the Executive Staff under which the requirement falls. The Emergency Procurement Determination must be routed to the Headquarters Procurement Unit as soon as possible and generally no greater than one week after contracting for emergency goods and/or services.
7. Cooperative Purchases
- a. Utilization of Cooperative Contracts, MOU's/MOA's or other cooperative agreements must be approved beforehand by the Agency Head or designee.
 - b. In order to utilize this type of contract there must be language included in that document, such as an "Additional Users" clause or other language indicating that entities, other than those specifically delineated in the contract, may obtain goods or services from that contract.
 - c. VITA Joint and Cooperative Procurement Requests require that a completed [IT Joint and Cooperative Approval Request Form](#) be emailed to: scminfo@vita.virginia.gov for processing. After CIO approval is obtained, agencies may proceed with purchase, utilizing eVA.
8. Procurement Boilerplates
- a. All Procurement Units must use the boilerplates listed on the [Procurement and Risk Management's intranet homepage](#) located on iDOC.
 - b. If any errors are noticed, notification should be provided to the Director of Procurement & Risk Management or the Procurement Manager for corrective action.

III. Virginia Public Building Authority (VPBA) Purchases

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

B. Privatization services procured for VPBA funded facilities are subject to Private Activity Bond Regulations and Revenue Procedures.

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

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

A. The following classes of goods and services require additional approval, review, and coordination:

1. Technology Goods and Services including Telecommunication Systems
 - a. The DOC Information Technology Unit (ITU) Chief Information Officer or designee must review, approve and coordinate all requests for the purchase of technology goods and services including telecommunication systems.
 - b. All VITA in-scope purchase requisitions will automatically route to the Information Security Services (ISS) at ITRequests@vadoc.virginia.gov.
 - c. The purchase of portable electronic communication devices and related services require approval of the appropriate Deputy Director or Regional Operations Chief. The appropriate Deputy Director or Regional Operations Chief must approve any change order request for the equipment or services.
2. The DOC General Services Unit must coordinate the review and approval of all requests for rental, lease, and purchase of radio equipment and services to include providing guidance on authorized radio frequencies.
3. The Director of Infrastructure and Environmental Management must coordinate the review and approval of all requests for the lease of real property.
4. The DOC Procurement and Risk Management Director must coordinate the review and approval of all requests for the purchase of insurance.
5. The Director of Infrastructure and Environmental Management, located at DOC Headquarters, must approve all requests for the purchase of engineering related services (i.e., architectural, landscape architecture, land surveying, professional engineering) and construction service procured in accordance with the [*Construction and Professional Services Manual*](#).
6. The DOC Fleet Manager must coordinate the review and approval of all requests for the purchase of vehicles through the appropriate Deputy Director or Regional Operations Chief. Information sent to the Fleet Manager must include an *Application for Assignment/Purchase/Lease of State Vehicle* (OFMS-1) and a [*DOC Vehicle Request*](#) 323_F5 (See Operating Procedure 323.1, *Vehicle Acquisition, Operations and Maintenance*.); a Purchase Requisition that states the vehicle requested including all "add-on options" requested; and other supporting documentation that may be required by the Fleet Manager.
7. Security Equipment, Supplies, and Uniforms for DOC employees
 - a. The Director of Security and Correctional Enforcement must coordinate the review and approval of all requests to purchase of the following:
 - i. New and replacement DOC metal badges
 - ii. New and replacement Electronic Key Control/ Distribution Systems
 - iii. Restraint Equipment
 - iv. Chemical Agents/Delivery Systems

- v. Electronic Control Devices
 - vi. Distraction Devices
 - vii. Impact Weapons and Munitions
 - viii. Firearms and Ammunition
 - ix. All new security equipment, supplies, and uniforms not currently authorized for use in the DOC.
- b. The Mental Health Services Steering Committee (MHSSC) in conjunction with the Director of Security and Correctional Enforcement will coordinate the review and approval of all new clinically approved restraints and safety cell equipment for use in the DOC.
 - c. The Regional Operations Chief or designee must coordinate the review and approval of all other requests for security equipment, supplies, and uniforms unless the items have been approved for procurement as correctional items and are available from VCE.
 - d. The Corrections Administration Manager for the Division of Administration will coordinate the review and approval of all requests for equipment, supplies, and uniforms for Headquarters and the Academy for Staff Development. For the purpose of training, the Academy for Staff Development will only purchase authorized security equipment and supplies as approved by the Director of Security and Correctional Enforcement.
 - e. Employees are not authorized to use this equipment until they have successfully completed the required training approved by the Training Director.
8. Security System Installation
- a. For the purchase of security systems that include security detection equipment, perimeter fences, surveillance cameras, monitoring, or electronically controlled locking door systems; the service must be provided by a licensed private security services business.
 - b. Contact the Department of Criminal Justice Services at 804-786-1198 to determine the vendor's licensure status (Note: This requirement does not apply if security systems are installed during the construction of the facility).
9. Medical Services
- a. All contracts for professional medical services (physicians, dentists, optometrists, and psychiatrists) must be solicited and managed by the Headquarters Procurement Unit.
 - b. Requests for professional medical service contracts must be submitted to the DOC Health Services Director for review and approval before submission to the Headquarters Procurement Unit.
 - c. Small Purchase Procedures for Professional Services: The small purchase threshold for the procurement of professional services is \$80,000. Procurements up to and including \$80,000 for professional services may only be procured by other than competitive negotiation by following these small purchase procedures. Professional services procurements up to and including \$10,000 will be set-aside for micro businesses. For purchases over \$10,000 up to and including \$80,000, procurements will be set-aside for small businesses (including micro businesses). Procurements will follow this procedure or § 2.2-4302.2 and include the DGS/DPS tiered award clause.
 - i. For purchases over \$10,000, the DOC will contact a minimum of four small businesses to obtain information, including but not limited to, their qualifications and professional competence to provide the requested professional service.
 - ii. The proposals or information received will be reviewed and evaluated by one or more DOC employee(s) knowledgeable and qualified to evaluate the proposals or information received.
 - iii. The evaluator will select and rank the two offerors whose professional qualifications and proposed services are deemed most meritorious.
 - iv. The DOC then will negotiate with the offeror ranked first. If a contract satisfactory and advantageous to the public body can be negotiated at a price considered fair and reasonable and pursuant to contractual terms and conditions acceptable to the DOC, the award will be made to that offeror. Otherwise, negotiations with the offeror ranked first should be terminated and negotiations conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price.

10. Purchases of food from sources other than DOC Agribusiness Operations and Food Service Equipment must be submitted to the Director of Food Service for review and approval, in accordance with the Food Service Manual - Chapter 7, *Purchasing*.
 11. Each DOC organizational and operating unit (Deputy Director and Regional Operations Chief level) should periodically ensure review of each publication it or subordinate units customarily issue to determine if hard copies are necessary or whether electronic posting is more appropriate.
 - a. Units that develop and issue publications must strive to control costs through the use of standard size paper, inks, and bindings.
 - i. Paper must be 100% recycled content except where equipment limitations or the nature of the document preclude the use of recycled paper.
 - ii. If printing is necessary, maximize use of post-consumer recycled paper, climate positive inks, and print on both sides of paper. (See Operating Procedure, 302.3, *Sustainability Plan*.)
 - b. In-house graphic services must be utilized whenever possible.
 - c. Multiple colored printing and high-cost paper must be avoided whenever possible. All multi-color print jobs require a written justification to the Director for approval detailing the intended audience for the publication and the benefit to the state for processing a multi-color print job.
 - d. Printing requisitions must be processed as follows:
 - i. Virginia Correctional Enterprises (mandatory source)
 - ii. Other printing needs must be processed in accordance with the *Agency Procurement and Surplus Property Manual* and this operating procedure
 12. All purchases of closed circuit TV surveillance equipment must be reviewed and approved by the Chief of Electronic Security.
 13. All offender drug testing supplies and services must be reviewed and approved by the offender Drug Testing Contract Administrator.
 14. All contracts for the confinement of DOC offenders must include in any new contract or contract renewal the entity's obligation to adopt and comply with the PREA standards. (§115.12[a], §115.212[a]) Any new contract or contract renewal must provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards. (§115.12[b], §115.212[b])
 - a. Only in emergency circumstances in which all reasonable attempts to find a private agency or other entity in compliance with the PREA standards have failed, will the DOC enter into a contract with any entity that fails to comply with these standards. In such a case, all unsuccessful attempts to find an entity in compliance with standards must be documented. (§115.212[c])
 - b. The DOC must not enlist the services of any contractor who may have contact with offenders, who: (§115.17[a,b], §115.217[a])
 - i. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997 et seq. *Civil Rights of Institutionalized Persons*)
 - ii. Has been civilly or administratively adjudicated to have engaged or has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse
 - iii. The DOC must consider any incidents of sexual harassment in determining whether to enlist the services of any contractor, who may have contact with offenders. (§115.17[b], §115.217[b])
 - iv. The DOC must also perform a criminal background records check and any applicable drug test before enlisting the services of any contractor who may have contact with offenders. (§115.17[d], §115.217[d])
- B. Individuals responsible for the review, approval, and coordination of the approval to purchase these commodities are not delegated the authority to amend procurement requirements as stated in the APSPM or this operating procedure.

- C. The review and approval period should not exceed 30 days.
- D. Any request to procure these commodities must be sent to the appropriate Deputy Director or Regional Operations Chief for approval before being submitted to Headquarters (except Food purchases which are automatically routed on-line through eVA to the Director of Food Service).
- E. Approvers may be ad hoced into the eVA approval flow if there are not specific approval forms for the listed goods and services i.e., vehicle approval form OFMS-1.

V. Confirming Purchase Orders

- A. Confirming purchases require the issuance of a confirming purchase order, even though the vendor may not require an eVA Purchase Order.
- B. Confirming orders must be placed in eVA within five business days after directing the contractor to proceed.
- C. All purchases must be placed through [eVA](#), except the exempted commodities as detailed in the APSPM and the commodities listed on the DOC Demand Payment list which is posted on iDOC.

VI. Electronic Commerce

- A. The DOC supports the Commonwealth of Virginia's automated procurement system, [eVA](#). Rules and regulations regarding eVA are detailed in the [APSPM](#).
- B. DOC facilities may not make changes to the DOC Buysense Organizational structure without the approval of the Director of Procurement and Risk Management.
- C. To meet all DOC approval requirements, "approvers" will receive "ad hoc" access into the approval flow. The end-user is responsible for obtaining or receiving "ad hoc" approvals required in Attachment 1, *Contract Approval and Signatory Authority* and Attachment 2, *Authorization to Approve Purchase Requisitions for Goods and Services*.

D. New eVA users

1. To add a new eVA user, the employee supervisor must initiate, and sign, a completed [Request for eVA User Profile](#) 260_F4, the certificate of completion for the eVA Security Awareness Training, and the signed eVA Acceptable Use Acknowledgment form.
 - a. Submission of forms is done by printing the forms, having the employee complete information, such as name, email, phone number, etc., then the supervisor completes the other fields, such as Buysenseorg, Roles, Expenditure Limits and other Roles/Functions as required for the employee's job responsibilities.
 - b. Any inquiries on how to complete this form should be sent to the DOCeVAaccounts@doc.virginia.gov mailbox.
 - c. All three documents must be scanned into one PDF file and saved under the eVA Requestor's name (i.e. – Smith, Jane). The DOC Organizational Unit will then email the Request packet to: DOCeVAaccounts@vadoc.virginia.gov.
2. The eVA Security Officer (ESO) will contact the Requester to inform them of additional required training, which will be based upon the Role(s) assigned to the Requester. Once the required training is completed, the Requester will then email the certificate(s) to the DOCeVAaccounts@vadoc.virginia.gov mailbox for new account processing.
3. The eVA Security Officer (ESO) will send the completed packet(s) to the Director of Procurement & Risk Management for final approval of user requests.
4. The eVA Security Officer (ESO) is responsible for creating and deleting eVA accounts. Once the eVA account is created, the eVA Security Officer will email the eVA Requester their eVA login and password.

- E. The eVA Security Officer (ESO) at DOC Headquarters is responsible for administration of the DOC eVA Security program in compliance with the policy and standards pertaining to eVA and the DP&S eVA Security Manual. Any requests regarding an eVA account must be sent to the DOCeVAaccounts@vadoc.virginia.gov mailbox for review and approval before being processed by the eVA Security Officer, or their designated back up.
- F. eVA's Quick Quote (QQ) and the Virginia Business Opportunities (VBO) modules are reserved only for those Buyers located at Headquarters Procurement Unit, Virginia Correctional Enterprises (VCE), institutions, Regional Offices, Corrections Construction Unit (CCU), the Academy for Staff Development, and Agribusiness.
- G. All *Sole Source* purchases are required to be processed in eVA, in accordance with the *Sole Source Purchases* section above.
- H. eVA Delegation:
1. eVA Users are responsible for updating their delegated approval profiles in their eVA accounts if they go out on vacation, emergencies (if possible), other types of leave, etc.
 2. If an eVA User goes out of work unexpectedly and not be able to update their delegated approval profile in eVA, their supervisor must contact the eVA Security Officer to receive custodial rights, for a period not to exceed 90 days, to that eVA User, so that any orders or approvals can be processed in eVA.
- I. Loan Agreements
1. Vendors will sometimes offer goods to agencies to test for a limited time.
 2. A [Loan Agreement](#) 260_F5 must be processed when accepting goods for testing purposes.
 3. The Headquarters Procurement Unit must review and approve *Loan Agreements*.
- J. Vending Services
1. The [Department for the Blind and Vision Impaired \(DBVI\)](#) is a mandatory source for the provision of vending services when annual sales are estimated to be \$5,000 or greater.
 2. If DBVI is unable to provide the required services and an exemption is granted, vending services must be procured competitively.
 3. As stated in the APSPM, "If there is to be a contract between a state agency and a non-governmental vendor, the *Virginia Public Procurement Act (COV §2.2-4300 et seq.)* and regulations set forth in the APSPM and the Vendor's Manual apply regardless of the source of funds by which the contract is to be paid or in the absence of any monetary consideration flowing to either party."
- K. Contract Monitoring
1. Each Operating Unit must implement and maintain a system to monitor expiration dates of its term contracts (government to nongovernment and government to government) in order to initiate contract replacement and renewal actions in a timely manner.
 2. At the beginning of each fiscal quarterly basis, each Operating Unit must submit a list of all term contracts (government to nongovernment and government to government) to the Director of Procurement and Risk Management. The Director of Procurement and Risk Management must consolidate the list and post it to the Agency external website.
 3. The contract administrator or designated staff must meet at least annually with any contractor providing program services to review the program. (2-CO-1B-10)
 4. Each contract, including memoranda of agreement and memoranda of understanding, should be provided to the Headquarters Procurement Unit for review and tracking purposes.
- L. All solicitations for the purchase of professional services must be processed through the Headquarters Procurement Unit.
- M. Purchases from Small, Women-Owned and Minority-Owned Businesses

1. Each Organizational Unit is required to make every effort to achieve the agency's aspirational spend goals with small, women-owned and minority-owned businesses (SWaM) as established and detailed in the DOC annual [Supplier Diversity Plan](#) posted on iDOC.
 - a. Procurements up to and including \$10,000 must be awarded to a *Department of Small Business and Supplier Diversity* (DSBSD) certified micro business bidder/offeror.
 - i. If prices do not appear to be fair and reasonable (not to exceed 5% of lowest responsive and responsible bidder), the agency must document the procurement file to the effect, including the basis for the determination, and then obtain additional quote(s) in accordance with the *Small Business Enhancement Award Priority*.
 - ii. Entering the decision to award to other than the lowest priced certified micro business in the "Comments" section of the purchase requisition satisfies this requirement.
 - b. Procurements over \$10,000 and up to \$100,000 must be set-aside exclusively for DSBSD-certified small businesses; however, the procurement may be exempted from the *Small Business Enhancement Award Priority* if there is not a reasonable expectation that the agency or institution will receive at least two competitive bids or offers from DSBSD-certified micro/small businesses. To request a waiver to the set-aside requirement, a [Waiver for Small Business Enhancement Award Priority 260_F16](#), must be completed and submitted to the appropriate Support Services Manager or Procurement Manager for approval.
 - c. For procurements over \$100,000, unless a determination has been signed by the Director of Procurement and Risk Management or designee and supported by factual evidence explaining in sufficient detail why no subcontracting opportunities exist, all agencies and institutions must include in the terms and conditions, the requirement for a *Small Business Subcontracting Plan* for the award of any prime contract. To request a waiver to remove this requirement, a [Waiver for Small Business Enhancement Award Priority 260_F16](#), must be completed and submitted to the Director of Procurement and Risk Management for approval. A [Waiver for Pre-Bid or Pre-Proposal Conference](#) may be used if it is deemed unnecessary to conduct a meeting because specifications are clearly defined, or other viable justifications.
2. The [Department of Small Business and Supplier Diversity](#) (DSBSD) posts certified small, women-owned and minority-owned businesses on-line.
3. Document attempts to identify SWaM businesses if the required number of DSBSD SWaM certified businesses are not solicited.
4. When using contracts that were awarded to multiple contractors and one or more of the Contractors is a SWaM vendor, the end-user must make reasonable efforts to place the order with the SWaM vendor(s), if the prices are fair and reasonable and the goods/services meet the DOC's needs.

N. Compliance Reviews

1. DP&S and APA Compliance Reviews for Organizational Units that require a written response detailing corrective action must be approved by the Organizational Unit Head and the appropriate Deputy Director or Regional Operations Chief.
2. A draft copy of the response must be sent to the Director of Procurement and Risk Management at DOC Headquarters before a final response is prepared for the above stated approval.
3. A copy of the final written response must also be sent to the Director of Procurement and Risk Management at DOC Headquarters.
4. DP&S and APA Compliance Reviews processed for Headquarters must be approved by the Deputy Director for Administration before being sent to the Compliance Agency.
5. Final response to noncompliance issues must be submitted within timeframes established by the reviewing agency.

O. Vendor Protests

1. If a Bidder or Offeror submits a protest of award, the DOC Organizational Unit must notify and provide

the Director of Procurement and Risk Management with a copy of the protest letter, a draft of the protest response, and a copy of the procurement file for review and approval before the response is sent to the Bidder/ Offeror.

2. All protest letters must be responded to in writing within 10 days of receipt.
3. If the protest is denied by the Director of Procurement and Risk Management, the denial must be final unless the Bidder/Offeror appeals to the appropriate Circuit Court.

P. All DOC facilities and Organizational Units for which the Headquarters Procurement Unit is responsible for purchasing must adhere to the Demand Payment regulations detailed in the [Demand Payments](#) List posted on iDOC.

DEFINITIONS OF TERMS USED IN THIS OPERATING PROCEDURE

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

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

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

Community Corrections Facility - A residential facility operated by the Department of Corrections to provide Community Corrections Alternative Programs

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

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

Demand Payment List - A list of commodities and services that do not require an Agency Purchase Order as per the APSPM 14.9.

eVA - The Commonwealth of Virginia's automated procurement system

Facility - Any Community Corrections facility or institution

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

High-risk Contract - When a contract cost exceeds \$10 million over initial term, or exceeds \$5 million over initial term and is being procured by two more state public bodies; or the initial term of contract (excluding renewals) is greater than 5 years; or similar goods, services, insurance or construction have not been procured in last five years.

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

IT Procurement Manual - The manual issued by the Virginia Information Technologies Agency (VITA) containing the policies and procedures for Commonwealth of Virginia agencies to fulfill information technology

procurement responsibilities within their delegated procurement authority limits

Memorandum of Agreement (MOA) - A written agreement involving financial consideration between DOC and another government entity; must be submitted to the Director of Procurement and Risk Management or designee before signature.

Memorandum of Understanding (MOU) - A written collaborative understanding without financial consideration establishing the parameters of the collaboration between DOC and any entity; must be approved by the Director of Administrative Compliance before signature.

Organizational Unit - A DOC unit, such as a correctional facility, regional office, probation and parole office, Virginia Correctional Enterprises (VCE), Academy for Staff Development, Corrections Construction Unit, Agribusiness Unit, and individual headquarters unit (i.e. Human Resources, Offender Management, Internal Audit)

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

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

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

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

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

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

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

REFERENCES

42 U.S.C. 1997 et seq., *Civil Rights of Institutionalized Persons*

COV §2.2-1110, *Using agencies to purchase through Division of Purchases and Supply; exception.*

COV §2.2-4300 et seq., *Virginia Public Procurement Act.*

COV §2.2-4345, *Exemptions from competitive sealed bidding and competitive negotiation for certain transactions; limitations.*

Executive Order 20 (2014), [Advancing Equity for Small, Women, and Minority Owned Businesses](#)

Food Service Manual - Chapter 7, Purchasing

Operating Procedure 260.3, *Small Purchase Charge Card Program*

Operating Procedure 302.3, *Sustainability Plan*

Operating Procedure 323.1, *Vehicle Acquisition, Operations, and Maintenance*

[VDGS/DP&S - Agency Procurement and Surplus Property Manual](#) (APSPM)

[VDGS - Commonwealth of Virginia Vendor's Manual](#)

[VDGS - Construction and Professional Services Manual](#)

[VDOA - Commonwealth Accounting Policies and Procedures Manual](#) (CAPP)

[VDOA - CAPP Manual Topic 20355, Purchasing Card Program](#)

ATTACHMENTS

Attachment 1, *Contract Approval & Signatory Authority for Goods & Services* (revised 9/1/20)

Attachment 2, *Authorization to Approve Purchase Requisitions for Goods & Services* (revised 9/1/20)

Attachment 3, *Authorization to Approve Determinations* (revised 9/1/20)

Attachment 4, *Secretariat Request to Purchase*

FORM CITATIONS

[Contract Approval Form](#) 260_F1

[Sole Source Procurement Determinations](#) 260_F2

[Emergency Procurement Determination](#) 260_F3

[Request for eVA User Profile](#) 260_F4

[Loan Agreement](#) 260_F5

[Contract Modification Approval](#) 260_F15

[Waiver for Small Business Enhancement Award Priority](#) 260_F16

[Conflict of Interest Agreement for Sole Source Procurement](#) 260_F20

[IT Goods and Services Sole Source Procurement Approval Request Form](#) (VITA web site)

[DOC Vehicle Request](#) 323_F5