

# Updates to the APSPM

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PIM# 32

Excluding EO20



FORUM2014

# SESSION CONENT

Explore PIM

Chapter Changes

Summary of Changes

Questions & Answers



# PIM #098-032

- Procurement Information Memorandum
- Issued October 31, 2014
- Effective November 3, 2014
- Major Changes
  - Implements EO20. Purchases are set-aside for award to DSBSD-certified micro business or small businesses up to \$10,000 and small business from \$10,000 - \$100,000.
- (Details of EO20 in Sessions: M-25 and W04)

# Where to Find PIM

www.eva.virginia.gov

## I BUY FOR VIRGINIA

## Manuals, Policies & Regulations

The screenshot shows the 'I Buy for Virginia' website home page. The navigation bar includes buttons for 'I BUY FOR VIRGINIA', 'I SELL TO VIRGINIA', 'TRANSPARENCY', 'CUSTOMER CARE', and 'BILLING'. Below the navigation bar are login fields for 'Username' and 'Password', and buttons for 'Buyer Login', 'Vendor Login', 'Login Help', and 'Register'. The main content area is divided into two columns. The left column is titled 'eVA Buyers' and contains links for 'State Contracts', 'Local Government', and 'eVA Buyer Training'. Below this is a section titled 'Manuals, Policies & Regulations' with links to 'APSPM Manual', 'Buy IT Procurement Manual', 'VPPA - Virginia Public Procurement Act', 'CPSPM Manual', and 'Resources/Procedures'. The right column is titled 'Reference List' and contains links to 'Vendor Debarment List', 'Vendor Enjoinment List (Dept. of General Services)', 'Vendor Prohibited List (Dept. of Taxation)', 'Employment Services Organizations (ESO)', and 'State by State Reciprocal Preference Data'.

The screenshot shows the 'Agency Procurement and Surplus Property Manual' page on the eVA website. The page features a red alert banner at the top stating: 'Alert! eVA Customer Care will be open 8:00am to 4:30pm with limited staff for the state holiday Tuesday, November 11th'. Below the alert is the eVA logo and the text 'Virginia's eProcurement Portal'. The navigation bar is identical to the home page. The main content area is titled 'Agency Procurement and Surplus Property Manual' and includes a note: 'Entire APSPM Manual NOW INCLUDES PIM 32'. Below this is a table titled 'Changes to APSPM' with the following data:

Changes to APSPM	PIM Number	Date Released
	PIM 1	7/01/99
	PIM 2	8/02/99
	PIM 3	1/13/00
	PIM 4	3/30/00
	PIM 5	5/08/00
	PIM 6	7/01/00
	PIM 7	12/20/00
	PIM 8	7/01/01
	PIM 9	10/8/01
	PIM 10	2/14/02
	PIM 11	7/1/02



# Where to Find PIM

## Agency Procurement and Surplus Property Manual



PIM32




Entire APSPM NOW INCLUDES PIM32

October 31, 2014

**MEMORANDUM**

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

**FROM:** Robert E. Gleason   
Director

**SUBJECT:** Procurement Information Memoranda (PIM) #98-032


Enclosed is PIM #98-032, effective November 3, 2014 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. All changes to the APSPM are incorporated into a web-based APSPM, which is downloadable from the eVA website at <http://www.eva.virginia.gov>. The full APSPM version containing changes as a result of this PIM will be posted to the website. The location of text changes is indicated by an arrow in the margin ( → ) with the corresponding PIM #98-032 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 #98-032 should be filed in the back of the Appendix C log.

APSPM Cite	Summary of Changes
1.2	Agency Purchasing Authority – added language requiring Virginia Contracting Officer Certification.
1.5 b (5)	Clarifies exemption to competition for training. Deletes statement to contact DHRM for additional information on existing contracts.
Annex 1-A	Update the Director of DPS
Annex 1-B	Added language on compliance and maintaining unlimited delegation and updated language to clarify the organization standards for unlimited delegated procurement authority and provides example. Update the Director of DPS
2.1 h.	Clarifies guidance and updates links on Institutions of Higher Education's exemption.
3.1 c.	Requires a minimum of 10 days notice to vendors when issuing an amendment to a solicitation.
3.1 e.	Clarifies guidance for receipt of bids and proposals.
3.5 b.	Clarifies language and adds back example for calculating the 25% or \$50,000 contract/purchase order modification restriction on fixed price contracts that was previously removed in error.
3.7 a.	Requires DPS approval prior to sponsoring cooperative contracts or charging administrative fees.
3.10	Updated to implement Executive Order 20 (EO20), provides guidance on the Small Business Enhancement Award Priority. Removes the ability to set-aside procurements greater than \$100,000 and ability to award to other than the lowest bidder or other than the highest ranking offeror.
3.15	Updates reference on Reverse Auctioning
3.29 (b)	Updates guidance on Reverse Auctioning
Appendix C	Revises Summary of Procurement thresholds and associated small business enhancements.

Includes PIM #98-032, October 31, 2014

SEPTEMBER 1998

# AGENCY PROCUREMENT AND SURPLUS PROPERTY MANUAL



COMMONWEALTH OF VIRGINIA



# Arrows Indicate a Change

printing facilities (*Code of Virginia*, § 2.2-1113).

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

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

PIM 98-032 → An agency or institution may seek an increase in delegated procurement authority from DPS for goods and printing when the Chief Procurement Officer is a certified Virginia Contracting Officer and the agency or institution is utilizing DGS' central electronic procurement system beginning at the point of requisitioning for all procurement actions including, but not limited to, technology, transportation & construction, unless otherwise authorized in writing by the Division (*Code of Virginia*, § 2.2-1110) as follows:

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

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

b. **Services.** Agencies are authorized to contract for services up to any dollar amount subject to applicable laws, regulations, this manual and fiscal contracts; however, agencies may submit requisitions to DGS/DPS for processing. (Effective July 1, 2015 – For agencies and institutions that do not have a certified Virginia Contracting Officer on staff at the time of agency activity for a service procurement, their delegation for service procurements is reduced to \$100,000).

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

PIM 98-032 →



# APSPM Cite Changes

- **Chapter 1**
- **Chapter 2**
- **Chapter 3** (excluding EO20)
- **Chapter 4** (excluding EO20)
- Chapter 5
- Chapter 6
- Chapter 7
- **Annex 8**
- **Chapter 10**
- **Chapter 11**
- **Annex 13**
- **Chapter 14**
- **Appendix A & B**
- Abbreviations

# Agency Purchasing Authority Chapter 1

## New Requirement

### 1.2 a Goods

Increased delegation may be sought when:

**The Chief Procurement Officer is a certified Virginia Contracting Officer and the agency or institution is utilizing DGS' central electronic procurement system (eVA) beginning at the point of requisitioning**





# Agency Purchasing Authority

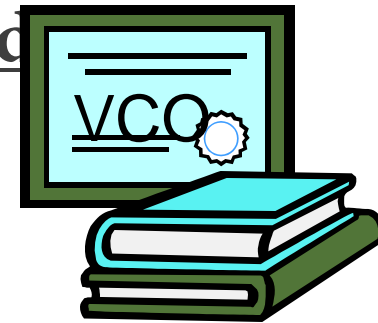
## New Requirement

### 1.2 b. Services

**\*\*Effective July 1, 2015\*\***

For agencies and institutions that **do not have a certified Virginia Contracting Officer (VCO) on staff** at the time of agency activity for a service procurement, their **delegation for service procurements is reduced to \$100,000.**

**Submit requisition to DGS/DGS for processing**



# Exceptions to Competitive Requirements

## Clarifies Exemption

### 1.5 b (5)

Training that is specialized, proprietary, or not typically available to the general public for which competition is generally unavailable.

## Difference

Eliminated the requirement for being off-site, requiring a registration fee and contacting the Department of Human Resource



# REQUEST FOR \$100,000 DELEGATED PROCUREMENT AUTHORITY and AGENCY STANDARDS

## Annex 1-A REQUEST FORM

Updated DPS Director to Robert Gleason

## Annex 1-B COMPLIANCE

If standards are unable to be met or maintained;

DPS may:

Impose remedial actions

Reduce delegation

Rescind delegation

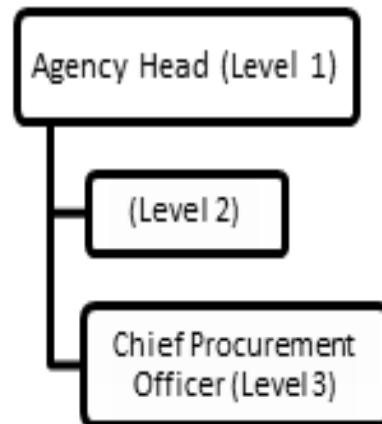


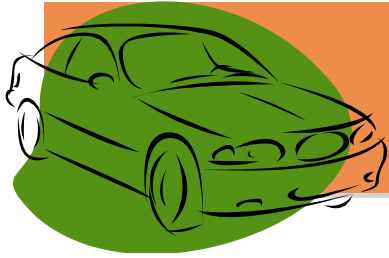
# Agency Standards

## Annex 1-B MANAGEMENT

The Chief Procurement Officer shall report from no lower than level 3 in the agency hierarchy

Example:





## Mandatory Sources Chapter 2

### DGS/Office of Fleet Management

#### 2.1 h

Clarifies Exemption and Updates link to OFMS

Institutions of Higher Education are not required to obtain the above approval from the Office of Fleet Management Services prior to purchasing or leasing a vehicle (see 2014 *Acts of Assembly Chapter 2, 4-5.04*)

OFMS website

<http://www.dgs.virginia.gov/OfficeofFleetManagementServices/tabid/173/Default.aspx>



## New Requirement

### Amending a Solicitation 3.1 c

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/proposals

**If NOT; SHALL** amend to extend the due date to meet the minimum 10 day notice



# General Procurement Guidelines

## 3.1 e

### Receipt of Bids or Proposals

#### Eliminated:

If bids or proposals are submitted after the deadline, the sealed envelope should nonetheless be time-stamped and retained to document the late submission, but shall not be included in the bid opening.

## 3.1 e

### Late Bids or Proposals

#### Now Reads:

For late **sealed** bids or proposals the envelope shall be date and time stamped, marked “late” and retained unopened in the Procurement file. Late **unsealed** bids or proposals, those solicited For requirements under 100,000 shall be marked “late” and placed In the procurement file.



# General Procurement Guidelines

Specifies the Governor's Designee

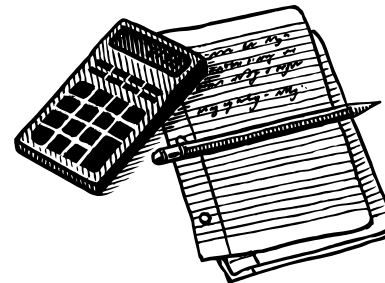
and

Adds Calculation Example

**3.5 b**

## **Cumulative Modifications Over \$50,000**

By executive order this is the Director of the Department of General Services. Requests to exceed the 25% increase shall be submitted to the Deputy Director of DPS





# For example:



- Original contract = \$300,000
- Cumulative modification limit = \$75,000 (25% of \$300,000 or \$50,000 whichever is greater).
- If the contract was modified by \$40,000 during the original term, additional cumulative modifications cannot exceed \$35,000 over the life of the contract, including all renewals, without the approval of the Director of the Department of General Services or his designee.



# General Procurement Guidelines

## Sponsoring Cooperative Procurement

### 3.7a

#### Requires

DPS approval before sponsoring a cooperative procurement or assessing administrative fees for cooperative procurement (regardless of the agency's delegation)



# General Procurement Guidelines

## Procurement Methods

### 3.15

States Guidance for Reverse Auctioning is in 3.29

## Auctioning

### 3.29

Reorganized content format of Reverse Auctioning



# GENERAL PROCUREMENT GUIDELINES & PLANNING Chapter 4

## Price Reasonableness Determination

### 4.10 c

Deletes the “Award to Other Clause”

The decision is made to award to other than the lowest bidder or highest ranking offeror (appropriate award clause must have been included in the solicitation)



# GENERAL PROCUREMENT GUIDELINES & PLANNING

## Conference Planning

### 4.16

Separates guidance for conference packages:

\$30,000 - \$100,000 Chapter 5

Above \$100,000 Chapter 6 or Chapter 7



# Competitive Negotiation

## **Annex 7-B, Step IV, A.2.f.**

Adds statement, “if, after being given reasonable time, the offeror refuses to withdraw an entire classification designation, the proposal will be rejected.”

# Sole Source Procurement

## ANNEX 8-C

Provides guidance to submit online in eVA

**Submit request online in eVA**

**May be faxed: 804-371-7877 or emailed to:**

**[linwood.spindle@dgs.virginia.gov](mailto:linwood.spindle@dgs.virginia.gov)**



# Contract Administration

## 10.16

### Updates guidance on the Procurement complaint form

“unless more immediate action is warranted”, a Procurement Complaint Form should be issued and distributed followed by a “Notice to Cure” if unacceptable vendor response, resolution, or action is received.





# Appeals and Disputes

## 11.2

Updates the title to Judicial and Administrative appeals and provides clarification on when actions can be taken.

# DGS/DPS Support and Assistance

## Annex 13-C&D

### DPS Directory Procurement Exemption Request

Provides update DPS Directory  
Provides guidance to submit online in eVA

# Electronic Procurement

Deletes 14.1 Definitions

Deletes 14.2 Internet Access.

## 14.5 e.1

Updates guidance since Quick Quote allows for amendments and updates guidance on how Quick Quote responses may be received.

# Electronic Procurement

“Quick Quote responses must be submitted in one of the following ways to be considered responsive: electronic submission through eVA or printed Quick Quote paper response form submitted in person, by fax, mailed, or as an attachment to an email received prior to the bid due date and time.”



# Electronic Procurement

## 14.9

- **a.** Renames section to *Mandatory* Use of eVA. Corrects name of eVA Billing portal.
- **b.** Renames section to *Optional* Use of eVA. Provides guidance on processing non-payment and eVA excluded transactions through eVA using the X02 purchase order category.
- **b. (3)** Defines Professional Organization.



# APPENDIX B Terms and Conditions

## Section I.

- Updates General Term and Condition F. DEBARRMENT STATUS to include all procurements
- T. INSURANCE Updates liability insurance per occurrence and aggregate limits for health care providers. Removes example of yearly increase and references Code section for guidance
- X. eVA REGISTRATION vendor transaction fee changed to 1%.
- Z. SET-ASIDES modified with new language

# APPENDIX B Terms and Conditions

## Section II.

- Deletes J. AWARD TO OTHER THAN THE LOWEST PRICED BIDDER(S)
- Deletes K. AWARD TO OTHER THAN THE HIGHEST RANKING OFFEROR(S)
- Adds L. and M. to update for Small Business Enhancement Award Priority
- Updates 36. SMALL BUSINESS SUBCONTRACTING

# QUESTIONS

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REMINDER: For more information on

**THE SMALL BUSINESS ENHANCEMENT AWARD  
PRIORITY**

attend session W04

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