

OFFICE OF JUVENILE AFFAIRS	POLICY #: P-03-19-03
Administrative Services	Approved: <i>Robert E. Christian,</i> EXECUTIVE DIRECTOR
SUBJECT: OJA PROCUREMENT PROCEDURES	Revised: 4-2-2007

I. Rule:

377:3-19-3. Contracting

(a) In accordance with the Central Purchasing Act, 74 O.S., as amended, OJA shall develop internal procurement procedures, including procedures to ensure that sole source contracts comply with all relevant state and federal laws and the OJA Board will be notified of any approved contracts at the next Board meeting.

(b) In accordance with 10 O.S., §7302-1.1(7), OJA shall develop internal contracting procedures.

(c) The Executive Director shall establish final signature authority for all OJA acquisition forms and will notify the OJA Board when changes are made to the signature authority.

II. Definitions:

1. **Acquisition.** Items, products, materials, supplies, services and equipment a state agency acquires by purchase, lease-purchase, lease with option to purchase, or rental pursuant to the Oklahoma Central Purchasing Act.
2. **Approved Master Contract.** A draft contract that has met all review and signature requirements and is created when there are a number of contracts for the same services but with different service providers.
3. **Chief Administrative Officer (CAO).** For the purpose of this procedure the CAO is the Executive Director. The Chief Administrative Officer of the requesting unit of the state agency is the Contracts and Procurement Administrator.
4. **Chief Financial Officer (CFO).** The employee designated by the OJA Executive Director as Division Director of Financial Services.
5. **Certified Procurement Officer (CPO).** The certification given by the State Purchasing Director of the Department of Central Services (DCS) to a state agency purchasing official who has completed training and demonstrated proficiency in the principles of state procurement practices, basic contracting, provisions of the CPA, rules promulgated pursuant to the CPA, and any other matters related to state procurement practices.
6. **Contract Monitor(s).** Specific Agency personnel assigned to

monitor and/or approve contract compliance, claims for payment, deliverables, and performance evaluations. Both Program and Fiscal Monitoring are essentially a combined function, whether performed by one individual or two.

- A. **Program Monitor.** Specific agency personnel assigned responsibility for actual monitoring of all programmatic aspects of the contract including the periodic and ongoing review of reports or other valid indications of performance. The Program Monitor also assumes oversight responsibility for fiscal monitor of said contract. The assignment of responsibility may be accomplished on the Contract Monitoring Work Plan, (OJA DFS-20). Details of the Program Monitor's responsibilities are described on the OJA DFS-20 Appendix.
 - B. **Fiscal Monitor.** Specific agency personnel assigned responsibility for actual monitoring of all fiscal aspects of the contract, including ongoing verification of invoices and auditing functions. The assignment of responsibility may be accomplished on the Contract Monitoring Work Plan, (OJA DFS-20). Details of the Fiscal Monitor's responsibilities are described on the OJA DFS-20 Appendix.
7. **CPU.** The Contracts and Procurement Unit of the Office of Juvenile Affairs.
 8. **Emergency Acquisition.** As defined by Department of Central Services (DCS):
 - A. An emergency acquisition under the Central Purchasing Act [74 O.S., §85.7(4), (5)]
 1. An acquisition not exceeding \$35,000 made by a state agency or the Purchasing Director without seeking competitive bids to remedy an unforeseen occurrence or condition; or
 2. A serious environmental situation that the Governor certifies upon a request from the Chair of the Corporation Commission.
 - B. DCS Construction and Properties. As provided in the Public Competitive Bidding Act [61 O.S. §130(E)], "Emergency" is limited to conditions resulting from a sudden unexpected happening or unforeseen occurrence or condition whereby the public health or safety is endangered.
 9. **Invitation to Bid (ITB).** A type of solicitation a state agency or the State Purchasing Director sends to suppliers for submission of sealed bids for acquisition.

10. **Oklahoma Central Purchasing Act (OCPA).** Sections 85.1 et seq of Oklahoma Statute Title 74.
11. **Market Research.** Efforts made by a state agency to determine the availability of products or services in the general marketplace.
12. **Request for Application (RFA)** A type of solicitation the agency sends to suppliers requesting submission of applications for funding programs for Federal grants and/or programs exempt from competitive bidding pursuant to the OCPA.
13. **Request for Proposal (RFP).** A type of solicitation a state agency or the State Purchasing Director sends to suppliers requesting submission of sealed proposals for acquisitions.
14. **Requisition.** A written request by a state agency for an acquisition.
15. **Sole Source or Sole Source Brand.** Contract for a particular acquisition, which by the contract specifications needed by an agency, restricts the contract to one bidder or to one brand name. DCS has final approval (74 OS 85.2).
16. **"Supplier" or "vendor"** means an individual or business entity that sells or desires to sell acquisitions to state agencies.

III. Procurement Procedures

1. Effective Date

These internal purchasing procedures shall be effective upon review by the State Purchasing Director and approval by the Director of DCS pursuant to 74 O.S., Section 85.39, following approval by the OJA Executive Director and the OJA Board.

2. General Provisions

- A. All acquisitions of the OJA shall comply with provisions of the OCPA rules of the Central Purchasing Division, provisions of the State Use Committee, State Purchase Card Procedures and these internal procedures. If OJA amends these procedures, OJA shall submit the procedures with amendments in their entirety to pursuant to O.A.C. 580:15-6-3 (f)
- B. Designated divisions shall have staff that are trained and authorized to use the State procurement system to make acquisitions. The OJA designated CPU unit shall provide training to authorized personnel as needed.

C. If there is a conflict between this procedure and State or federal law, the State or federal law shall prevail.

3. Agency Primary Certified Procurement Officer for Procurement and Secondary Certified Procurement Officer

A. Selection

The Executive Director shall select:

- a. One OJA employee to be trained and certified as the agency primary certified procurement officer (CPO);
- b. A minimum of one employee is to be trained and certified as a Certified Procurement Officer (CPO) who shall serve as secondary agency certified procurement officer.

B. Duties of Secondary Agency CPO

The secondary agency CPO shall process acquisitions at the direction or in the absence of the Primary agency CPO.

4. Signature Authority

A. Executive Director

The Executive Director shall establish, in writing, final signature authority for all OJA acquisition forms. Changes to the final signature authority must be approved by the OJA Board prior to becoming effective.

B. Division Directors

1. Pursuant to the final signature authority established by the Executive Director, Division Directors shall designate specific staff with signature authority for approval of acquisition forms within their division.
2. If both the Division Director and the primary designee are scheduled to be absent from work the Division Director shall designate in writing one Division employee to sign the acquisition forms.

C. Division Signature Submission

Each Division Director shall submit his or her signature and the signature of the division designee to the Executive Director prior to submitting any acquisition forms (OAC-580:15-16-11j, DCS Form-001).

D. Exceptions

1. The Director of the Information Technology (IT) or the Division Director of Support Services as designee shall approve all requests for computer hardware, software and telecommunications equipment acquisitions before processing by the Contracts and Procurement Unit as required by the State Plan, Title 62 Section 41.5.
2. All computer hardware/software acquisitions over \$25,000 must be submitted to OSF for approval.
3. All telecommunications equipment acquisitions, including cellular equipment, must be submitted to OSF before processing as required by the State Plan for Telecommunications, Title 62, Section 41.5j.
4. The Executive Director shall sign all requests for sole source or sole brand acquisitions. DCS/Purchasing Form 002 shall be submitted to the State Purchasing Director with original signatures.

E. Invalid Signatures

The CPU Procurement Staff CPO shall return to the appropriate Division Director any requisition forms that do not bear a correct signature in the signature authority file.

5. Division Purchase Authority

- A. Each division shall be responsible for fully preparing requisitions and related forms for division acquisitions.
- B. Divisions that have use of the State procurement system shall process each requisition and purchase order through the State procurement system as completely as their level of authorization will allow. For example, if an employee has an authorization level of \$2,500, that employee may process acquisitions in the State procurement system and submit the acquisition documents for authorized signatures. If the acquisition is over \$2,500, the employee shall enter the acquisition in the State procurement system, produce the computer-generated requisition, and submit it with proper signatures to the CPO for final processing.
- C. Divisions that have not been trained or do not have access to the State procurement system shall complete a Request for Acquisition Form and submit it with proper signatures to the CPO for final processing.

6. Purchase Card (P/Card)

Individuals authorized to utilize the P/Card shall follow the State Purchase Card Procedures and the procedures as outlined in the OJA Purchase Card Procedures.

7. Request for Acquisition Form (ADM-2):

- A. Development and approval of the Request for Acquisition Form. CPU shall develop for the Executive Director's approval, the "Request for Acquisition Form" (ADM-2).
- B. Product and/or Service Acquisitions. Unless otherwise authorized by these procedures, divisions shall use the ADM-2 for all internal division product or service acquisitions. The requesting division shall complete the data elements listed on the form, justify the purchase and obtain division approval signatures pursuant to the final signature authority.
- C. Purchasing Review Sheet. The agency CPO or designee shall produce a Purchasing Review Sheet to attach to the acquisition forms when the request for acquisition exceeds \$50,000.00. The Purchasing Review Sheet shall include signature blocks for appropriate personnel, as defined below, to signify review. At a minimum, unless exempt by this procedure, appropriate personnel from the following areas shall be required to sign a Purchasing Review Sheet prior to final processing: Requesting Division, Legal Division (if it involves a contract or sole source/sole brand), Finance Division, and/or Procurement Unit.
- D. Divisions shall submit any acquisition request that exceeds \$10,000 to the OJA budget officer. The OJA budget officer shall sign the acquisition request to determine that funds are available in the budget category for the acquisition. If funds are not available, the budget officer will so note and return it to the CPO.

8. Additional Documents. The requesting division shall attach applicable documentation to each Request for Acquisition Form.

- A. If the acquisition includes services as authorized in the Public Buildings/Public Work Title 61, the division shall contact CPU administrator.
- B. Price Quote Documentation. Pursuant to the OCPA, each division shall solicit price quotations or request the agency CPO to solicit price quotations for acquisitions exceeding \$2,500.00, but not exceeding \$10,000.00. The division shall

document the division's specifications. Suppliers will be given written specifications upon the suppliers' request. Division/agency staff or the CPO shall solicit price quotations and delivery dates from a minimum of two suppliers and document the suppliers' responses. The selected supplier shall provide a Non-collusion affidavit for a contract pursuant to Title 74 O.S., Section 85.23.

- C. Contract Monitoring Work Plan (OJA DFS-20). The requesting division shall attach the written Work Plan providing for the assignment of specific agency personnel to monitor and audit supplier performance, periodic review of interim reports, and other indications of performance when the acquisition is for professional or non-professional services and the acquisition dollar amount is \$2,500 and above. Written plans may not be required for intergovernmental agreements or DCS Construction and Properties contracts. However, these types of contracts must be monitored by the division.
- D. Additional Documents. The requesting division shall attach any other required documents, additional information, and/or narrative with each ADM-2.
- E. Accuracy. The approving authority of the division making the request shall ensure the accuracy of all documents submitted with the acquisitions forms.

9. Contracts OJA has authority to award

A. Policy and Purpose:

Fair and open competition is a basic tenet of public procurement. OJA shall conduct procurement transactions by fair and open competition in order to satisfy public needs for supplies and services at the most economical prices. A Non-Collusion Affidavit for competitive bidding pursuant to Title 74 O.S. Section 85.22 shall be attached to any competitive bid if applicable.

B. Purchases within OJA purchasing authority

Designated OJA employees shall make acquisitions pursuant to DCS Central Purchasing Rules 580:15-6-1 through 580:15-6-20 for acquisitions not exceeding the authority established by DCS. Such acquisitions include:

- a. Acquisitions from statewide contracts.
- b. Acquisitions from the State Use Committee procurement schedule.
- c. Acquisitions from Oklahoma Correctional Industries.
- d. One-time open market purchases not exceeding \$2,500.

- e. One time open market purchases not exceeding \$10,000.
- C. Contracts made in compliance with 74 O.S. Section 85.39 but not subject to other provisions of the OCPA
- a. **Acquisitions of clothing for custody youth.**
Designated employees in local OJA County and District offices shall make clothing acquisitions for custody youth with requisitions for purchase orders issued to local suppliers, department stores, and/or state wide contracts offering fair and reasonable pricing for the clothing items. Designated employees at juvenile institutions shall make clothing acquisitions with purchase orders pursuant to DCS Central Purchasing rules 580:15-6-5, in accordance with Title 74, O.S. Section 85.12.B.25.
 - b. **Acquisitions for canteens for resale.**
Designated employees at institutions with canteen operations shall make acquisitions for resale with purchase orders issued to suppliers offering fair and reasonable pricing for the resale items, in accordance with title 74, O.S. Section 85.12c.C.
 - c. **Interagency contracts.**
All agreements or contracts requiring all parties to sign the agreement or contract shall be issued through the OJA Contracts and Procurement Unit. Interagency contracts not requiring all parties to sign an agreement shall be issued with a purchase order pursuant to the Final Signature Authority. Interagency contracts where the agency OJA is contracting with subcontracts for the majority of the products or services and the contract exceeds the OJA dollar threshold authorized by DCS shall be awarded by DCS.
 - d. **Regulated utilities**
Designated OJA employees shall submit requisitions that exceed their purchasing authority to the CPU for regulated utility services. The CPU shall award purchase orders.
 - e. Acquisitions made from funds received by local offices for fund raising and donations for the benefit of clients and potential clients at the local offices and vending operations administered by employees, pursuant to 74 O.S. Section 85.12c.B. Designated employees shall make acquisitions for a specific project not exceeding \$10,000 with a purchase order, or a requisition for CPU to award a purchase order. For acquisitions exceeding \$10,000 but not exceeding \$25,000, designated employees shall comply with DCS Rule 580:15-6-8. CPU shall review the acquisition process and award the purchase order.

CPU shall issue an ITB, RFP or request informal quotes from three (3) or more suppliers for acquisitions exceeding \$25,000. CPU shall award the purchase order.

f. Acquisitions from funds designated for Community Based Youth Services

1. Proposals. OJA shall solicit proposals, in accordance with title 74, O.S. Section 85.12.B.34. from the local boards of designated youth services agencies for each new contract award period. Once submitted, all proposals shall be kept confidential until the submission deadline has passed. The contract award periods shall be congruent with the state fiscal year, including any renewal options.
2. Solicitation process.
 - a. Notice: OJA shall solicit proposals by providing public notice (1) on the OJA public website, (2) by electronic and (3) first class mail to the main office of each designated youth service agency. Notification will be given at least sixty (60) days prior to the due date for proposals and shall include a statement setting forth the time, place and manner for submission of proposals. The notice shall further state the scope of technical assistance available from OJA during the solicitation period.
 - b. Criteria: The solicitation shall require that proposals be specific in terms of its program objectives and goals and shall state the specific service or services to be performed. Where the services cannot be broken into units, specific measurable and reviewable services shall be stated. The solicitation shall also require that each proposal meets the criteria adopted by the Board of Juvenile Affairs in the State Plan for Youth Services Agencies ("State Plan"). The solicitation shall further require that the proposal specifically describe how the need for community based youth services within the designated service area will be met with the available resources.
 - c. Development: The solicitation development team shall be designated by the Executive Director. The solicitation development team shall develop objective criteria to evaluate the merit of proposals prior to public notice of the solicitation. Criteria will be weighted based upon those factors deemed essential for

successful achievement of the criteria set forth in the State Plan and the solicitation document.

d. Submission: Proposals shall be submitted to the administrator of the Contracts and Procurement Unit and evaluated for basic responsiveness and submission guidelines. The proposals shall then be assigned by the Division Director of Community Based Youth Services to the selection panel[s].

3. Selection process.

The Executive Director shall designate members of OJA program staff to serve on a proposal selection panel[s]. Each person on the evaluation team shall complete a Conflict of Interest Statement for Evaluation Team, DCS/Purchasing Form 012. The proposal selection panel[s] shall be provided copies of the proposals. The selection panels shall evaluate each proposal and make a written recommendation which shall be submitted to the Executive Director and the Division Director for Community Based Youth Services. The recommendation shall include a statement with regard to each proposal as to whether the proposal meets the criteria set forth in the State Plan and the solicitation document or whether further negotiation is required. If further negotiation is required the recommendation shall include a statement as to which specific items require negotiation.

4. Award process.

If no further negotiation is required, and if the Executive Director approves the recommendation of the selection panel, the OJA CPU will issue awarded contracts, with an encumbrance document and distribute to the Divisions responsible for contract monitoring. If further negotiation is required, the Executive Director shall direct the Division Director of Community Based Youth Services to conduct negotiations. If the negotiations do not result in a determination by OJA that the proposal meets the criteria of the State Plan and the solicitation document, a new solicitation document for that designated service area shall be distributed to all designated youth services agencies, subject to the Protest/Appeal provision in these procedures. Until a Contract has been awarded through a new solicitation, the Director for the Division of Community Based Youth Services shall have the authority to contract with one or more designated youth services agencies to ensure services are provided in the designated service area(s) from which a proposal did not result in a contract.

5. Renewals:

OJA may renew the Contracts for a maximum of two additional one-year periods after determining satisfactory performance by the Contractor during each Contract period.

6. Protests/Appeal of Award or Non-renewal.

Notice shall be given to Youth Services Agencies whose proposals are not selected for award or if final agreement cannot be reached during negotiations. Youth Services Agencies may appeal the contract award or contract negotiation decision to the OJA Chief of Staff. During the appeal process and until the decision is final, the Youth Services Agency Contract shall continue to be in effect.

- a. The appeal shall be in writing and received within ten business (10) days from the date of the Notice. The agency making the request shall submit the appeal to the OJA Chief of Staff, 3812 N. Santa Fe, Suite, 400, P.O. Box 268812, Oklahoma City, Ok. 73126-8812 or deliver the appeal to 3812 N. Santa Fe, Suite 400, Oklahoma City, Oklahoma. An appeal mailed to OJA is considered submitted upon receipt by the OJA Chief Of Staff. A designated OJA staff member shall stamp the appeal upon receipt to show the date of submission.
- b. Content of appeal. The appeal shall address the requirement in this policy and clearly state the agency's attempts to resolve the relevant issues with the Division Director of Community-based Youth Services. The written appeal shall include any legal grounds, if known, and other relevant information or views on which the agency relies. A copy of any reference or source cited shall be submitted with the petition unless the reference or source is readily available to OJA. The appeal shall also contain a section on the requested remedy outlining any financial analysis conducted by the Youth Services Agency. The appeal shall be signed by the agency director or the authorized representative, and contain the printed name, address, and day telephone number of the agency director or designee.
- c. Notification of receipt. The OJA Chief of Staff shall send the agency written notification of receipt of the appeal within five (5) business days after receipt.
- d. Consideration and disposition. Within fifteen (15) business days after submission of the appeal, the Chief of Staff, after review of the relevant records and

contact with the Division Director of Community-based Youth Services shall approve or deny the appeal.

- e. Notification of approval or denial of appeal. The OJA Chief of Staff or Designee shall notify the agency within five (5) business days of disposition. If the appeal is denied, the Chief of Staff shall provide written notification that the agency may request a formal review before the Executive Director. If the agency does not make written request for formal review within ten (10) business days after receiving notification, no further action shall be taken.
- f. Formal Review. If the agency requests a formal review, the agency director or designee shall submit the written request to the OJA Executive Director. The Executive Director shall set a review meeting with the agency director or designee, Division Director of Community-based Youth Services and any other parties deemed appropriate by the Executive Director.
 - (1) The agency shall submit to OJA any additional information necessary to support their position.
 - (2) During the review meeting, the agency shall present arguments as contained in their request for review and additional information submitted. The Chief of Staff, Division Administrator, General Counsel, or designee shall have the opportunity to present.
 - (3) The Executive Director shall either approve or deny the appeal.

g. Contracts for CBYS Technical Assistance. Contracts negotiated by OJA with the Oklahoma Association of Youth Services (OAYS), or another Oklahoma nonprofit corporation, hereinafter referred to as "suppliers", whose membership consists solely of Youth Services Agencies and of whom at least a majority of Youth Services Agencies are members.

- 1. Proposals. OJA shall solicit proposals from suppliers that meet the membership requirements required by law for each new contract award period. Once submitted, all proposals shall be kept confidential until the submission deadline has passed. The contract award periods shall be congruent with the state fiscal year.
- 2. Solicitation process.
 - a. Notice: OJA shall solicit proposals by providing public notice on the OJA public website, and by electronic and first class mail to qualified suppliers. Notification will be given at least 60 days prior to the due date for proposals and shall include

a statement setting forth the time, place and manner for submission of proposals. The notice shall further state the scope of technical assistance available from OJA during the solicitation period.

b. Criteria: The solicitation shall require that proposals be specific in terms of its program objectives and goals and shall state the specific service or services to be performed.

3. Development:

The solicitation development team shall be designated by the Executive Director. The solicitation development team shall develop objective criteria to evaluate the merit of proposals prior to public notice of the solicitation. Evaluation criteria will be weighted based upon those factors deemed essential for successful achievement of the contract as set forth in the solicitation document.

4. Submission:

Proposals shall be submitted to the administrator of CPU and evaluated for basic responsiveness and submission guidelines

5. Selection process.

The Executive Director shall designate members of OJA program staff to serve on a proposal selection panel. Each person on the evaluation team shall complete a Conflict of Interest Statement for Evaluation Team, DCS/Purchasing Form 012. The proposal selection panel shall be provided copies of the proposals. The selection panel shall evaluate each proposal and make a written recommendation to the Executive Director. The recommendation shall include a statement with regard to each proposal as to whether the proposal meets the criteria set forth in the solicitation document or whether further negotiation is required. If further negotiation is required the recommendation shall include a statement as to which specific items require negotiation.

6. Award process.

If the Executive Director approves the recommendation of the selection panel, the OJA CPU will issue an awarded contract, with an encumbrance document and distribute to the Division responsible for contract monitoring. If further negotiation is required, the Executive Director shall direct the Division Director of Community Based Youth Services to conduct negotiations. If the

negotiations do not result in a determination by OJA that the proposal meets the criteria of the solicitation document, a new solicitation document shall be distributed to all qualified Suppliers.

7. Renewals:

OJA may renew the Contract for a maximum of two additional one-year periods after determining satisfactory performance by the Contractor during each Contract period.

8. Protests/Appeal of Award.

Notice shall be given to Suppliers whose proposals are not selected for award or if final agreement cannot be reached during negotiations. Suppliers may appeal the contract award or contract negotiation decision to the OJA Chief of Staff. During the appeal process and until the decision is final, the current Contract shall continue to be in effect.

- a. The appeal shall be in writing and received within ten business (10) days from the date of the Notice. The Supplier making the request shall submit the appeal to the OJA Chief of Staff, 3812 N. Santa Fe, Suite, 400, P.O. Box 268812, Oklahoma City, Ok. 73126-8812 or deliver the appeal to 3812 N. Santa Fe, Suite 400, Oklahoma City, Oklahoma. An appeal mailed to OJA is considered submitted upon receipt by the OJA Chief Of Staff. A designated OJA staff member shall stamp the appeal upon receipt to show the date of submission.
- b. Content of appeal. The appeal shall address the requirements in this policy and clearly state the Supplier's attempts to resolve the relevant issues with the Division Director of Community-based Youth Services. The written appeal shall include any legal grounds, if known, and other relevant information or views on which the Supplier relies. A copy of any reference or source cited shall be submitted with the petition unless the reference or source is readily available to OJA. The appeal shall also contain a section on the requested remedy outlining any financial analysis conducted by the Supplier. The appeal shall be signed by the Supplier's director or the authorized representative, and contain the printed name, address, and day telephone number of the Supplier's director or designee.
- c. Notification of receipt. The OJA Chief of Staff shall send Supplier written notification of receipt of the

appeal within five (5) business days after receipt.

- d. Consideration and disposition. Within fifteen (15) business days after submission of the appeal, the Chief of Staff, after review of the relevant records and contact with the Division Director of Community-based Youth Services shall approve or deny the appeal.
- e. Notification of approval or denial of appeal. The OJA Chief of Staff or Designee shall notify the Supplier within five (5) business days of the disposition. If the appeal is denied, the Chief of Staff shall provide written notification that the Supplier may request a formal review before the Executive Director. If the Supplier does not make written request for formal review within ten (10) business days after receiving notification, no further action shall be taken.
- f. Formal Review. If the Supplier requests a formal review, the Supplier's director or designee shall submit the written request to the OJA Executive Director. The Executive Director shall set a review meeting with the Supplier's director or designee, Division Director of Community-based Youth Services and any other parties deemed appropriate by the Executive Director.
 - (1) The Supplier shall submit to OJA any additional information necessary to support their position.
 - (2) During the Review Meeting, the Supplier shall present arguments as contained in their request for review and additional information submitted. The Chief of Staff, Division Administrator, General Counsel, or designee shall have the opportunity to present.
 - (3) The Executive Director shall either approve or deny the appeal.

10. Records for Agency Acquisitions issued by Divisions For agency acquisitions issued by divisions, the division shall send all documents for each completed acquisition to the CPU. The Contracts and Procurement Unit shall maintain records for acquisitions the agency CPO makes.

- A. Procurement Records. The CPU shall arrange documents in ascending order based on the purchase order number and place them in a completed acquisition file.
- B. File Retention. The CPU shall store and retain all records relative to acquisitions and contracts for the required period of time pursuant to the OCPA and rules of the

Purchasing Division; pursuant to the records disposition schedule.

C. Audit. Records shall be available for audit as the Director of the DCS or the State Purchasing Director requires.

11. Sole Source/Sole Brand

A. Requesting Division Responsibilities

1. Product or Service Specifications. Each requesting Division Director must specifically define, without reference to brand or vendor, the product or services needed.
2. Validation of Sole Source/Sole Brand. Each requesting division or program manager shall validate that the product or service specified is the only brand or can only be provided by one vendor. The requesting division shall use the DCS Sole Source/Sole Brand Affidavits Attachment 2 that lists the eight circumstances which may justify a sole source/sole brand acquisition and the requirements which the supporting affidavit must meet.
3. Market research requirements. Each requesting division must conduct and document any/all information gained during the market research analysis. Documentation shall include but is not limited to the following requirements:
 - a. All vendors contacted and results documented
 - b. All state agencies contacted to determine if the services can be provided within the mission of an agency agreement
 - c. All current state or federal contracts researched to determine if one could be utilized to provide the services or product
 - d. Written documentation of other research conducted to validate and justify the sole source/sole brand on the OJA Form (DFS-31), pursuant to the DCS Sole Source/Sole Brand Affidavits Attachment 2.
 - e. Draft Sole Source/Sole Brand Affidavit (DCS Form 002)
 - f. Submit all information listed above to the CPU Administrator.

B. CPU Responsibilities. The CPU unit shall review all required documentation for completeness, and submit the documentation with the Sole Source/Sole Brand Affidavit to the Executive Director.

C. The Executive Director may request additional information, clarification, or justification from the requesting division, the CPU Administrator or other source prior to approving or disapproving a Sole Source/Sole Brand Affidavit.

- D. If the sole source/sole brand is approved, the Executive Director shall return the documentation and Affidavit to the CPU Administrator. The CPU Administrator will notify the CFO for presentation to the OJA Board at the next regularly scheduled meeting or update any previous Sole Source/Sole Brand acquisition that has significantly changed since the previous notification to the OJA Board.
- E. The approved Sole Source/Sole Brand DCS Purchasing Form 002 shall be sent for processing and approval by the State Purchasing Director.
- F. A copy of all material utilized in the decision making process shall be maintained in the CPU contract file. All rejected sole source/sole brand requests will be maintained in a separate CPU file and destroyed pursuant to the Records Disposal Schedule.

12. Emergency Acquisitions

A. Emergency Acquisition

1. Each OJA operated facility shall have an emergency action plan that includes a list of emergency contact numbers. The list should include:
 - a. Maintenance supervisors
 - b. 24-hour emergency numbers for vendors in the different trades to make emergency repairs
 - c. Administrator on Duty
 - d. Division Director
 - e. CPO
 - f. OJA Risk Manager
2. The facility administrator may authorize an emergency purchase pursuant to the definitions of emergency if the facility administrator reasonably believes that the emergency purchase provides relief from a condition that endangers human life or safety or poses imminent danger to significant property.
3. The facility administrator shall promptly notify the affected Division Director of the actions taken or that will be taken to remedy the emergency.
4. The facility administrator shall notify the CPO on or before the next working day following the emergency and submit the acquisition forms to the CPO within two working days following the emergency acquisition with a statement

of the emergency.

5. For an emergency acquisition authorized by 74 O.S., Section 85.7A.4., the agency CPO shall submit the requisition to the State Purchasing Director within five (5) days following the acquisition along with a statement of emergency.
6. Emergency acquisitions authorized by 61 O.S. Section 130. E., in situations where an emergency expenditure does not exceed \$35,000, the OJA board has granted the Executive Director the authority to declare an emergency and expend the funds. The agency chief administrative officer shall report the emergency with a statement of the reasons for the action within ten (10) days of the emergency declaration and include the official minutes of the OJA Board, if applicable, to the State Construction Administrator of the Department of Central Services, pursuant to O.S. 61, Section 130. et seq.

13. Duties of CPU Procurement Staff

- A. General. CPU Procurement Staff CPO, under the direction of the Primary and Secondary agency CPO, shall review the acquisition forms to ensure completion prior to final processing. The CPU Procurement Staff CPO may advise and assist the divisions in the preparation of the forms. The CPU Procurement Staff CPO may clarify entries on the forms with the division prior to processing. The CPU Procurement Staff CPO shall return incomplete or incorrect forms to the division. The division shall correct and resubmit the forms to the CPU Procurement Staff CPO. The CPU Procurement Staff CPO shall not submit an incomplete form for processing without attaching a narrative, which clearly outlines the reasons for submission.
 1. The Primary or Secondary CPO shall make acquisitions exceeding \$2,500.00 but not exceeding the DCS authorized amount pursuant to the OCPA, rules of the Central Purchasing Division, provisions of the State Use Committee, and OJA internal purchasing procedures.
 2. The Primary or Secondary CPO shall review informal quotes and formal bids to determine the awards based on lowest and best or best value.
 3. The CPU Procurement Staff CPO shall assist the Division in monitoring contract performance.
- B. Absences. The Primary agency CPO shall notify Division

Directors in advance of planned absences. The notice shall include the planned duration of the absence and instructions to send all documents to the Secondary agency CPO. For unplanned absences, the Chief Financial Officer shall notify Division Directors to send documents to the Secondary agency CPO. Unless the Primary agency CPO or the CFO sends notice, Division Directors shall send documents related to procurement to the Primary agency CPO. In the event the Primary CPO and Secondary CPO are both absent, notification by the CFO will be given in writing to Division Directors as to whom and where to send documents related to procurement.

14. Exceptions to Policy

A. Division Directors. If a Division Director needs an exception from a provision of these procedures, he/she shall request consideration of the Executive Director in writing. Each exception request should include:

1. Policy section and subsection
2. Justification
3. Proposed effective date for the exception

B. Executive Director. The Executive Director may consider a request for an exception. If the Executive Director grants an exception, he/she shall notify the Primary agency CPO and the Division Director of the conditions of the exception.

15. Noncompliance Penalties. Unless otherwise authorized in writing by the Executive Director, all OJA employees shall follow provisions of these procedures. Violations of these procurement procedures could result in corrective disciplinary action. Upon discovery of a violation of these procedures, the respective Division Director shall submit a corrective action plan to the Executive Director, CFO and Primary agency CPO that includes the following information:

- A. An Explanation of how the violation occurred,
- B. The names of the employee responsible for the occurrence/violations,
- C. A description of the controls that were implemented to assure that the occurrence/violation will be prevented in the future,
- D. The signature of the employee, that employee's supervisor and Division Director.

IV. CONTRACTS/PROFESSIONAL SERVICES

1. General Provisions. All bilateral contracts for products and services shall comply with the preceding provisions of the OJA procurement procedures, with the exceptions stated in this section.

A. Contract Liaison. Each Division Director or designee shall designate a Contracts Liaison to handle routine matters relating to contracts.

B. Final Contract/Agreement Approval. The official signature authority set forth by the Executive Director shall determine final approval of all contracts/agreements.

C. Prior to agency execution, all contracts/agreements shall be approved "as to form" by an OJA attorney.

2. Requests for Bilateral Contracts

A. Divisions shall complete the Professional Initiation Request Form for initial contracts as specified on the Form.

B. Contracts shall be developed through a joint collaboration between the requesting division, legal and CPU.

C. Unless otherwise authorized, CPU shall generate all bilateral agreements and service contracts.

D. Divisions shall request subsequent annual contracts on the ADM-2, the DCS purchasing system requisition or the DCS Change Order Form for contracts with options to renew for additional years to the agency CPO.

3. Contract Review Sheet. The CPU Procurement Staff CPO shall produce and attach a Contract Review Sheet to each bilateral agreement or contract.

A. The Contract Review Sheet shall include signature blocks for appropriate personnel, as defined below, to signify review. At a minimum, unless exempt by this procedure, appropriate personnel from the following areas shall be required to sign a Contract Review Sheet prior to final processing: Requesting Division, Legal Division, Finance Division, Budget Unit and Procurement Unit. With the exception of sole source/sole brand contracts, if a specific contract conforms in all respects with an approved master contract, the Legal and Finance review requirement is waived.

B. Divisions may return the contract documents to the CPU Procurement Staff CPO for further action at any time during

the review process, and shall return the documents to the CPU Procurement Staff CPO at the completion of all reviews.

4. Monitoring and Review

- A. The requesting division shall submit a detailed Work Plan (OJA DFS-20) specifying agency personnel to monitor and periodically audit the performance of each professional or nonprofessional service contract at the time of the request. The Activities of the agency monitoring personnel must be documented throughout the term of the contract.

- B. Pursuant to the OCPA, the agency personnel assigned to monitor performance shall complete the DCS Central Purchasing Division Professional Service Evaluation Form 017. If the evaluation is unfavorable, the agency CPO shall send the completed evaluation form to the DCS Central Purchasing Division within 60 days of the end of the contract.

REFERENCES:

State Statutes:

10 O.S., §7302-1.1(7)
74 O.S., §85.7(4)(5)
74 O.S., §85.39
61 O.S., §130(E)

OJA RULE:

377:3-19-3

ACA STANDARDS:

2-7066
3-JCRF-1B-02
3-JCRF-1B-11
3-JCRF-1B-12
3-JTS-1B-03
3-JTS-1B-14