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<b>Acquisitions and Dispositions</b>	<b>ACA Standards: 2-CO-1B-09, 2-CO-1B-10, 4-4038, 4-ACRS-7D-25, 4-ACRS-7D-26, 4-APPFS-3D-21</b>		
<b>Joe M. Allbaugh, Director</b> <b>Oklahoma Department of Corrections</b>	<b>Signature on File</b>		

## Acquisitions and Dispositions

The Oklahoma Department of Corrections' (ODOC) purchasing procedures shall comply with the provisions of the State Constitution, the [Central Purchasing Act](#) (74 O.S. § 85.1 et seq.); provisions of the State Use Committee;, State of Oklahoma Purchase Card Procedures;, the Oklahoma Administrative Code ([Central Purchasing Rules](#), OAC 260:115;, Construction and Properties, OAC 260:65, and Public Buildings and Public Works 61 O.S.). These purchasing procedures will be effective upon approval by the Director of the Office of Management and Enterprise Services (OMES), based on review and approval by the State Purchasing Director, pursuant to 74 O.S. § 85.39, and shall govern all acquisitions made by ODOC. (2-CO-1B-09, 2-CO-1B-10, 4-4038, 4-ACRS-7D-25, 4-ACRS-7D-26, 4-APPFS-3D-21)

### I. Authority

#### A. State Constitution

Article X, Section 23 of the State Constitution directs all state agencies to operate under a balanced budget system. As a result, 62 O.S. § 34.62 requires that all acquisitions have the proper purchasing documents in place and the proper funds encumbered prior to the obligation being made.

#### B. Oklahoma Central Purchasing Act

The Oklahoma Central Purchasing Act (ACT) gives OMES the authority to direct all activities of any state agency, department, or institution related to the acquisition of products and services unless specifically excluded by the Act. The Central Purchasing Division of the Office of Management and Enterprise Services (OMES) has the authority and oversees acquisitions of products and services that do not involve information technology or

telecommunications. The Information Services Division (ISD) of OMES has the authority and oversees acquisitions of information technology and telecommunications products and services. The Central Purchasing Act requires each state agency to develop internal purchasing procedures that include at minimum provisions for needs assessment, funding, routing, review, audits, monitoring, and evaluations.

C. Oklahoma Administrative Code (OAC)

Pursuant to and in compliance with the Central Purchasing Act, and Public Buildings and Public Works, the Director(s) of Central Purchasing at OMES, and Construction and Properties at OMES-DCAM promulgate rules that govern and prescribe agency and supplier purchasing procedures. These rules are the Central Purchasing Administrative Rules (OAC 260:115) and Construction and Properties Administrative Rules (OAC 260:65).

D. Additional Guidance

In addition to the Central Purchasing Rules, Central Purchasing (CP), Construction and Properties Division (CAP) (a Division of Capital Asset Management of OMES), and ISD also provide guidance to state agencies through issuance of Procurement Information Memorandum (PIM) and Certified Procurement Officer (CPO) announcements.

II. Coordination of ODOC Purchasing Activities

A. Contracts and Acquisitions Unit Responsibilities

1. Each state agency, department, and institution will designate personnel to coordinate its purchasing functions with the CP, CAP, and ISD. ODOC has designated the Contracts and Acquisitions Unit to coordinate all purchasing activities for the agency. (4-APPFS-3D-21)
2. The Contracts and Acquisitions Unit serves as the point of contact with the CP, CAP, and ISD on all ODOC purchasing matters and is the office of record for agency issued purchase orders.

B. Certified Procurement Officer (CPO)

1. The State Purchasing Director is required to provide education to purchasing officials and other purchasing staff on matters related to state procurement practices through adequate and proper communication tools. The State Purchasing Director is also responsible for the certification of state "Certified Procurement Officers" (CPOs). (74 O.S. § 85.5(d))

2. Only CPOs that are current employees of the Contracts and Acquisitions Unit are authorized to make acquisitions or purchasing decisions that require CPO certification by the Central Purchasing Act, Central Purchasing Rules, or ODOC Purchasing Procedures. The OMES-FORM-CP-001 (Authorized Signature) shall be forwarded to CP within 30 days of any change in the authorized signatures. (OAC 260:115-5-13)
3. CPOs shall maintain their certification in accordance with the requirements of the CPO Procurement Training Program established by the State Purchasing Director. (OAC 260:115-5-3(f))

C. Needs Assessment

Each department, facility, district, division, or unit within ODOC is responsible for determining the quantity and general class and nature of items that are needed to perform their official function. Upon determination that an acquisition is required, the department, facility, district, division, or unit will conduct a needs assessment which will include, but not be limited to, documentation of the following:

1. Definition of the requirement (Specific description of what is being requested);
2. Analysis of existing agency resources (Verification that the product or service needed is not available from internal ODOC resources);
3. Objective of the acquisition (Specific description of the purpose, or why the product or service is needed);
4. Evaluation of the procurement methods to determine the optimum process for the agency need (Verification that proper procurement method, in accordance with state purchasing requirements, has been identified);
5. Development of the specifications or statement of work that maximizes reasonable competition (If acquisition requires open market solicitation, confirmation that specifications have been developed that are non-restrictive and will maximize competition);
6. Pertinent information (Description of any other details or information that is needed to support the acquisition);
7. Labor (Description of any labor that will be involved with the acquisition, including who will be doing the labor [i.e., "installation of equipment to be completed by contractor"]);
8. Total project (Description of the "known quantity" of the item needed. And if the acquisition is part of a larger project, the

estimated total project amount, how much has been spent to date, and what procurement method was used); and

9. Impact on agency/unit if denied.

D. Funding

Each department, facility, district, division, or unit within ODOC is responsible for identifying and providing the appropriate funding distribution information for all acquisitions.

E. Routing and Review

1. For acquisitions that fall under CP authority, the proper PeopleSoft document must be created by the department, facility, district, division, or unit making the acquisition. All required documentation will be routed electronically to the Contracts and Acquisitions Unit for review and processing by a CPO. All required signatures and approvals will be obtained by the requesting ODOC unit, with the exception of the director's signature (if required) prior to routing to the Contracts and Acquisitions Unit. The Contracts and Acquisitions Unit will facilitate obtaining the director's signature, as applicable, prior to processing an acquisition.
  - a. An unauthorized purchase order can be created and routed for non-competitive acquisitions (direct orders, SW releases, Title 18, etc.) and informal solicitations (\$5,000-\$10,000).
  - b. An Electronic Procurement (ePro) requisition must be created and routed for formal solicitations and any acquisition that requires that the purchase order be issued by CP, CAP, or ISD. An Electronic Procurement (ePro) requisition will be completed for all acquisitions that the Contracts and Acquisitions unit will conduct an open market solicitation, with the exception of exempt items for OCI and Agri-Services.
2. All acquisitions that fall under the authority of ISD, regardless of dollar amount or method of acquisition, require prior ISD approval. A requisition must be created in the ePro module of PeopleSoft by the department, facility, district, division, or unit making the acquisition regardless of the method of acquisition utilized. Electronic Procurement (ePro) will electronically route the requisition through the basic pre-defined ODOC approvals required using the ePro workflow built into the system. Change orders for acquisitions that fall under ISD, will also require prior approval by entry into and routing through the ePro module. Any additional approvals that are required by the department, facility, district, division or unit that fall outside of the routing that is setup in the

ePro workflow system, will be obtained by the requesting ODOC unit, with the exception of the director's signature (if required) prior to entry into ePro. All approvals and other required documentation that supports the acquisition or change order will be attached to the requisition in ePro at the time of creation. The Contracts and Acquisitions Unit will facilitate obtaining the director's signature manually, as applicable, prior to processing an acquisition.

3. The CPO will review the submitted documents for compliance with state purchasing requirements and will process the acquisition internally or, if required, submit the acquisition documents to CP, CAP or ISD as required for processing.

### III. Methods of Acquisition

This section describes all of the methods of acquisition that are defined by state purchasing statutes and rules. Some methods of acquisitions are mandatory and have priority over other methods.

#### A. Oklahoma Correctional Industries & Agri-Services

Pursuant to [OP-080104](#) entitled "Purchase of Products and Services from Correctional Industries," the purchase of products and services from Oklahoma Correctional Industries (OCI) and Agri-Services by ODOC departments, facilities, districts, divisions, and units is mandatory and takes priority over any other method of acquisition, unless the product or service is not available and a reasonable alternative cannot be developed. A DOC department, facility, district, division, or unit cannot purchase the product or service from another source unless the Administrator of OCI or Agri-Services, or a designated industries staff member grants a written exemption from making the acquisition. If an exemption is granted then the acquisition will be processed in accordance with Central Purchasing Act and Central Purchasing Rules requirements. Because the State Use statutes do not prohibit ODOC from manufacturing or supplying its own products or services for its own use, OCI and Agri-Services is a higher priority than State Use suppliers, which means if an acquisition is available from the State Use Committee procurement schedule and from OCI or Agri-Services, ODOC will make the acquisition from OCI or Agri-Services.

#### B. State Use

ODOC is required to make acquisitions from supplier/contractor(s) on the State Use Committee procurement schedule, when all three of the following are true:

1. The item is not available from OCI or Agri-Services;
2. A fair market price has been established through the State Use Committee process defined in 74 O.S. §3001 et seq.; and

3. The supplier's delivery date meets state agency requirements.

If a State Use supplier is unable to meet delivery requirements, an exception may be requested from the State Use Administrator through Contracts and Acquisitions. State Use Committee statewide contracts are mandatory (74 O.S. § 85.5.E.3 and OAC 260:115-7-3) and take priority over mandatory statewide contracts.

C. Statewide Contracts

Statewide contracts awarded by CP, CAP, and ISD are designated as either mandatory or non-mandatory.

1. If a product or service is on a mandatory statewide contract and it is not available from OCI/Agri-Services and it is not a State Use item with a fair market price established, the mandatory statewide contract must be used by ODOC regardless of the purchase price, unless a written waiver is requested and approved by the State Purchasing Director or ISD. To request a waiver from a mandatory statewide contract, the ODOC department, facility, district, division, or unit will submit a request (OMES-FORM-CP-109) and proper supporting documentation to their assigned buyer within the Contracts and Acquisitions Unit. The buyer will review and submit the request to the State Purchasing Director. Upon approval or denial of the request, the buyer will notify the requesting department, facility, district, division, or unit.
2. Non-mandatory statewide contracts are optional and state agencies are encouraged to use them. They are set up for convenience and allow ODOC to process an acquisition (regardless of the total dollar amount) directly without having to complete a competitive bid process. If an item is on a non-mandatory contract and ODOC decides not to utilize the contract, the acquisition must be processed in accordance with the Central Purchasing Act, and Central Purchasing Rules, which may require a competitive bid process.

D. Other Governmental Agencies

ODOC may contract with any other governmental entity pursuant to 74 O.S. § 581 or §1001 through §1008, which includes political subdivisions of the state or another state, and any agency of this state or of the United States. Acquisition with other governmental entities will not be made for the purpose of evading competitive bidding requirements, provisions of the Central Purchasing Act, the Central Purchasing Rules, or provisions related to the State Use Committee.

E. Title 18 - Professional Service Entity Act

The Central Purchasing Act exempts certain types of professional services from competitive bid regardless of the total acquisition price. Only those disciplines specifically listed in 18 O.S. § 803 are exempt. The services being provided in the contract must be pursuant to the individual's license in the discipline listed in Title 18. The department, facility, district, division or unit within ODOC requiring the services will develop a scope of work detailing all of the responsibilities of the contractor and ODOC. The contract will include the scope of work, the agreement period, the proper statutory citation and general terms and conditions required by state purchasing laws. A template that has been pre-approved by ODOC's General Counsel can be obtained from the Contracts and Acquisitions Unit. Title 18 contracts that do not utilize the pre-approved template will require review and approval by ODOC's General Counsel prior to the agency signing. The contractor is required to sign the OMES-CP-FORM-004 (Non-collusion Certification), as well as the OMES-CP-FORM-021 (Professional Service Contract Certification).

A monitoring plan must be developed by the using department, facility, district, division or unit to identify the agency personnel responsible for monitoring the contract and the activities they will complete to document the contractor's compliance with contractual requirements. The original contract, proper PeopleSoft document, required forms, insurance documents as required by the contract template, and other contract documentation will be routed to the Contracts and Acquisitions Unit for issuance of a purchase order prior to the commencement of work. (OAC 260:115-9-1(h))

F. Fixed and Uniform Rate Contracts

Pursuant to 74 O.S. § 85.7.A.11., fixed rate contracts are limited to contracts for those services furnished to persons directly benefiting from such services and cannot be used to employ consultants or to make other acquisitions. There is a multi-phase process that must be completed before a service can be qualified as a fixed rate service and a rate can be established for the service. A pre-approved template can be obtained from the Contracts and Acquisitions Unit. Fixed rate contracts that do not utilize the pre-approved template will require review and approval by ODOC's General Counsel prior to the agency signing. A monitoring plan must be developed by the using department, facility, district, division or unit to identify the agency personnel responsible for monitoring the contract and the activities they will complete to document the contractor's compliance with contractual requirements. The original contract, proper PeopleSoft document, insurance documents as required by the contract template, and other contract documentation will be routed to the Contracts and Acquisitions Unit for issuance of a purchase order prior to the commencement of work. (OAC 260:115-7-40)

G. Sole Source or Sole Brand

Sole source or sole brand acquisitions will comply with 74 O.S. §§ 85.45j. and 85.45j.1. All Sole Brand/Sole Source acquisitions require that the department, facility, district, division or unit within ODOC complete a certification (OMES-CP-FORM-002) providing the justification for the Sole Source or Sole Brand, obtain a signed Sole Source/Sole Brand Acquisition Form (OMES-CP-FORM-024) (*used only for sole sources, not sole brands*), a signed OMES-CP-FORM-004 Certification for Competitive Bid and/or Contract, and create the proper PeopleSoft document for routing to the Contracts and Acquisitions Unit. The OMES-CP-FORM-024 may be used when meeting criteria as expressed in Procurement Information Memorandum (PIM) 08242015 found on the OMES/Central Purchasing website library. The administrator of General Services will review, and if in agreement with the justification of the sole source or sole brand, will forward to the director for review and approval. Verification that a supplier is registered with CP prior to award of contract is mandatory. Award of contract will only be made to registered suppliers and posted online at the Contracts and Acquisitions web page. (OAC 260:115-3-3 and 115-3-17)

H. Construction and Properties Division (CAP) (a Division of Capital Asset Management of OMES)

CAP is responsible for assisting and advising the using state agency, other departments and divisions of state government, in planning, programming, arranging and contracting for the services of professionals for the planning, design and construction of assigned projects and contracting for construction. The Division is also responsible for implementing the Public Competitive Bid Act, 61 O.S., Sections 101 through 138.

"Construction" means the process of planning, acquiring, designing, building, equipping, altering, repairing, improving, maintaining, or demolishing any structure or appurtenance thereto including facilities, utilities, or other improvements to any real property but not including highways, bridges, airports, railroads, tunnels, sewers not related to a structure or appurtenance thereto, or dams (61 O.S. § 202.A.2).

1. Acquisitions not exceeding \$5,000 (61 O.S. § 103 (C)).

Departments, facilities, districts, divisions, and units are authorized to complete open market acquisitions utilizing a purchase card (p-card), or by routing the proper PeopleSoft document to the Contracts and Acquisitions Unit.

- a. The acquisition shall be conducted using a fair and reasonable method of acquisition and supplier/contractor selection.
- b. DCAM-FORM-CAP-M601 (Contract for Minor Construction Work Not to Exceed \$5,000.00) along with all required

documentation according to that form must accompany your method of payment.

2. Acquisitions exceeding \$5,000 and not exceeding \$50,000 (61 O.S. § 103 (B)).

Departments, facilities, districts, divisions, and units are authorized to complete open market acquisitions that are initiated at the local level and completed by CAP.

- a. The department, facility, district, division, or unit within ODOC shall create and route the proper PeopleSoft document along with the DCAM-FORM-CAP-M701 (Project Requisition Checklist and Fee Schedule) and all required documentation according to that form to the Contracts and Acquisitions Unit.
- b. The acquisition shall be conducted using the DCAM-FORM-CAP-M800 (Procedures & Forms for Bidding Projects Under the Statutory Limit).

3. Acquisitions exceeding \$50,000 (61 O.S. § 103 (A)).

Acquisitions shall be made utilizing a competitive formal solicitation process that is completed by CAP.

- a. The department, facility, district, division, or unit within ODOC shall create and route the proper PeopleSoft document along with the specifications/scope of work and evaluation criteria for the acquisition to the Contracts and Acquisitions Unit.
- b. An authorized CPO shall review the documents and route them to CAP as appropriate for facilitation of the competitive solicitation process.

#### I. Open Market Acquisitions

Acquisitions that do not fit into any other method of acquisition category must be processed as open market acquisitions in accordance with the thresholds and requirements defined by the Central Purchasing Act and Central Purchasing Administrative Rules. Service contracts must comply with PREA requirements per Section VI. item A. of this procedure. The thresholds for open market acquisitions for ODOC are as follows:

1. Open Market Acquisitions not exceeding \$5,000 (OAC 260:115-7-11)

Departments, facilities, districts, divisions, and units are authorized to complete open market acquisitions utilizing a purchase card (p-card), or by routing the proper PeopleSoft document to the Contracts and Acquisitions Unit.

- a. The acquisition shall be conducted using a fair and reasonable method of acquisition and supplier/contractor selection. The selected supplier/contractor does not have to be registered with CP prior to an acquisition being made.
- b. If the acquisition is for a service, the department, facility, district, division, or unit shall obtain proof of worker's compensation insurance or proof of an alternative or exemption authorized by state law from the contractor prior to commencement of any work.
- c. If the supplier/contractor will be working on-site at ODOC property or there is a risk of damage to ODOC assets, the department, facility, district, division, or unit shall obtain proof of general liability coverage, worker's compensation insurance and automobile insurance coverage, as necessary, from the contractor prior to commencement of any work.
- d. If applicable, the CPO will review the PeopleSoft document to ensure completeness and compliance with purchasing regulations. Upon approval, the CPO will facilitate ISD approval if required, issue the purchase order and forward to the supplier/contractor and the originating department, facility, district, division, or unit.

2. Open Market Acquisitions over \$5,000 and not exceeding \$10,000 (OAC 260:115-7-13)

Departments, facilities, districts, divisions, and units within ODOC are authorized to solicit price quotes/responses for open market acquisitions between \$5,000 and not exceeding \$10,000 for processing and award by an authorized CPO within the Contracts and Acquisitions Unit.

- a. Specifications (scope of work for services) shall be developed that detail the requirements of the product or services required by ODOC. Specifications must provide a thorough description of what is required and shall include details of the quantity needed, special delivery or installation requirements, security issues or limitations, and any other pertinent information, as well as, any information that is required to be submitted with a bidders quote/response. The method of evaluation shall also be determined as either

lowest and best or best value. If best value criteria is used to determine award, a scoring tool must be developed prior to the solicitation process being conducted.

- b. Prices, delivery dates, and any other required information shall be solicited by mail, telephone, and facsimile or by means of electronic commerce. Documentation of the pricing and delivery dates shall be obtained from each of the bidder.
- c. A minimum of three bidders shall be solicited. The bidders solicited do not have to be registered with CP; however, if selected for award, the bidder shall be required to become "registered" before an award can be made. Bidders can complete the registration process online using the CP website [www.vendors.ok.gov](http://www.vendors.ok.gov).
- d. Specifications, evaluation criteria, and a Certification for Competitive Bid and Contract (Non-collusion Certification) OMES-CP-FORM-004 shall be provided to each bidder solicited.
- e. Verification that the bidder that is being recommended for award has obtained a current sales tax permit in accordance with Oklahoma law must be documented using the CP link or the Oklahoma Tax Commission or has completed the Oklahoma "Sales Tax Statement of Exemption" form.
- f. If the acquisition is for professional services, an OMES-CP-FORM-021 (Professional Service Contract Certification) shall be signed by the bidder being recommended for award.
- g. If the contractor/supplier will be working on-site at ODOC property, the department, facility, district, division, or unit shall obtain proof of general liability insurance, worker's compensation insurance or proof of an alternative or exemption for the worker's compensation insurance authorized by state law from the contractor prior to commencement of any work.
- h. If the acquisition is for services, a monitoring plan must be developed by the division, facility, district, or unit to identify the agency personnel responsible for monitoring the contract and the activities they will complete to document the contractor's compliance with contractual requirements.
- i. Upon completion of the quote/response process; the department, facility, district, division, or unit shall create and route the proper PeopleSoft document as well as all documentation and information required by this section and

a completed OMES-CP-FORM-023 (Price Quotes) sheet to the Contracts and Acquisitions Unit for review, processing, and award.

- j. Verification that a selected supplier/contractor is registered with CP prior to award of contract is mandatory. Award of contract will only be made to registered suppliers. (OAC 260:115-3-3 and 115-3-17)
- k. A CPO will review the documentation received to ensure completeness and compliance with purchasing regulations. Upon approval the CPO will facilitate ISD approval if required, issue the purchase order and forward to the supplier/contractor and the originating department, facility, district, division, or unit.

3. Open Market Acquisitions over \$10,000 and not exceeding \$25,000 (OAC 260:115-7-13)

Acquisitions shall be made utilizing a competitive formal solicitation process that is conducted and awarded by an authorized CPO, unless there is an extreme volatility in the market place, in which the process will be conducted by the field and awarded by an authorized CPO.

- a. The requesting department, facility, district, division, or unit within ODOC shall develop specifications (scope of work for services) that detail the requirements of the product or services required by ODOC. Specifications provide a thorough description of what is required and should include details of the quantity needed, special delivery or installation requirements, security issues or limitations, and any other pertinent information, as well as, any information required from the bidders. The method of evaluation shall also be determined: lowest and best or best value. If best value criteria will be used to determine award, a scoring tool must be developed prior to submission of the purchasing documents to the Contracts and Acquisitions Unit.
- b. The department, facility, district, division, or unit within ODOC shall create and route the proper PeopleSoft document along with the specifications/scope of work and evaluation criteria/scoring tool, if applicable, to the Contracts and Acquisitions Unit.
- c. A CPO shall facilitate ISD approval, if required, and then complete the solicitation using mail, telephone, facsimile or means of electronic commerce. Based on the complexity of the acquisition, the CPO shall determine the appropriate

solicitation methodology, i.e., formal or informal competitive solicitation.

- d. A minimum of ten bidders for the specified commodity classification from the OMES Central Purchasing Division registered suppliers list, along with any other suppliers identified by ODOC, shall be solicited. Selection of suppliers to be solicited shall be rotated when there are more than ten registered bidders.

Alternately, all registered bidders may be solicited if there are more than ten registered bidders. If there are less than ten registered bidders for the specified commodity classification, all registered bidders shall be solicited.

- e. Specifications, terms and conditions, evaluation criteria, and a "Certification for Competitive Bid and Contract" (Non-collusion Certification) OMES-CP-FORM-004 shall be provided to each bidder solicited.
- f. Verification that the recommended bidder has obtained a current sales tax permit in accordance with Oklahoma law shall be completed using the CP link or the Oklahoma Tax Commission or has filled out the Oklahoma "Sales Tax Statement of Exemption" form.
- g. If the acquisition is for professional services, an OMES-CP-FORM-021 (Professional Service Contract Certification) shall be signed by the bidder being recommended for award.
- h. If the acquisition is for services, a monitoring plan must be developed by the department, facility, district, division, or unit within ODOC to identify the agency personnel responsible for monitoring the contract and the activities they will complete to document the supplier/contractor's compliance with contractual requirements.
- i. A written evaluation of the criteria considered in the selection of the supplier/contractor shall be made.
- j. Verification that a selected bidder is registered with Central Purchasing prior to award of contract is mandatory. Award of contract will only be made to registered suppliers. (OAC 260:115-3-3 and 115-3-17)
- k. A CPO will review and assemble all documentation to ensure completeness and compliance with purchasing regulations. A purchase order will be issued and provided to

the supplier/contractor and the originating department, facility, district, division, or unit.

4. Open Market Acquisitions over \$25,000 and not exceeding \$50,000 (OAC 260:115-7-15)

Acquisitions shall be made utilizing a competitive formal solicitation process that is conducted and awarded by an authorized CPO.

- a. The requesting department, facility, district, division, or unit within ODOC shall develop specifications (scope of work for services) that detail the requirements of the product or services required by ODOC. Specifications provide a thorough description of what is required and should include details of the quantity needed, special delivery or installation requirements, security issues or limitations, and any other pertinent information, as well as, any information required from the bidders. The method of evaluation shall also be determined by either: lowest and best or best value. If best value criteria is used to determine award, a scoring tool must be developed prior to submission of the purchasing documents to the Contracts and Acquisitions Unit.
- b. The department, facility, district, division, or unit within ODOC shall create and route the proper PeopleSoft document along with the specifications/scope of work and evaluation criteria/scoring tool, if applicable, to the Contracts and Acquisitions Unit.
  - (1) A CPO shall facilitate ISD approval, if required, and then complete the solicitation utilizing a formal invitation to bid (ITB) or request for proposal (RFP) process.
  - (2) All bidders for the specified commodity classification from the CP registered suppliers list, along with any other bidders identified by ODOC, shall be solicited.
  - (3) Bidders that have been suspended or debarred by the State Purchasing Director or the Federal Government shall not be awarded a contract.
- c. Specifications, terms and conditions, evaluation criteria, and a Certification for Competitive Bid and Contract (Non-collusion Certification) OMES-CP-FORM-004 shall be provided to each bidder solicited.
- d. Verification that the recommended bidder has obtained a current sales tax permit in accordance with Oklahoma law

shall be completed using the CP link or the Oklahoma Tax Commission or has filled out the Oklahoma "Sales Tax Statement of Exemption" form.

- e. Verification that the recommended bidder is in good standing with the Oklahoma Secretary of State, if required to be registered or has filled out the Oklahoma Secretary of State "Statement of Exemption" form.
- f. Verification that the recommended bidder is in good standing with the U.S. Government using the System for Award Management (SAM).
- g. If the acquisition is for professional services, a OMES-CP-FORM-021 (Professional Service Contract Certification) shall be signed by the bidder being recommended for award.
- h. If the acquisition is for services, a monitoring plan must be developed by the department, facility, district, division, or unit within ODOC to identify the agency personnel responsible for monitoring the contract and the activities they will complete to document the contractor's compliance with contractual requirements.
- i. A written evaluation of the criteria considered in the selection of the supplier/contractor shall be made.
- j. Verification that a selected bidder is registered with Central Purchasing prior to award of contract is mandatory. Award of contract will only be made to registered bidders. (OAC 260:115-3-3 and 115-3-17)
- k. A CPO will review and assemble all documentation to ensure completeness and compliance with purchasing regulations. A purchase order will be issued and provided to the supplier/contractor and the originating department, facility, district, division, or unit.

5. Open Market Acquisitions over \$50,000

Acquisitions shall be made utilizing a competitive formal solicitation process that is completed by either CP (260:115-7-17) or ISD.

- a. The department, facility, district, division, or unit within ODOC shall create and route the proper PeopleSoft document along with the specifications/scope of work and evaluation criteria for the acquisition to the Contracts and Acquisitions Unit.

- b. An authorized CPO shall review the documents and route them to CP or ISD as appropriate for facilitation of the competitive solicitation process.

#### IV. Exempt Acquisitions

Pursuant to 74 O.S. § 85.12 and 74 O.S. § 85.7(A.), there are certain acquisitions that are specifically exempted from the Central Purchasing Act. The following are some of the exemptions that ODOC may utilize:

##### A. Food Purchases

Food and other products produced by state institutions and agencies. (74 O.S. § 85.12.B.1.)

##### B. In-house Printing

Printing or duplication of publications or forms of any kind by ODOC, if the work is performed with ODOC equipment by ODOC employees. (74 O.S. § 85.12.B.2.)

##### C. Regulated Utility Services

Utility services where rates are regulated by a state or federal regulatory commission, municipal ordinance or by an Indian Tribal Council for use by the ODOC. (74 O.S. § 85.12.B.4.)

##### D. Custom Harvesting

Contracts for custom harvesting by ODOC. (74 O.S. § 85.12.B.6.)

##### E. Private Prison Contracts

Contracts with private prison contractors which are subject to the contracting procedures of 57 O.S. § 561. (74 O.S. § 85.12.B.7)

##### F. General Services Administration or Federal Contracts

Acquisitions available through a General Services Administration (GSA) contract or other federal contract if the acquisition is on current statewide contract and the terms of the GSA or other federal contract, as determined by the State Purchasing Director, are more favorable to the agency than the terms of a statewide contract for the same products. (74 O.S. § 85.12.B.19.)

##### G. Canteen Operations

Acquisitions for items that are for resale in and through institutional canteens operated pursuant to 57 O.S. § 537 and 74 O.S. § 85.12.29.

Purchases of items that are sold through the canteen are made directly by each canteen through their local canteen boards and are not covered by this procedure or processed through Contracts and Acquisitions.

H. Raw Materials and Component Parts to Produce Goods for Resale (74 O.S. § 85.12.B.32)

Acquisitions by Oklahoma Correctional Industries (OCI) and the Agri-Services programs of raw materials, component parts and other products, any equipment excluding vehicles, and any services excluding computer consultant services used to produce goods or services for resale and for the production of agricultural products are exempt from the Central Purchasing Act. Such acquisitions are subject to rules and procedures established by the agency and are to be processed with the levels of acquisition authority provided below. The director may in certain instances where it is deemed to be in the best interest of ODOC and the State of Oklahoma, waive the established rules and procedures for a specific OCI or Agri-Services acquisition of raw materials or component parts.

1. Exempt Acquisitions Over \$5,000 and Not Exceeding \$10,000

- a. OCI and Agri-Services are authorized to obtain quotes/responses for acquisitions when the total acquisition does not exceed \$10,000.00.
- b. A minimum of three bidders will be solicited for quotes/responses. Selection of vendors shall be rotated.
- c. Quotes/responses shall be obtained using the most current quote/response sheet approved by the Contracts and Acquisitions Unit.
- d. In addition to the specifications of the items being purchased, each prospective bidder shall receive a copy of the general terms & conditions approved by the Contracts and Acquisitions Unit.
- e. Upon completion of the quote/response process, OCI and/or Agri-Services will forward the following documents to the Contracts and Acquisitions Unit for review and award:
  - (1) Fax confirmation sheets on all bidders solicited that do not respond.
  - (2) A copy of a completed and signed Phone Bid Confirmation Sheet for each vendor providing a quote/response.

- (3) An unauthorized PeopleSoft purchase order with the bidder providing the lowest quote/response attached as the suggested supplier.
  - (4) A completed OMES-CP-FORM-023 (Price Quotes) sheet with original signature of OCI and/or Agri-Services personnel.
  - (5) An authorized CPO will review documentation received to ensure compliance with purchasing regulations, and upon approval, shall make the award by issuance of a purchase order. Upon issuance a purchase order will be provided to the supplier/contractor and to OCI or Agri-Services. The order shall not be placed until the authorized purchase order has been received.
2. Exempt Acquisitions Over \$10,000 and Not Exceeding \$25,000
- a. OCI and Agri-Services are authorized to obtain quotes/responses for acquisitions when the total acquisition is over \$10,000 and does not exceed \$25,000.
  - b. A minimum of ten bidders will be solicited for quotes/responses from the registered suppliers list compiled by the CP and available to state agencies along with any other bidders identified by ODOC.
  - c. Selection of bidders shall be rotated.
  - d. Quotes/responses shall be obtained using the most current quote/response sheet approved by the Contracts and Acquisitions Unit and have at minimum 48 hours between the opening and closing time/date.
  - e. In addition to the specifications of the items being purchased, each prospective bidder shall receive a copy of general terms and conditions approved by the Contracts and Acquisitions Unit. Upon completion of the quote/response process, OCI or Agri-Services will forward the following documents to the Contracts and Acquisitions Unit for review and award:
    - (1) Fax confirmation sheets on all bidders solicited that do not respond.
    - (2) A copy of a completed and signed Phone Bid Confirmation Sheet for each bidder providing a quote/response.

- (3) An unauthorized PeopleSoft purchase order with the bidder providing the lowest quote/response attached as the suggested supplier.
  - (4) A completed OMES-CP-FORM-023 (Price Quotes) sheet with original signature of OCI and/or Agri-Services personnel.
- f. An authorized CPO will review documentation received to ensure compliance with purchasing regulations, and upon approval, shall make the award by issuance of a purchase order. Upon issuance a purchase order will be provided to the supplier/contractor and to OCI or Agri-Services. The order shall not be placed until the authorized purchase order has been received.

### 3. Exempt Acquisitions Over \$25,000

Acquisitions where the total acquisition or the total project amount is greater than \$25,000 will be solicited by the Contracts and Acquisitions Unit. OCI and/or Agri-Services will submit a requisition to the Contracts and Acquisition Unit including detailed specifications of the goods or services needed, along with a list of suggested bidders. A formal competitive solicitation process will be completed by the Contracts and Acquisitions Unit. A minimum of ten bidders will be solicited.

### 4. Exempt Acquisitions - Volatile Commodities and Acquisitions

- a. Certain commodities and acquisitions that fall within the OCI and Agri-Services exemption are recognized as having volatile markets with price changes that are frequent and unpredictable. The volatility of pricing in these markets along with the quantities required, create a situation where time becomes crucial in obtaining pricing and securing a supplier. Those commodities and acquisitions that meet these special requirements have been identified below:

(1) Feed

Consists of ready-made feeds and commodities used to manufacture feed including micro nutrients needed to provide a balanced ration for all livestock.

(2) Seed

Consists of all types of seed needed to produce crops and forage for livestock and human consumption.

## (3) Fertilizer

Consists of all types of bulk fertilizer for crop and forage consumption.

## (4) Spices

Consists of all types of spices used in food production.

## (5) Bulk Meat

Consists of all types of meat used for the production of processed meat products.

## (6) Steel

Consists of but not limited to round tubing, flat strip, angle iron and sheet steel used in the production of finished goods for re-sale.

## (7) Aluminum

Consists of but not limited to sheets, sign holders, sign blanks, coil and post caps used in the production of finished goods for re-sale.

b. OCI and Agri-Services are authorized to obtain quotes/responses for acquisitions of the above listed items when the total acquisition or project price does not exceed \$50,000.00. In the event of extreme volatility in the market, a one-time purchase can be made in excess of \$50,000.00, pending approval by the director.

(1) A minimum of ten bidders will be solicited for /responses. Responses will remain open for a minimum of 24 hours. Selection of bidder shall be rotated.

(2) Quotes/responses shall be obtained using the most current quote/response sheet approved by the Contracts and Acquisitions Unit.

(3) In addition to the specifications of the items being purchased, each prospective bidder shall receive a copy of the general terms & conditions approved by the Contracts and Acquisitions Unit.

- (4) Upon completion of the quote/response process, OCI and/or Agri-Services will forward the following documents to the Contracts and Acquisitions Unit for review and award:
  - (a) Fax confirmation sheets on all bidders solicited that do not respond.
  - (b) A copy of a completed and signed Phone Bid Confirmation Sheet for each bidder providing a quote/response.
  - (c) An unauthorized PeopleSoft purchase order with the bidder providing the lowest quote/response attached as the suggested supplier.
  - (d) A completed OMES-CP-FORM-023 (Price Quotes) sheet with original signature of OCI and/or Agri-Services personnel.

A CPO will review documentation received to ensure compliance with purchasing regulations and, upon approval, will make the award by issuance of a purchase order. Upon issuance of the purchase order, the supplier/contractor shall be notified of award at which time the order shall be placed.

I. Livestock Semen or Embryos

The purchase or collection of semen or embryos and placement of embryos into recipient livestock. Registration of bidders and suppliers for this is not required. (74 O.S. § 85.7.A.6)

J. Emergency Acquisitions

1. Title 74, Central Purchasing Act Emergency acquisitions of \$100,000 or less. (74 O.S. § 85.7.A.4.)
  - a. Emergency Acquisitions are defined by OAC 260:115-1-2 as “An acquisition made by the State Purchasing Director or a state agency without seeking competitive bids to relieve an unforeseen condition believed to place human life or safety in imminent danger or threaten significant property interests with imminent destruction; or is a condition certified by the governor as a serious environmental situation.”
  - b. Emergencies will be initiated by a phone call to the administrator of General Services followed by an email requesting that an emergency be declared by the director.

The request for declaration of emergency must provide details, the circumstances surrounding the emergency, the danger/threat to persons or property, and the estimated costs.

- c. Upon declaration of an emergency by the director, the department, facility, district, division, or unit within ODOC shall take the necessary steps to cure the emergency situation and then process a PeopleSoft requisition and all supporting documentation required to the Contracts and Acquisitions Unit. In order to comply with statutory requirements, Contracts and Acquisitions must notify the State Purchasing Director within five days following the acquisition, together with a statement of the emergency (74 O.S. § 85.7.A.4.). The State Purchasing Director shall send the acquisition documentation and a written analysis to the governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives specifying the facts and circumstances giving rise to the emergency.

2. Equipment Repairs in Emergencies, Livestock Purchases and Reproduction

Pursuant to 74 O.S. § 85.7.A.6. certain acquisitions for repairs of equipment in emergencies and livestock purchases and reproduction needs are as follows:

- a. Acquisitions for repairs of equipment in emergencies;
- b. Livestock through a market agency, dealer, commission house, or livestock auction market bonded or licensed under federal or state law;
- c. Purchase or collection of semen or embryos; or
- d. Placement of embryos into recipient livestock.

3. Construction related emergencies do not fall under the purview of the Central Purchasing Act, but are governed by Title 61 of the Oklahoma Statutes. Construction related emergencies will be initiated by a phone call to the administrator of General Services followed by an email requesting that an emergency be declared by the director. The request for declaration of emergency must provide details, the circumstances surrounding the emergency, the danger/threat to persons or property, and the estimated costs.

- a. Pursuant to authority granted in Title 61, the Board of Corrections (BOC) has delegated the authority to declare

construction related emergencies to the director (61 O.S. § 130).

- (1) Emergencies declared by the director are limited to the maximum amount permitted in Title 61 §130 .
  - (2) When a construction related emergency is declared, certain notification is required as follows:
    - (a) Emergencies declared by the director require the Board of Corrections (BOC) and the administrator of CAP within OMES to be notified within ten days.
    - (b) Notification is to include a statement of the reasons for the declaration of emergency and will be recorded in the minutes of the BOC and copies of the minutes submitted to the administrator of CAP.
    - (c) Emergencies are limited to conditions resulting from a sudden unexpected happening or unforeseen occurrence or condition and situation wherein the public health or safety is endangered.
- b. Construction related emergencies in excess of the maximum amount permitted by the director in Title 61 §130 must be declared by 2/3 majority vote of the Board of Corrections.

#### V. Additional Requirements for Certain Acquisitions

##### A. Postage

Purchases of postage shall be made in compliance with the statute Title 74 O.S. § 90.1 through § 90.4.

##### B. Food Items

1. Food items may only be purchased by the ODOC in limited situations. This section provides information regarding those situations whereby the agency is statutorily authorized to make acquisitions for food. All authorized acquisitions of food items must:
  - a. Comply with approvals as required below;
  - b. Be processed using the appropriate method of acquisition as defined in Section III; and

- c. Identify on the purchasing document(s) the specific authority for the acquisition.
2. Food purchases that are specifically authorized by the OMES procedures or Oklahoma statute:

- a. Light Refreshments

OMES operating procedures (Statewide Accounting Manual, Chapter 50, Section 50.10.06) do allow for the limited purchase of light refreshments in the following situations:

- (1) Payments for purchase of light food and drink items, such as doughnuts, cake, coffee, tea, soft drinks, used as refreshments and required in connection with meetings or similar type activities held or conducted for and in the interest of the general public, shall be considered a valid operating expense of the agency to the extent that such purchases serve a public purpose. This also covers payments for purchase of related refreshment service items, such as disposable plates/flatware, stirrers, coffee cream, sweeteners, etc.
- (2) A "public purpose" shall mean activities or functions conducted/held in the interest of the general public at large. The general public at large may include business guests of the agency.

- b. Meals

The following list provides situations whereby Oklahoma statute specifically authorizes the agency to provide meals:

- (1) Food for consumption by inmates is authorized by 57 O.S. § 533.
- (2) Meals for employees in travel status in lieu of per diem; and meals for employees, regardless of travel status, who are attending an official course of instruction or training conducted or sponsored by any state agency is authorized by 74 O.S. § 500.2 (State Travel Reimbursement Act).
- (3) Employee Recognition Banquets is authorized by 74 O.S. § 4121 C.

- (4) Canteen operations and employee/inmate welfare fund expenditures as authorized by the Canteen System Board of Directors and by [OP-120701](#) entitled "Employee and Offender Welfare Fund" is authorized by 57 O.S. § 537 B.
3. Other food purchases as approved by the agency
    - a. In addition to the specific authorizations in Section V. B. item 2. of this procedure, there are limited instances where departmental approval may be given to expend appropriated funds for food purchases that are necessary and serve a public purpose that affects the inhabitants of the state as a whole. Consideration is given on a case by case basis and requires documentation, thorough analysis of the facts surrounding the situation, and prior approval by the director or designee.
    - b. Departments, facilities, districts, division, or units within ODOC must seek prior approval by submitting a request through their proper chain of command to the administrator of General Services for review. Upon confirmation that the basic criteria are met, the administrator of General Services will then forward the request to the director, or its designee for final approval. Upon receiving the director's approval, the proper method of acquisition in accordance with the Central Purchasing Act and Central Purchasing Rules must be followed to complete the acquisition. The request shall, at a minimum, contain the following information:
      - (1) Name of person submitting the request;
      - (2) Total amount of expenditure, funding to be used;
      - (3) Description of food being purchased;
      - (4) Description of event, including date, location, purpose, and estimated number of attendees; and
      - (5) Description of how the expenditure serves a lawful public purpose that affects the inhabitants of the state as a whole rather than as individuals.
    - c. Approvals granted through the processed outline in this section do not waive the requirements of the Central Purchasing Act and upon receipt of the approval to make the acquisition, the proper purchasing processes, method of acquisition, and documentation requirements must be followed.

VI. Other General Requirements/Information

A. Prison Rape Elimination Act (PREA)

1. The Prison Rape Elimination Act (28 C.F.R. §115.17 and §115.317) prohibits ODOC from enlisting the services of any contractor (who may have contact with inmates) who has:
  - a. 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);
  - b. 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; or
  - c. Been civilly or administratively adjudicated to have engaged in the activity described above.
2. ODOC may also consider any incidents of sexual harassment in determining whether to enlist the services of any contractor (who may have contact with inmates).
3. Any contractor found to violate PREA while providing services to ODOC must be reported to law enforcement agencies and to relevant licensing bodies, which may result in the filing of criminal charges, as warranted. ODOC may also terminate the contract immediately.

Language shall be included in all applicable solicitations, contracts, and purchase orders to institute these requirements.

B. Bid Evaluations

1. Solicitation documents shall indicate what method of evaluation will be utilized to determine award (lowest and best or best value).
2. An authorized CPO within the Contracts and Acquisitions Unit will review the evaluation criteria submitted by the department, facility, district, division or unit within ODOC prior to the start of a formal bid process.
3. For best value evaluation processes, the technical evaluations are performed by an evaluation team that is established by the appropriate department, facility, district, division, or unit. The CPO within Contracts and Acquisitions will participate and provide

guidance throughout the evaluation process. The evaluation of pricing will be completed by the Contracts and Acquisitions Unit.

4. The recommendation for award is forwarded to the Contracts and Acquisitions Unit CPO.
5. The CPO will then review the recommendation for award and make the award or forward to the State Purchasing Director, as required. If not in agreement with the recommendation, the CPO will discuss their concerns with the evaluation team and may request re-evaluation of the recommendation. If an agreement cannot be reached, the CPO will consult with the director and make the final decision for award recommendation.

C. Multi-Year Contracts

Solicitations for multi-year contracts not exceeding the delegated purchasing authority limit annually may be conducted by ODOC in accordance with the Central Purchasing PIM 09-02.

D. Split Purchasing

The agency shall not make split purchases. (OAC 260:115-7-5)

1. "Split purchase" means dividing a known quantity or failing to consolidate a known quantity of an acquisition for the purpose of evading a competitive bidding requirement or a single purchase card transaction limit. Split purchasing for the purpose of evading competitive bidding requirements is a felony (74 O.S. § 85.7.A.2.a). A split purchase occurs when:
  - a. An acquisition (known requirement or quantity of items), is either divided into separate transactions for the purpose of evading the appropriate statutory threshold for competitive bids or the purchase card single transaction limit; or
  - b. The agency fails to consolidate a known quantity required for an acquisition and the purchases are conducted as separate transactions because the total costs would have exceeded the established statutory competitive bidding thresholds or the purchase card single transaction limit.
2. The following are examples of situations that are not considered split purchasing, because the acquisitions are not divided for the purpose of evading competitive bidding requirements:
  - a. Acquisition is divided due to insufficient agency funding for the total acquisition in a fiscal period;

- b. Portions of the acquisition are available from established statewide or other appropriate contracts;
  - c. Specification requirements result in the need for specialized or different supplier;
  - d. Project expenditures are handled in separate transactions because the products or services required are only available from different commodity suppliers; or
  - e. Any situations in which total required quantities are unknown at the time a portion of the acquisition should be made.
3. Departments, facilities, districts, divisions or units within ODOC are responsible for documenting acquisitions in order to respond to any inquiries about split purchasing. Such responsibilities should include documentation supporting valid reasons for dividing or failing to consolidate any acquisitions that could appear to have been made in a single transaction.

E. State Agency and Supplier/Contractor Disputes

Whenever a supplier/contractor provides a department, facility, district, division, or unit within ODOC with defective products or fails to perform in accordance with contract requirements, the department, facility, district, division, or unit shall notify the supplier/contractor in writing of the deficiency and include information necessary for the supplier/contractor to resolve the problem. If the department, facility, district, division, or unit and supplier/contractor are unable to resolve the dispute, the department, facility, district, division, or unit shall submit a written request for dispute resolution to the manager of Contracts and Acquisitions.

1. Agency submission of supplier/contractor performance evaluation form. A department, facility, district, division, or unit within ODOC shall request the State Purchasing Director seek dispute resolution by submitting OMES-CP-FORM-016 (Vendor Performance Quality Report) to the administrator of General Services whenever a supplier/contractor:
  - a. Fails to timely retrieve and replace an acquisition that does not meet or exceed contract specifications;
  - b. Does not refund payment for an acquisition that does not meet or exceed contract specifications; or
  - c. Fails to resolve any other problem that conflicts with the contract specifications in a timely manner.

2. State Purchasing Director resolves dispute. If the State Purchasing Director resolves the dispute, the supplier/contractor and state agency shall be notified of the dispute resolution terms and conditions.
  - a. Supplier/Contractor fails to meet terms or conditions. If the supplier/contractor fails to meet terms or conditions of the dispute resolution, the State Purchasing Director shall terminate the contract between the supplier/contractor and the state agency, and may suspend the supplier/contractor.
  - b. State agency fails to meet conditions. If the state agency fails to meet conditions of the dispute resolution, the State Purchasing Director may order an audit of the state agency's acquisitions pursuant to OAC 260:115-9-7.

F. Record Retention

1. All records will be maintained in accordance with [OP-020202](#) entitled "Management of Office Records."
2. The Contracts and Acquisitions Unit shall maintain all purchasing records for ODOC, exclusive of p-card purchases which are maintained in the Finance and Accounting Unit.
3. All records relative to acquisitions and contracts shall be maintained for the duration of the contract term and for a period of seven years following completion and/or termination of the acquisition. (OAC 260:115-5-9)
4. If an audit, litigation or other action involving such records is started before the end of the seven-year period, the records shall be maintained for two years from the date all issues arising from the action are resolved, or until the end of the seven-year retention period, whichever is later. (OAC 260:115-5-9)
5. The records will include justification for the acquisition, support documents and related information, acquisition contract, source selection documentation, performance evaluations and written reports, audits, encumbrance information/revisions, and any subsequent modifications for change orders.

G. Audits

All records pertaining to agency acquisitions will be made available when the State Purchasing Director, the State Auditor and Inspector, and Office of Management and Enterprise Services, Audit Division performs an audit of agency acquisitions. (OAC 260:115-5-19)

#### H. Monitoring

1. A monitoring plan must be developed by the using department, facility, district, division or unit to identify the agency personnel responsible for monitoring the contract and the activities they will complete to document the supplier/contractor's compliance with contractual requirements. The original contract, proper PeopleSoft document, required forms, and other contract documentation shall be routed to the Contracts and Acquisitions Unit for issuance of a purchase order prior to the commencement of work. (OAC 260:115-9-1)
2. Each department, facility, district, division or unit within ODOC is responsible for monitoring the requirements of their acquisitions to ensure compliance and performance by the contractor and the department.
3. Each department, facility, district, division or unit within ODOC, will be required to submit a monitoring plan for all service acquisitions, in accordance with 74 O.S. § 85.4.E. (1) and 74 O.S. § 85.41.D.
4. Professional service supplier/contractors shall be evaluated annually by the appropriate department, facility, district, division, or unit within ODOC for contract performance. The OMES-CP-FORM-017 (Professional Service Evaluation) shall be completed by the using department, facility, district, division, or unit and submitted to the Contracts and Acquisitions Unit. When services performed do not meet the requirements of the contract, a copy of the evaluation will be forwarded to the State Purchasing Director with the original being retained by the Contracts and Acquisitions Unit in the agency file of record.

#### I. Ratification of an Unauthorized Commitment

No products or services are to be ordered or received prior to the proper procurement process being completed and an encumbrance being established. An unauthorized commitment exists when the state has received goods or services prior to or without the proper purchasing document(s) in place. CP Rules (OAC 260:115-5-17) establish a ratification agreement process which state agencies are required to follow to ratify any unauthorized commitment that has been made on behalf of the agency. A ratification agreement is a legal document that represents an agreement between the agency and the supplier/contractor to ratify the obligation. Payment to the supplier/contractor through the ratification agreement process is made using current fiscal year funds.

If a department, facility, district, division or unit within ODOC makes an unauthorized commitment on behalf of the state, a request for a settlement agreement must be submitted to the Contracts and Acquisitions Unit documenting the circumstances surrounding the violation and stating the steps taken to prevent a reoccurrence in the future. The request will be reviewed and forwarded to the General Counsel's office and then to the director for approval as required by the Central Purchasing Rules. Upon the director's approval of the request, a ratification agreement will be entered into between ODOC and the supplier/contractor.

J. Quality Assurance Inspections

The division/facility/unit shall make every effort in inspecting acquisitions delivered in a reasonable amount of time. A listing of damages found during inspection shall be forwarded via email or fax to the responsible supplier/contractor and a duplicate copy submitted to the Contracts and Acquisitions Unit within 48 hours of inspection.

K. Supplier/Contractor Protest

Pursuant to OAC 260:115-3-19, a supplier/contractor may protest a contract that has been awarded by ODOC or by the Central Purchasing Division on behalf of ODOC.

1. Supplier/Contractor Notification

A supplier/contractor shall submit written notice to the State Purchasing Director of a protest of an award of contract by ODOC or by the Central Purchasing Division on behalf of ODOC within ten business days of contract award. The supplier/contractor protest notice shall state all facts and reasons for protest.

2. State Purchasing Director Review and Determination

3. The State Purchasing Director shall review the supplier/contractor's protest and contract award documents.

a. The State Purchasing Director may determine to respond to the protest or delegate the responsibility by written notice to ODOC.

b. The State Purchasing Director or ODOC, whichever is applicable, shall send written notice of the decision to deny or sustain the protest to the supplier/contractor within ten business days of receipt of the protest.

4. Supplier/Contractor Appeal Of Decision To Deny Protest

The supplier/contractor may appeal a denial of protest by the State Purchasing Director or ODOC to the Director of the OMES. The supplier/contractor shall file a written appeal within ten business days of the date of the State Purchasing Director's or state agency's notice of denial pursuant to 75 O.S. § 309 et seq.

5. Director of the OMES Actions and Determination

The Director of the OMES may hear the appeal or assign the supplier/contractor's appeal to an administrative law judge retained by ODOC.

- a. If the appeal is assigned to an administrative law judge, the administrative law judge shall review the appeal for legal authority and jurisdiction. If legal authority and jurisdictional requirements are met, the administrative law judge shall conduct an administrative hearing and provide proposed findings of fact and conclusions of law to the Director of the OMES. The administrative hearing shall be conducted in accordance with the Administrative Procedures Act [Reference 75 O.S. § §250 et seq.] and the procedures defined by OAC 260:115-3-19.
- b. If the appeal is heard by the Director of the OMES, the Director of the OMES shall have all powers granted by law including all powers delegated to the administrative law judge.
- c. The Director of the OMES shall send written notice of the final order sustaining or denying the supplier/contractor's appeal to the parties.
- d. The cost of actions necessary to process a supplier/contractor's appeal, together with any other expenses incurred due to the appeal, shall be paid by ODOC.

6. Remedies

The administrative law judge may recommend that the Director of the OMES deny the supplier/contractor's appeal or that the contract award be cancelled and rebid.

7. Supplier/Contractor Appeal of Director of the OMES Decision to Deny Appeal

If the Director of the OMES denies a supplier/contractor's appeal, the supplier/contractor may appeal pursuant to provisions of 75 O.S. §§ 309 et seq.

8. ODOC making an acquisition pursuant to 74 O.S. § 85.5(T) shall conduct all actions and bear all costs associated with the protest or appeal of a contract award. (OAC 260:115-3-19)

## VII. Procedure for Real Estate & Leasing Services (REALS)

All contracts for real property must be authorized by REALS, regardless of size and dollar value. Real property is defined as office space, storage facilities, hangars and land. The agency shall not enter into a lease agreement without prior written approval of the Real Estate, Leasing and Asset Services Division. The process is outlined below:

### A. New Space Requests

1. Complete cover letter, Space Request (Form 189A) and obtain proper approvals from authorized Agency representative.
2. Complete Governmental Technology Application Review Board (GTARB) form.
3. Send both completed forms to the administrator of General Services.
4. The administrator of General Services will forward onto GTARB for their approval.
5. When the GTARB form has been approved, Contracts and Acquisitions will forward on to REALS
6. Upon receipt of REALS' list of available space from the CPO, the requesting unit will:
  - a. Select the spaces they wish to inspect if state owned; if not, will go out to solicit bidders; and
  - b. Make arrangements through Contracts and Acquisitions with REALS for the affected division/unit representative to inspect the spaces.
7. After selection of a space, the division/unit will notify REALS of the location or space selected through the CPO. REALS and the agency CPO will assist the division/unit with lease negotiations.

8. When final agreement is reached, the division/unit will forward to Contracts and Acquisitions the completed "Lease Agreement" (Form 289A) and "Lease Agreement Checklist."

B. Additional Space Request

1. Complete cover letter, DCAM-FORM-SL-189A (Space Request) and obtain get proper approvals from authorized agency representative.
2. Complete GTARB Form.
3. Complete DCAM-FORM-SL-289C (Addendum to Lease Agreement) and obtain proper approvals from authorized Agency representative.
4. The administrator of General Services will forward onto GTARB for their approval.
5. When GTARB form has been approved, Contracts and & Acquisitions will forward on to REALS.

C. Renewal Via New Purchase Order (Required when a new lease agreement is signed)

1. Complete DCAM-FORM-SL-289D (Lease Agreement Renewal) and obtain proper approvals from authorized Agency representative.
2. Complete "Lease Agreement Renewal" checklist.
3. Forward to Contracts and Acquisitions. Contracts and Acquisitions will then forward on to REALS.

D. Renewal Via Change Order to Existing Purchase Order

1. Complete "Renewal via Change Order" checklist.
2. Forward to Contracts and Acquisitions. Contracts and Acquisitions will then forward on to REALS.

E. Lease of Storage Units

1. Complete DCAM-FORM-SL-289G (Lease Agreement for Storage Facilities) and obtain proper approvals from authorized Agency representative.
2. Complete "Checklist for Lease – Storage" form.

3. Forward to Contracts and Acquisitions. Contracts and Acquisitions will then forward on to REALS.

F. Written Request/Justification

At least 120 days before the anticipated commencement of a lease, the affected entity will forward a written space request for new or additional space to the division manager or division head. The written request will be submitted using the form prescribed by REALS.

G. Termination of Lease

1. The division/unit shall provide a written request to the administrator of General Services 60 days prior to the anticipated cancellation date of the lease for forwarding to REALS.
2. The division/unit shall also notify the lessor in writing of the anticipated termination date.
3. If the cancellation of a lease coincides with the termination date of a lease, the division/unit shall provide notification in writing to the administrator of General Services for forwarding to REALS.

H. Requirements

After approval, the division manager or division/unit head will forward, to the administrator of General Services, the cover letter and DCAM-FORM-SL-189A (Space Request) for the new or additional space. The administrator will forward the cover letter and OMES Form to the director for signature.

I. Requirements of CPO

Upon signature by the director, the CPO will forward the request to REALS.

J. Notification of Available Space

Upon receipt of REALS' list of available space from the CPO, the requesting unit will:

1. Select the spaces they wish to inspect; and
2. Make arrangements through the CPO with REALS for the affected division/unit representative to inspect the spaces.

K. Lease Negotiation

After selection of a space, the division/unit will notify REALS of the location or space selected through the CPO. REALS and the agency CPO will assist the division/unit with lease negotiations.

L. Execution of Lease Agreement

When final agreement is reached, the division/unit will forward to the department CPO the following:

1. Four original copies of a properly executed lease agreement, to include affidavit, tax, insurance, Oklahoma State Fire Marshal report, state leasing checklist and any other forms as required by the checklist.
2. A PeopleSoft purchase document to include a statement of justification for the requested space will be provided.
  - a. Termination of Lease
    - (1) The division/unit shall provide a written request to the administrator of General Services 60 days prior to the anticipated cancellation date of the lease for forwarding to REALS.
    - (2) The division/unit shall also notify the lessor in writing of the anticipated termination date.
    - (3) If the cancellation of a lease coincides with the termination date of a lease, the division/unit shall provide notification in writing to the administrator of General Services for forwarding to REALS of such action.

VIII. Commercial Airline Travel

Commercial airline travel will be secured through travel agents designated by the Central Purchasing Division. The ODOC travel coordinator within the Contracts and Acquisitions Unit holds the travel purchase card and is responsible for payment of all commercial air travel arrangements for ODOC staff.

A. Requirements for Booking Travel

Employees or other individuals conducting official business on behalf of the agency that have been approved for out-of-state air travel can use either one of the two processes defined below to book airfare for out-of-state travel:

1. The traveler can make their own arrangements with the designated travel agent:

- a. Traveler completes the current "Employee Travel Request Form"  
([http://www.ok.gov/doc/Organization/Administrative\\_Operations/General\\_Services/Contracts\\_&\\_Acquisitions/Helpful\\_DOC\\_Internal\\_Documents\\_&\\_Links.html](http://www.ok.gov/doc/Organization/Administrative_Operations/General_Services/Contracts_&_Acquisitions/Helpful_DOC_Internal_Documents_&_Links.html)) and obtains approval from the director or the appropriate designated executive staff.
  - b. Traveler calls the ODOC designated travel agent to identify a flight that meets their business needs and satisfies the requirements of the statewide contract for airfare. Once a flight has been identified, the traveler has the travel agent place the ticket on a 24-hour hold and asks to be emailed a copy of the itinerary.
  - c. Traveler forwards a copy of the itinerary, signed by both the traveler and their supervisor, along with the approved travel memo and any other supporting documentation to the travel coordinator in the Contracts and Acquisitions Unit within 24 hours of receiving the itinerary.
  - d. Upon receipt of the complete documentation, the travel coordinator in the Contracts and Acquisitions Unit will contact the authorized travel agent to finalize the itinerary and pay for the airfare.
2. Traveler can request that the travel coordinator within the Contracts and Acquisitions Unit make their arrangements with the designated travel agent.

Traveler provides the travel coordinator with the following information:

- a. Traveler completes the current "Employee Travel Request Form"  
([http://www.ok.gov/doc/Organization/Administrative\\_Operations/General\\_Services/Contracts\\_&\\_Acquisitions/Helpful\\_DOC\\_Internal\\_Documents\\_&\\_Links.html](http://www.ok.gov/doc/Organization/Administrative_Operations/General_Services/Contracts_&_Acquisitions/Helpful_DOC_Internal_Documents_&_Links.html)); and
- b. Copy of approval by director or the appropriate designated executive staff.

## B. Restrictions

1. For reasons of economy, no agency employee will be allowed to fly any class other than coach. All reservations will be made using second class or tourist accommodations. Whenever possible,

reservations should be made far enough in advance to take advantage of any discounts or economy type fares.

2. The travel coordinator shall not make travel arrangements for personal travel of employees or for individuals, such as family and friends traveling with employees during agency approved travel.

C. Itinerary Changes

All changes in itinerary must be processed during normal business hours and follow the same processes identified above for booking the travel using the itinerary change memo form. Changes needed outside normal business hours will be handled by the traveler through the 24-hour "800" number for the travel agency and printed on their itinerary copy of their ticket.

IX. Purchase Card (P/Card)

The P/Card program of the agency shall be conducted in accordance with [OP-120502](#) entitled "Procedures for Purchase Cards." ODOC has been authorized by the State Purchasing Director to utilize a state authorized purchase card in the following instances.

A. Statewide Contract P/Card

Acquisitions on statewide contracts issued by the State Purchasing Director have no limit on the amount of the transaction.

B. Standard P/Card

For any other transactions with a state purchase card, the transaction shall not exceed \$5,000.

C. Travel P/Card

The travel P/Card shall be used for the purchase of airfare and/or lodging only. Airfare and lodging are to be considered separate transactions.

D. Training

1. The State Purchasing Director is responsible for providing required training for employees authorized to use a purchase card.
2. P/Card administrators and designated back-ups, authorized signers, approving officials, designated back-ups and cardholders must successfully complete the training prescribed by the State Purchasing Director prior to assuming their duties and prior to being issued P/Cards.

3. Training is required every two years from date of the last training session.
4. It is the responsibility of the P/Card administrator to ensure employees are re-trained in accordance with CP requirements.

E. Obtaining a Purchase Card

The Purchase Card administrator will be contacted for instructions in obtaining a purchase card.

F. Record Retention

1. ODOC Finance and Accounting Unit shall retain all records relative to P/Card acquisitions for the duration of the contract term and for a period of seven (7) years following completion and/or termination of the acquisition in accordance with CP P/Card Procedures.
2. If an audit, litigation or other action involving such records is started before the end of the seven-year period, the records shall be maintained for two years from the date all issues arising from the action are resolved or until the end of the seven year retention period, whichever is later.

X. Compliance Statement

ODOC will comply with all state statutes, CP and OMES rules and regulations related to acquisition and disposition of goods and services. This document is not all inclusive but by reference, includes the Oklahoma Constitution Section X 23, the Central Purchasing Act 74 O.S. 85.1 et seq. , OMES Central Purchasing Division Administrative Code 260:115, OMES Construction and Properties Administrative Code 260:65, and Public Buildings and Public Works 61 O.S.

XI. References

P-120100 entitled "Management of State Funds and Assets"

OP-080104 entitled "Purchase of Products and Services from Correctional Industries"

OP-120502 entitled "Procedures for Purchase Cards"

OP-120701 entitled "Employee and Offender Welfare Fund"

Oklahoma Constitution Article X

[http://www.lsb.state.ok.us/ok\\_constitution.html](http://www.lsb.state.ok.us/ok_constitution.html)

Central Purchasing Act 74 O.S. § 85 and Oklahoma Administrative Code

260:115.

[http://www.ok.gov/DCS/Central\\_Purchasing](http://www.ok.gov/DCS/Central_Purchasing)

XII. Action

The division head is responsible for compliance with this procedure.

The administrator of General Services is responsible for the annual review and revisions.

Any exceptions to this procedure will require prior written approval from the director.

This procedure is effective upon signature by the director and receipt of letter of approval from the Director of Central Purchasing (OAC 260:115-5-7).

Replaced: Operations Memorandum No. OP-120103 entitled "Acquisitions and Dispositions" dated January 14, 2015

Distribution: Policy and Operations Manuals  
Agency Website

Referenced Forms

Title

Location

Website Form

“Employee Travel Request Form”

[http://www.ok.gov/doc/Organization/Administrative\\_Operations/General\\_Services/Contracts\\_&\\_Acquisitions/Helpful\\_DOC\\_Internal\\_Documents\\_&\\_Links.html](http://www.ok.gov/doc/Organization/Administrative_Operations/General_Services/Contracts_&_Acquisitions/Helpful_DOC_Internal_Documents_&_Links.html)  
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