


July 1, 2022

MEMORANDUM

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

FROM: J. Peter Stamps, Director 
DGS, Division of Purchases and Supply

SUBJECT: Procurement Information Memoranda (PIM) #98-040

Enclosed is PIM #98-040, effective July 1, 2022, representing changes to the September 1998 edition of the *Agency Procurement and Surplus Property Manual (APSPM)*. The Summary of Changes below is in the order of the changes to the *APSPM*. Only changes/additions to the affected sections and/or subsections are included in this document. DPS has incorporated these changes into the web-based *APSPM*, which will be downloadable in Word or PDF on July 1, 2022. The location of text changes will be indicated by an arrow (→) with the corresponding PIM #98-040 number identified next to the changes and all arrows indicating previous changes are removed. Appendix C contains a log recording the PIM number and date of revision. This memorandum and the corresponding PIM #98-040 should be filed in the back of the Appendix C log.

APSPM Cite	Summary of Changes
Table of Contents	Renames and deletes sections
1.1	Deletes "eVA DPS exemption" and "eForm" from the fourth sentence in the fourth paragraph
1.2.a	-Replaces "utilizing the REQUEST FOR DELEGATED PROCUREMENT e-FORM (in eVA)" with "in eVA" from the first bullet -Replaces "by submitting the REQUEST FOR DELEGATED PROCUREMENT e-FORM (in eVA) and" with "in eVA" from the second bullet
1.4	Replaces "using the Procurement Exemption Request form (see Annex 13-D)" with "in eVA" in the last sentence
Annex 1-A	Replaces "Request for Delegated Procurement e-Form" with "request in eVA" from the second paragraph
Annex 1-B	-Replaces "a Request for Delegated Procurement e-Form" with "the request in eVA" from the first sentence of the bolded paragraph under "Training Standards" -Deletes "of this e-Form" from the second sentence of the bolded paragraph under "Training Standards"
2.1.a	-Replaces the next to last sentence with "This request shall be submitted in eVA." -Adds "included in" and deletes "attached, to" and "either electronically or by hard copy" to the last sentence
3.1.c	Adds "awarded prior to July 1, 2019" to the first sentence
3.3.a	Replaces "\$250,000" with "\$350,000"
3.3.a.3	Deletes section
3.3.b.1	-Adds "nontransportation-related" to (i) -Deletes all of (ii) -Renames "(iii)" to "(ii)" -Adds "authorized pursuant to Article 2 (§33.2-208 et seq.)" and replaces "are" with "is" in the new (ii)
3.3.b.1.a	Deletes the last sentence
3.3.b.1.b	Deletes the last two sentences
3.6.b	Replaces "using the DPS Exemption Request eform" with "in eVA" in the third sentence
3.6.b.5	Deletes section
3.6.b.6	Deletes section
3.8.a	Replaces "The Procurement Exemption Request for located in Annex 13-D" with "All requests for approval" and replaces "used to request approval" with "submitted in eVA" in the last sentence.

3.8.b	Adds “ <i>All, for</i> ” and “ <i>must be submitted in eVA</i> ” and deletes “ <i>The Procurement Exemption Request form located in Annex 13-D shall be used to</i> ” in the last sentence
3.8.c	Adds “ <i>All, for</i> ” and “ <i>must be submitted in eVA</i> ” and deletes “ <i>The Procurement Exemption Request form located in Annex 13-D shall be used to</i> ” in the last sentence
3.17.e	Deleted section
3.19.j	-Deletes “ <i>including Memorandum of Understanding (MOAs)</i> ” from the first sentence -Adds a new sentence to the end of the paragraph
3.20	Adds a new first paragraph
3.28	Adds section B
Annex 3-B, Procedures	-Adds “ <i>Utilize</i> ” and deletes “ <i>are allowed</i> ” to the second paragraph in the first box -Deletes the second sentence in the second paragraph in the first box -Deletes the last sentence in the second paragraph in the first box
4.20.f	-Replaces “ <i>must</i> ” with “ <i>should</i> ”, replaces “ <i>uniform state business card design printed in the standard state blue ink, on white card stock</i> ” with “ <i>standard business card design</i> ” and replaces “ <i>annual</i> ” with “ <i>statewide</i> ” in the first sentence -Adds “ <i>described in writing and</i> ” and replaces “ <i>Director of DGS/DPS</i> ” with “ <i>Agency Head and maintained in the agency’s file</i> ” in the third sentence -Adds a new last sentence
4.34	Replaces “ <i>to DGS/DPS on a Procurement Exemption Request form, which can be found in Annex 13-D of this manual</i> ” with “ <i>in eVA</i> ” from the first sentence in the second paragraph
5.3.a	Replaces “ <i>e-mall</i> ” with “ <i>eVA</i> ” from the second sentence
5.6.a.1	-Adds “ <i>eVA shall be used</i> ” and deletes “ <i>Quick Quote is the preferred sourcing tool, and quotes</i> ” from the first sentence -Replaces “ <i>to the Quick Quote</i> ” with “ <i>to the solicitation</i> ” in the second sentence
5.6.a.2	Deletes section
5.6.a.4	-Deletes “ <i>in the title of the solicitation</i> ” from the third sentence -Deletes the last sentence
Annex 5-C	-Replaces “ <i>eMall</i> ” with “ <i>catalog</i> ” in the first sentence in the third box on the right -Replaces “ <i>Quick Quote</i> ” with “ <i>Unsealed bidding</i> ” in the last sentence in the third box on the right -Deletes “ <i>if purchasing more than one item in the eVA eMall, see 14.6</i> ” from the fifth box on the right
Annex 5-E	-Deletes the first sentence in the second box on the right -Adds “ <i>eVA</i> ” in the third sentence in the fourth box on the right -Deletes the first sentence in the fifth box on the right -Deletes the last two sentences in the tenth box on the right -Deletes “ <i>QQ</i> ” throughout Annex
Annex 5-F	-Deletes the first sentence in the sixth box on the right -Deletes the last sentence in the eleventh box on the right
Annex 5-G	Deletes “ <i>over \$10,000 use Quick Quote</i> ” from the title
Annex 6-A	-Deletes the first sentence in the fifth box on the right -Deletes the first and last sentence in the tenth box on the right
Annex 6-B, Step Four, C	Deletes the last two sentences
Annex 6-I	-Deletes the VBO Buyer Solicitations template -Adds a “ <i>note</i> ” at the end of the page
Annex 7-A	Deletes the last sentence in the third box on the left
Annex 7-B, Step 2, III	Deletes the last two sentences
Annex 7-G	-Deletes the VBO Buyer Solicitations template -Adds a “ <i>note</i> ” at the end of the page
9.1.b	-Deletes “ <i>the Procurement Exemption Request form in Annex 13-D should be used for this purpose</i> ” from the last sentence -Adds a new last sentence
10.13.b	Replaces “ <i>made using the Procurement Exemption Request for in eVA (see Annex 13-D)</i> ” with “ <i>submitted in eVA</i> ” from the next to last sentence
10.22.d	Deletes “ <i>(e.g., food services, canteen or bookstore operations, etc.)</i> ” from the second sentence
13.7.a	-Deletes “ <i>the appropriate</i> ” and “ <i>contract/purchase officer</i> ” from the next to last sentence -Adds “ <i>request shall be submitted in eVA</i> ” and deletes “ <i>Exemption Request form located in Annex 13-D</i> ” and “ <i>used to request an exception from purchasing from a mandatory state contract</i> ” from the last sentence
13.7.d	Replaces “ <i>using the Procurement Exemption Request form (Annex 13-D)</i> ” with “ <i>in eVA</i> ” in the second sentence

13.8	Adds “request” and “in eVA” and deletes “Procurement Exemption Request Form in Annex 13-D” from the fifth sentence
Annex 13-D	Deletes “Department of General Services – Division of Purchases & Supply Procurement Exemption Request, Form is available online in eVA”
14	Deletes “through an Electronic Mall (e-Mall)” from the fifth sentence
14.3	-Deletes “e-Mall” in the section title -Replaces “the e-Mall” with “eVA” in the first sentence and last sentence
14.3.a	-Adds “must be approved in writing in advance by an official of the mandatory source” to the third sentence -Rewrites fourth sentence “Exception to the use of a mandatory DGS/DPS contract must be approved in advance by DGS/DPS in eVA” -Deletes the last sentence
14.3.c	Replaces “the e-Mall” with “eVA” in the first sentence
14.3.d	Deletes “during the e-Mall shopping” in the first sentence
14.4	Deletes “e-Mall” throughout the section
14.5	Deletes “e-Mall” in the section title
14.6.a	Replaces “e-Mall” with “eVA”
14.6.b	-Deletes “advanced sourcing tools” and adds “in compliance with APSPM Chapters 5-9” in the first sentence in the first paragraph -Deletes paragraphs 2-7
14.6.c.i	-Deletes “using advanced sourcing tool”
14.9.a	Adds “OGC” in the first set of parentheses
14.9.d.8	Deletes “or Influenza Vaccine Program” and adds “or a MMCAP Vaccine Program Contract” to the first sentence
14.9.d.9	Deletes “(e.g., scrap, recycling)” and “(e.g., contracted out Bookstore, Food service operations”
Appendix B, Section II	-Updates were made to the following Special Terms and Conditions: 4. eVA Orders And Contracts 41. Prebid/Preproposal Conference – Mandatory/Optional 67. Plastic Materials 68. Personal Protective Equipment
Appendix B, Section III	Inserts a link for the current terms
Appendix C	Adds Summary of changes.
Index	Corrects several references to the APSPM, Vendors Manual or the Code of Virginia

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

Thirteen

13-D Deleted

Fourteen

14.3 Shopping
14.4 Change Orders
14.5 Receiving

- 1.1 DGS/DPS is responsible for the procurement of all public printing, except as DGS/DPS may otherwise provide. This does not prohibit in-house printing. Except for purchasing from Corrections Print Shop (CORPRINT), an agency may not purchase printing from another state agency without DGS/DPS approval. To obtain approval, submit a request through eVA, indicating the nature and extent of the request. In addition, DGS/DPS is authorized to establish criteria and procedures to obtain economical operation of all state printing facilities (*Code of Virginia*, § 2.2-1113).
- 1.2 **Agency Purchasing Authority.**
- a. **Goods.**
- The agency or institution may request its delegated procurement authority be increased to \$100,000 in eVA and by meeting the standards for increased delegated procurement authority, see Annex 1-A.
 - The agency or institution may request unlimited authority for the procurement of goods but must meet standards established by DGS/DPS. Unlimited authority must be requested in eVA (attaching all required documents), see Annex 1-B.
- 1.4 **Administrative Exemptions.** DGS/DPS may delegate purchasing authority or authorize exceptions from its rules and regulations for particular agencies or for specified goods, non-professional services and printing (*Code of Virginia*, § 2.2-1111). One-time exemption requests must be processed in eVA, unless otherwise indicated (9.1).

Annex 1-A

COMMONWEALTH OF VIRGINIA DGS/DIVISION OF PURCHASES AND SUPPLY

AGENCY/INSTITUTION REQUEST FOR \$100,000 DELEGATED PROCUREMENT AUTHORITY FOR GOODS AND PRINTING

The Division of Purchases and Supply (DPS) is responsible for ensuring that state procurement activities in the Commonwealth meet the requirements of the *Virginia Public Procurement Act (VPPA)*, the regulations implemented by the Division, and procedures that are consistent with the Agency Procurement and Surplus Property Manual (APSPM). As a part of this responsibility, DPS will grant agencies and institutions that agree to the standards set forth below, an increase to \$100,000 from the general delegation of \$50,000 for procurement of goods and printing. These standards must be maintained for the agency or institution to retain the increased delegated procurement authority. The intent of these standards is to assure that agencies and institutions are utilizing the Commonwealth's enterprise electronic procurement system, eVA, beginning at the point of requisitioning for all procurement actions including, but not limited to, technology, transportation, and construction (*Code of Virginia*, § 2.2-1110). DPS will use these standards to consider all requests.

By submitting the request in eVA, the Agency hereby agrees to the following standards:

1. The Agency has and will continue to use eVA, the Commonwealth's electronic procurement solution, beginning at the point of requisitioning and in accordance with all requirements set forth in *Code of Virginia*, § 2.2-1110.A, as well as those set forth in Chapter 14 of the *Agency Procurement and Surplus Property Manual (APSPM)*.
2. The Agency will use eVA to the maximum extent practicable for small purchases up to \$100,000. The Agency will use eVA to publicly post all solicitations, solicitation addenda, and award notices including sole source and emergency as required by *Code of Virginia*, §§ 2.2-1110, 2.2-4301 through 2.2-4303. This includes but is not limited to:
 - a. Small purchase procurements that are expected to exceed \$10,000. Quick Quote solicitations meet the public posting requirement.
 - b. Intent to Award notices.
3. The Agency will include access to an electronic version of the solicitation and any solicitation addenda for all procurements publicly posted on eVA.
4. The Agency will not re-delegate this additional procurement authority to end users outside the Agency's central purchasing department/office unless the Agency obtains the written authorization from the Director of the Division of Purchases and Supply.

Annex 1-B

AGENCY STANDARDS AND INSTRUCTIONS FOR UNLIMITED DELEGATED PROCUREMENT AUTHORITY

TRAINING STANDARDS

To request unlimited delegated procurement authority, an agency/institution must submit the request in eVA and attach the required documentation listed below to outline the implementation methodology. Agency Head approval is required.

2.1 **Mandatory Sources.**

- a. **Term Contracts.** To obtain more favorable prices through volume purchasing and to reduce lead-time and administrative cost and effort, DGS/DPS may establish mandatory use term contracts for goods or services. DPS contracts are posted on the eVA State Contracts listing. Agencies and institutions are required to check this listing for contracts, contract changes, renewals, and mandatory use prior to placing orders. In accordance with the terms and conditions, purchase orders shall be issued in any amount for any goods or service on a term contract available to that participant. Agencies and institutions shall place all orders on mandatory use contracts through eVA. If an item is available on a DGS/DPS mandatory contract, agencies and institutions may not establish a contract for the same or similar goods or services or use their local purchasing authority to purchase from another source unless the purchase is exempt by contract terms such as not meeting the contract's minimum order requirement. Vendors who intentionally sell or attempt to sell goods or services to an authorized participant who is under a mandatory contract with another vendor may be suspended and/or debarred by DGS/DPS. The purchase by agency personnel of goods or services that are on DGS/DPS mandatory contracts from non-contract sources may result in reduction or withdrawal of that agency's delegated purchasing authority by DGS/DPS (see 13.7). An exception from a mandatory state contract may be granted by DGS/DPS. This request shall be submitted in eVA. Approved exemption requests must be included in the purchase transaction file.

3.1 **High-Risk Contracts.**

- c. **High Risk Contract Renewal.** Any existing contract, awarded prior to July 1, 2019, for goods and nonprofessional and professional services that are not for information technology or road or rail construction or design that meet the definition of high-risk contracts and has two or more remaining renewal provisions must submit, prior to renewing, such contract to DGS for review. Agencies must complete the High-Risk Contract Review Form, located in Annex 3-L and provide a copy of the contract for review. These documents shall be emailed to highriskcontracts@dgs.virginia.gov. An automatic reply will be sent acknowledging receipt of the contract and the start of the review process.

3.3 **Bonds**

- a. **Bid Bonds.** Except in cases of emergency, all bids or proposals for nontransportation-related construction contracts in excess of \$500,000 or transportation-related projects authorized under § 33.1-12 that are in excess of \$350,000 and partially or wholly funded by the Commonwealth shall be accompanied by a bid bond from a surety company selected by the bidder that is legally authorized to do business in Virginia, as a guarantee that if the contract is awarded to such bidder, that bidder will enter into the contract for the work specified in the bid. The amount of the bid bond shall not exceed five percent of the amount bid (*Code of Virginia*, § 2.2-4336).

(3) Deleted.

- b. **Performance and Payment Bonds.**

- (1) Unless otherwise authorized in this section, upon the award of any (i) nontransportation-related public construction contract exceeding \$500,000 awarded to any prime contractor, (ii) transportation-related project authorized pursuant to Article 2 (§33.2-208 *et seq.*) exceeding \$350,000 that is partially or wholly funded by the Commonwealth, the contractor shall furnish to the public body the following bonds (*Code of Virginia*, § 2.2-4337):

- (a) A performance bond in the sum of the contract amount conditioned upon the faithful performance of the contract in strict conformity with the plans, specifications, and conditions of the contract.
- (b) A payment bond in the sum of the contract amount. The bond shall be for the protection of claimants who have and fulfill contracts to supply labor or materials to the prime contractor to whom the contract was awarded, or to any subcontractors, in the furtherance of the work.

(5) Deleted.

(6) Deleted.

3.6 **Contract/Purchase Order Modification Restrictions.**

- b. **Cumulative Modifications Over \$50,000** - A public contract may include provisions for modification of the contract during performance, but no fixed-price contract may be increased by more than 25% of the original amount of the

contract or \$50,000, whichever is greater, without the advance written approval of the Governor or his designee (*Code of Virginia*, § 2.2-4309A). By executive order this is the Director of the Department of General Services. Requests to exceed the 25% increase shall be submitted in eVA. This limitation applies to the aggregate change orders in a contract. In no event may the amount of any contract, without adequate consideration, be increased for any purpose, including, but not limited to, relief of a bidder or offeror from the consequences of an error in its bid or offer (see 10.12).

3.8 **Joint and Cooperative Procurement.**

- a. **Sponsoring a Joint Procurement:** No state agency or institution may sponsor, conduct or administer a joint procurement without advance approval from the Director of the Division of Purchases and Supply. If a state agency or institution seeks to assess any administrative fees that are to be paid directly or indirectly by using agencies for their participation in the cooperative agreement, the lead agency shall submit documentation sufficient to show that fees do not exceed each using agency's fair share of the total administrative costs. An agency or institution initiating a procurement and desiring to allow its use by other public bodies must include the ADDITIONAL USERS clause found at Appendix B, Section II, and shall serve as the lead agency (contracts manager) and shall administer the program in accordance with Chapter 10 of this manual. Vendor complaints and disputes will be managed by the ordering entity, but the lead agency should be provided copies of any such complaints or disputes. All requests for approval must be submitted in eVA to sponsor cooperative contracts.
- b. **Use of Commonwealth Cooperative Contracts:** Agencies desiring to purchase from cooperative contracts for non-telecommunications and non-technology goods and nonprofessional services as set forth in *Code of Virginia*, §2.2-4304 may do so without regard to their delegated purchasing authority when all the following conditions are met: (1) no DGS/DPS contract exists for the same or similar goods and services; (2) the contracts were awarded by Commonwealth agencies or institutions; (3) the agency participated in the request for proposal or invitation to bid or the contract original solicitation specified that the procurement was being conducted on behalf of other public bodies; (4) the contracts are posted on the eVA State Contracts listing to assure public visibility of the full terms and pricing of such contracts and any amendments; and (5) the contractors are registered in eVA and agree to the Commonwealth's General Terms and Conditions, any other terms and conditions, and any other considerations for doing business with the Commonwealth. All requests for approval must be submitted in eVA to buy from cooperative contracts awarded by Commonwealth agencies that are not posted in eVA, unless specifically exempted in the Acts of Assembly.
- c. **Use of Non-Commonwealth Cooperative Contracts, including National Cooperatives awarded by other than Commonwealth agencies and institutions:** These cooperatives are not authorized unless approved in writing by DGS/DPS. Authorized cooperative contracts awarded by other than Commonwealth agencies are posted on the eVA State Contracts listing to assure public visibility of the full terms and pricing of such contracts after DGS/DPS determines that the contracts comply with *Code of Virginia*, §2.2-4304; that prices are fair and reasonable; that Virginia businesses have been afforded access to participate; that the contractors are registered in eVA; and that contractors agree to the Commonwealth's General Terms and Conditions, any other terms and conditions, and any other considerations for doing business with the Commonwealth. All requests for approval must be submitted in eVA to buy from cooperative contracts awarded by other than Commonwealth agencies that are not posted in eVA.

3.17 **Prohibited Transactions.**

- e. Deleted.

3.19 **Publicly Posted Notices.**

- j. All awarded contracts and modifications must be posted in eVA. Any contract awarded on or after July 1, 2021, including any subsequent modifications to that contract, shall be posted in eVA. Modifications made after July 1, 2021 to any contract that has two or more years remaining, shall be posted in eVA together with the original contract and all previous modifications. A contract shall include the specifications, descriptions or scope of work, general conditions, special conditions and all other requirements contained in the solicitation together with all written modifications and the vendor's response. Contracts must be used for agreements between public bodies and non-governmental entities and should be used when establishing government to government agreements.

3.20 **Recycled Goods Purchase Program.** All agencies, and institutions of higher education shall follow the requirements of § 10.1-1425.6 et seq., Recycling Duties of State Agencies and State Universities and Executive Order Seventeen (2022) (EO17), Recognizing The Value of Recycling and Waste Reduction. When establishing recycling contracts, agencies should incorporate as appropriate the requirements of the executive order. Information on recycling can be found on DEQ's website: <https://www.deq.virginia.gov/land-waste/recycling>.

3.28 **Protection of Personally Identifiable Information.**

B. It shall be unlawful for any agency to:

1. Require any individual or any entity organized under § 501(c) of the Internal Revenue Code to provide the agency with personal donor information;
2. Require any bidder, offeror, contractor, or grantee of an agency to provide the agency with personal donor information; or
3. Disclose personal donor information without the express, written permission of every individual who is identifiable from the potential release of such personal donor information, including individuals identifiable as members, supporters, or volunteers of, or donors to, the agency.

Personal donor information means names and data of any kind collected for the purpose of directly or indirectly identifying an individual as a member, supporter, or volunteer of, or donor of financial or nonfinancial support to, any entity exempt from federal income tax pursuant to § 501(c) of the Internal

Annex 3-B
Summary of Procurement Thresholds and Associated Small Business Enhancements Policies

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

Thresholds	Procedures
Small Purchase: Up to and including \$10,000 Over \$10,000 up to and including \$100,000 →	<p>Single quote from a DSBSD-certified micro business, if available. Quick Quote may be used (see <u>Small Business Enhancement Award Priority</u> in 3.11g).</p> <p>Utilize Quick Quote/Unsealed Bidding or Unsealed Request for Proposals. Solicitations over \$10,000 up to and including \$100,000 shall be set-aside for DSBSD-certified small business unless exempted and documentation is required. See <u>Small Business Enhancement Award Priority</u> in 3.11g.</p>

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

Threshold	Procedures
Over \$100,000; may be used for lesser amounts. →	<p>If used for purchases \$100,000 or less it shall be set-aside unless documented (3.11). The Solicitation shall include a tiered award clause as specified in Special Term and Condition 2.L or 2.M, and follow procedures described in Chapters 6, or 7, as applicable.</p> <p>Procurements over \$100,000 shall include a Prime Contractor Small Business Subcontracting Plan unless documented (3.11h).</p> <p>Use one of the following methods for purchases over \$100,000 unless an exception (see III. below).</p> <ol style="list-style-type: none"> 1 - Competitive sealed bidding. 2 - Two-step competitive sealed bidding. 3 - Competitive negotiation. <p>Public posting in eVA is required. Requests for Proposal may be advertised in a newspaper.</p>

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

Thresholds	Procedures
Emergency → Sole Source (Over \$10,000) →	<p>Take immediate action if required to protect personal safety or property and noncompetitively negotiate. Other emergencies, seek competition to the extent practicable. Requires written determination signed by the agency/institution head or designee. Public posting in eVA is required.</p> <p>A written quotation must be obtained from the vendor. Requires written justification approved in advance by the agency/institution head. Over \$50,000 requires approval from DGS/DPS. Agencies and institutions may make contract awards after appropriate approval. Purchase using noncompetitive negotiation. Public posting in eVA is required.</p>

4.20 **Printing**

- f. **Business Cards.** Business cards should conform in style and layout to the standard business card design as shown in the DGS/DPS statewide contract. Engraved cards are limited to the Governor, Lieutenant Governor, members of the Legislature, Attorney General, Supreme Court, Cabinet Secretaries, Directors of Agencies, and Presidents and Chancellors of Institutions of Higher Education. Any deviations must be described in writing and approved in advance by the Agency Head. Such description and approval must be maintained in the agency's file.

4.34 **Procurement of Outdoor Light Fixtures:**

If an agency/institution has a bona fide reason for not complying with this section, the agency/institution must submit a request for waiver from this requirement in eVA. Bona fide reasons for not complying include operational, temporary, safety or specific aesthetic need is indicated or that such fixtures are not cost effective over the life cycle of the fixtures.

5.3 **Single Quotation.** (Up to and including \$10,000)

- a. Where the agency's estimated cost of goods or nonprofessional services is up to and including \$10,000, unless exempted (see 3.11 g), purchases may be made upon receipt of a minimum of one (1) written or telephone (oral) quotation, or Quick Quote may be used (see flowchart, Annex 5-C) from a DSBSD-certified micro business, if available. An eVA catalog (non-contract) price from a DSBSD-certified micro business, if available, can be considered a quote. Additional DSBSD-certified micro business sources may also be solicited. Other quotes received from DSBSD-certified micro businesses that were not solicited shall be considered. If more than one quote is received, the award shall be made to the lowest responsive and responsible DSBSD-certified micro business bidder. If prices do not appear to be fair and reasonable, the agency shall document the procurement file to that effect, including stating the basis for the determination, and then obtain additional quote(s) in accordance with the Small Business Enhancement Award Priority found in 3.11g.

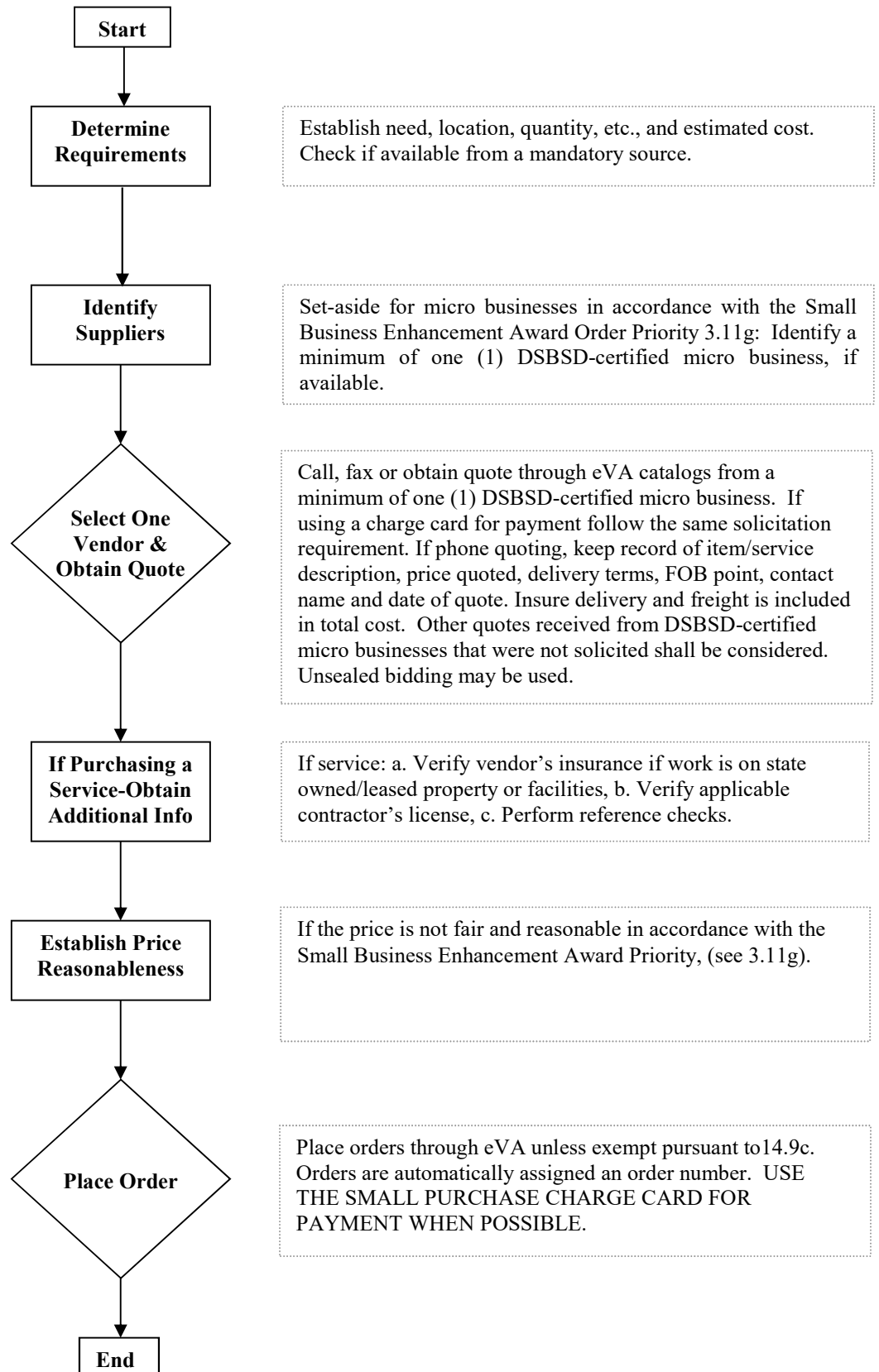
5.6 **Informal Solicitations** (Over \$10,000 up to and including \$100,000)

a. **Unsealed Bidding**

1. eVA shall be used to solicit bids for goods and nonprofessional services over \$10,000 up to and including \$100,000 (see 14.6.b). All appropriate special terms and conditions must be stated in or attached to the solicitation, including an award term. The solicitation shall be open for the period of time stated in the solicitation but must be open for at least three (3) business days (24 business hours). A reasonable amount of time should be allowed for vendors to respond based on the nature of the procurement and any subsequent amendments.
2. Deleted.
4. Procurements over \$10,000 and up to and including \$100,000 shall be set-aside exclusively for award to DSBSD-certified small businesses (including micro) if available and the price is fair and reasonable. If prices do not appear to be fair and reasonable, the agency shall document the procurement file to that effect, including stating the basis for the determination, and then an award may be made in accordance with the Small Business Enhancement Award Priority (3.11.g). The solicitation shall designate that the procurement is set-aside for small businesses.

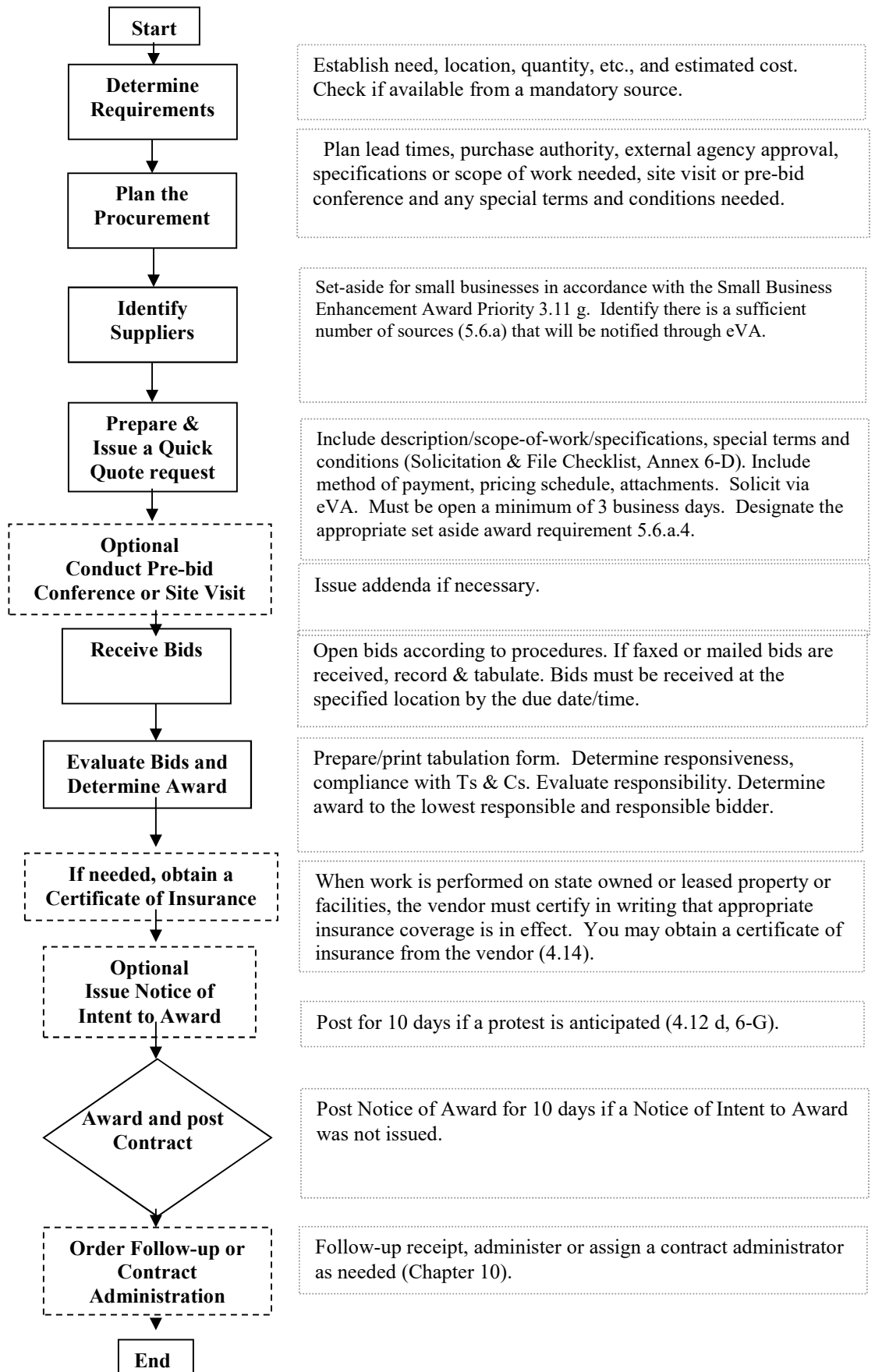
Annex 5-C

Single Quotation Process For Goods and Non-professional Services up to and including \$10,000



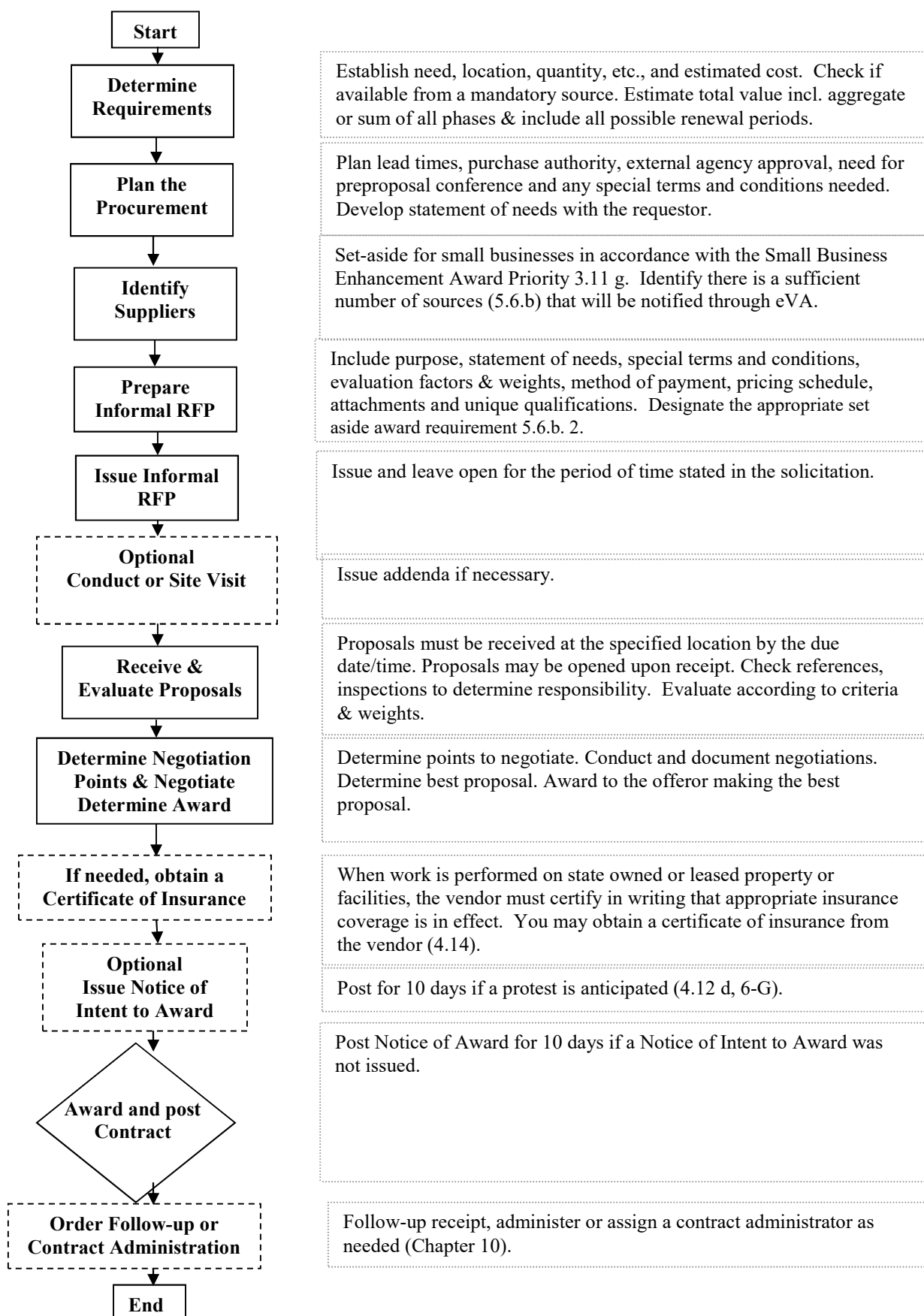
Annex 5-E

Informal Solicitation - Unsealed Bidding Process For Goods and Non-professional Services over \$10,000 up to and including \$100,000



Annex 5-F

Informal Solicitation - Unsealed Request for Proposal Process For Goods and Non-professional Services over \$10,000 up to and including \$100,000

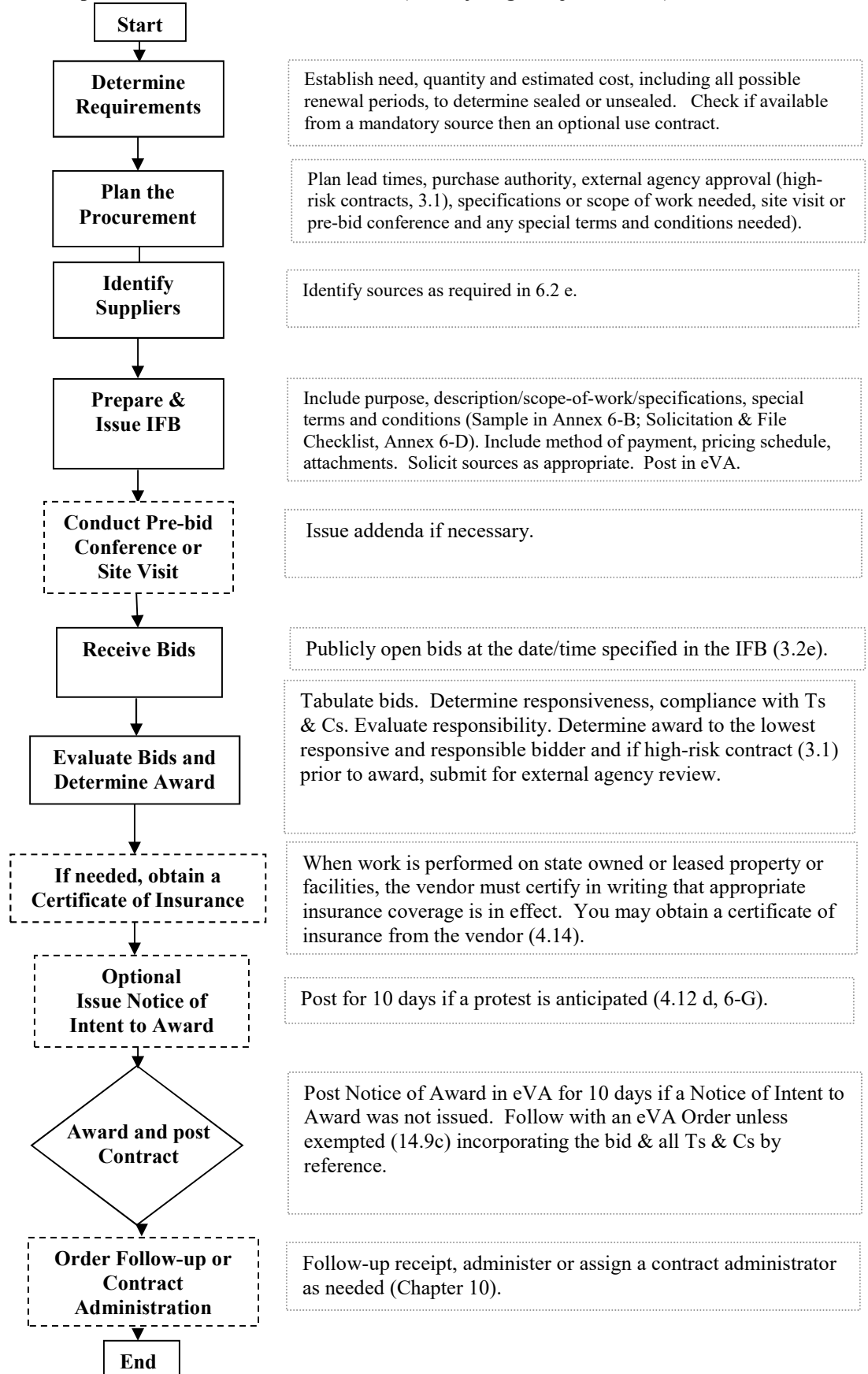


Annex 5-G

TELEPHONE RECORD FOR GOODS – Use up to and including \$10,000.

Annex 6-A

Competitive Sealed Bidding Process For Goods and Non-professional Services over \$100,000 (*Code of Virginia § 2.2-4302.1*)



Annex 6-B

STEP FOUR:

PREPARE COVER SHEET AND ISSUE THE INVITATION FOR BIDS:

- C. **PUBLISH:** If a high-risk contract, submit solicitation for external agency review (see 3.1). Post in eVA.

Annex 6-I

Small Business Subcontracting Plan

It is the goal of the Commonwealth that over 42% of its purchases be made from small businesses. All potential bidders are required to include this document with their bid response in order to be considered responsive.

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

Certification applications are available through DSBSD online at www.SBSD.virginia.gov (Customer Service).

Bidder Name: _____

Preparer Name: _____ **Date:** _____

Who will be doing the work: ☐ I plan to use subcontractors ☐ I plan to complete all work

Instructions

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

Section A

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

Certification number: _____ Certification Date: _____

Section B

If the "I plan to use subcontractors box is checked," populate the requested information below, per subcontractor to show your firm's plans for utilization of DSBSD-certified small businesses in the performance of this contract for the initial contract period in relation to the bidder's total price for the initial contract period. Certified small businesses include but are not limited to DSBSD-certified women-owned and minority-owned businesses and businesses with DSBSD service disabled veteran-owned status that have also received the DSBSD small business certification. Include plans to utilize small businesses as part of joint ventures, partnerships, subcontractors, suppliers, etc. It is important to note that these proposed participation will be incorporated into the subsequent contract and will be a requirement of the contract. Failure to obtain the proposed participation dollar value or percentages may result in breach of the contract.

B. Plans for Utilization of DSBSD-Certified Small Businesses for this Procurement

Subcontract #1

Company Name: _____ SBSD Cert #: _____

Contact Name: _____ SBSD Certification: _____

Contact Phone: _____ Contact Email: _____

Value % or \$ (Initial Term): _____ Contact Address: _____

Description of Work: _____

Subcontract #2

Company Name: _____ SBSD Cert #: _____

Contact Name: _____ SBSD Certification: _____

Contact Phone: _____ Contact Email: _____

Value % or \$ (Initial Term): _____ Contact Address: _____

Description of Work: _____

Subcontract #3

Company Name: _____ SBSD Cert #: _____

Contact Name: _____ SBSD Certification: _____

Contact Phone: _____ Contact Email: _____

Value % or \$ (Initial Term): _____ Contact Address: _____

Description of Work: _____

Subcontract #4

Company Name: _____ SBSD Cert #: _____

Contact Name: _____ SBSD Certification: _____

Contact Phone: _____ Contact Email: _____

Value % or \$ (Initial Term): _____ Contact Address: _____

Description of Work: _____

Subcontract #5

Company Name: _____ SBSD Cert #: _____

Contact Name: _____ SBSD Certification: _____

Contact Phone: _____ Contact Email: _____

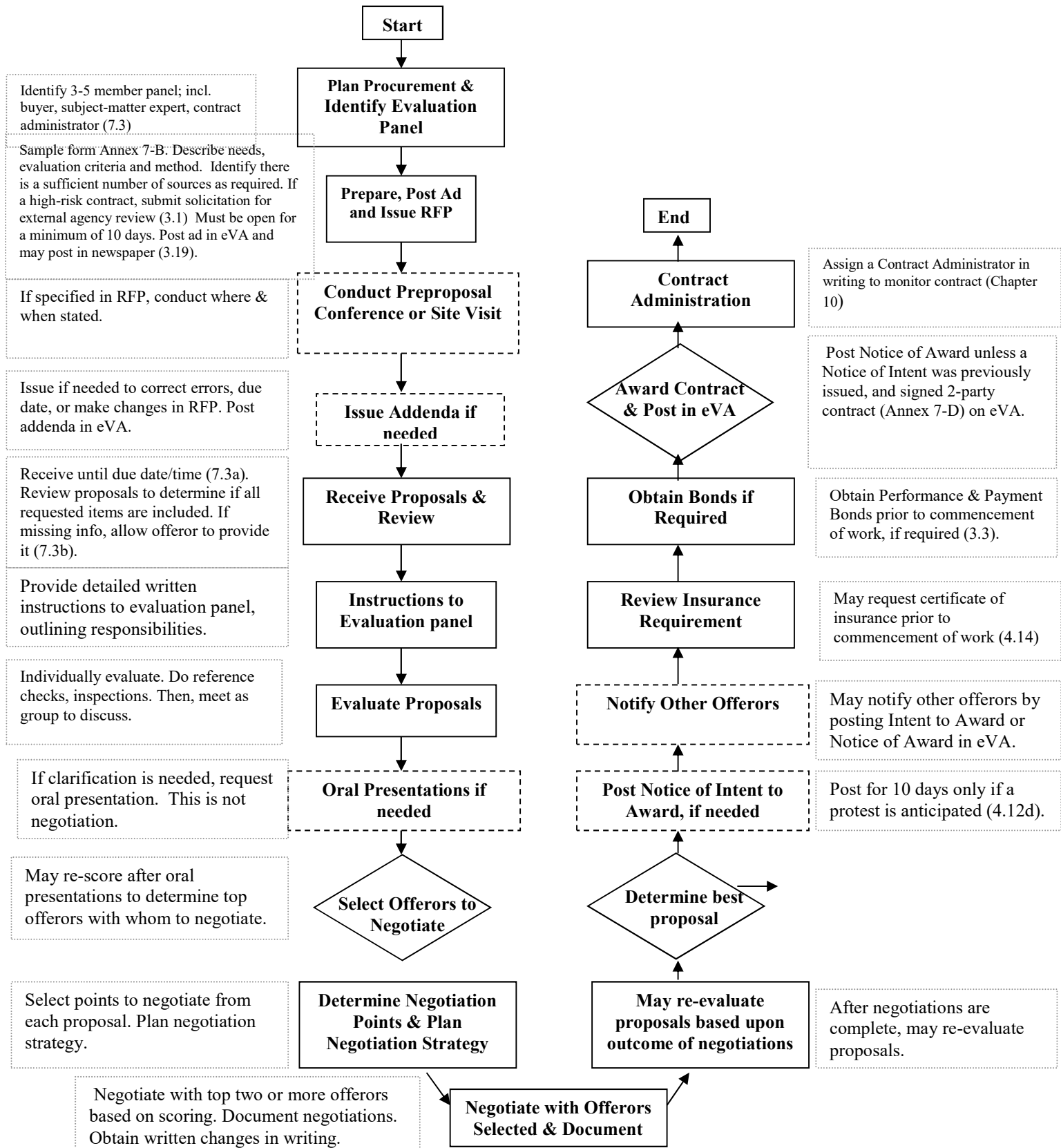
Value % or \$ (Initial Term): _____ Contact Address: _____

Description of Work: _____

NOTE: This information can be captured using this template or using the sourcing tools available in eVA.

Annex 7-A

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



Annex 7-B

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

STEP 2 – PREPARE COVER SHEET AND ISSUE THE REQUEST FOR PROPOSALS

- III. PUBLISH: If a high-risk contract, submit solicitation for external agency review (see 3.1). Post in eVA.

Annex 7-G

Small Business Subcontracting Plan

It is the goal of the Commonwealth that over 42% of its purchases be made from small businesses. All potential offerors are required to return this document with their response.

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

Certification applications are available through DSBSD online at www.SBSD.virginia.gov (Customer Service).

Offeror Name: _____

Preparer Name: _____ **Date:** _____

Who will be doing the work: ☐ I plan to use subcontractors ☐ I plan to complete all work

Instructions

- A. If you are certified by the DSBSD as a micro/small business, complete only Section A of this form.
- B. If you are not a DSBSD-certified small business, complete Section B of this form. For the offeror to receive credit for the small business subcontracting plan evaluation criteria, the offeror shall identify the portions of the contract that will be subcontracted to DSBSD-certified small business for the initial contract period the initial contract period in Section B.

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

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

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

Section A

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

Certification number: _____ Certification Date: _____

Section B

If the "I plan to use subcontractors box is checked," populate the requested information below, per subcontractor to show your firm's plans for utilization of DSBSD-certified small businesses in the performance of this contract for the initial contract period in relation to the offeror's total price for the initial contract period. Certified small businesses include but are not limited to DSBSD-certified women-owned and minority-owned businesses and businesses with DSBSD service disabled veteran-owned status that have also received the DSBSD small business certification. Include plans to utilize small businesses as part of joint ventures, partnerships, subcontractors, suppliers, etc. It is important to note that these proposed participation will be incorporated into the subsequent contract and will be a requirement of the contract. Failure to obtain the proposed participation dollar value or percentages may result in breach of the contract.

B. Plans for Utilization of DSBSD-Certified Small Businesses for this Procurement

Subcontract #1

Company Name: _____ SBSD Cert #: _____

Contact Name: _____ SBSD Certification: _____

Contact Phone: _____ Contact Email: _____

Value % or \$ (Initial Term): _____ Contact Address: _____

Description of Work: _____

Subcontract #2

Company Name: _____ SBSB Cert #: _____

Contact Name: _____ SBSB Certification: _____

Contact Phone: _____ Contact Email: _____

Value % or \$ (Initial Term): _____ Contact Address: _____

Description of Work: _____

Subcontract #3

Company Name: _____ SBSB Cert #: _____

Contact Name: _____ SBSB Certification: _____

Contact Phone: _____ Contact Email: _____

Value % or \$ (Initial Term): _____ Contact Address: _____

Description of Work: _____

Subcontract #4

Company Name: _____ SBSB Cert #: _____

Contact Name: _____ SBSB Certification: _____

Contact Phone: _____ Contact Email: _____

Value % or \$ (Initial Term): _____ Contact Address: _____

Description of Work: _____

Subcontract #5

Company Name: _____ SBSB Cert #: _____

Contact Name: _____ SBSB Certification: _____

Contact Phone: _____ Contact Email: _____

Value % or \$ (Initial Term): _____ Contact Address: _____

Description of Work: _____

NOTE: This information can be captured using this template or using the sourcing tools available in eVA.

- 9.1 **Types of Emergency Procurements.** The nature of the emergency will determine what pre-award action may be taken:
- b. For other types of emergencies, competition should also be sought to the maximum extent practicable. Vendor's qualifications may be checked and verification of insurance coverage, if applicable, information on warranty offered, and any other data pertinent to the procurement. An agency may procure materials, equipment or supplies above its delegated authority with the advance written approval of DGS/DPS. This request should be submitted in eVA.
- 10.13 **Contract Renewal and Extension.**
- b. **Extension.** An agency may extend the term of an existing contract for services to allow completion of any work undertaken but not completed during the original term of the contract. No additional consideration exceeding the contracted price may be paid to the contractor. Also, in exceptional or extenuating circumstances a contract may be extended by mutual consent for no more than 18 months. Agencies may extend such contracts up to six (6) months without DPS approval. After that extension such contracts may be extended for up to twelve (12) additional months only with advance written approval of DPS. The extension request shall be submitted in eVA. All extensions shall be executed in writing prior to the expiration of the current contract.
- 10.22 d. **Revenue Sharing Contracts.** Certain agencies and institutions possess statutory authorization to generate revenue. Service contracts for the management of cash operations commonly permit agencies and institutions to share in the revenues these activities generate rather than require any expenditure of funds. Commissions should normally be based as a percentage of gross receipts, and there should be some incentive for the contractor to contain costs. It is imperative that agencies have some ability to verify gross sales under agreements of this type. Consideration should be given to consulting with internal auditors for administrative suggestions and/or requesting an annual audit. In addition, the disposition of any purchased capital equipment at termination, and additions to real property during the term of the agreement should also be addressed in the contract. Agencies are cautioned that any attempts to establish such contracts should include input from their legal advisor to assure compliance with *Code of Virginia*, § 2.2-1802 and Virginia Constitution, Article X, Sect. 7.
- 13.7 **DGS/DPS State Contracts.**
- a. **Use of State Term Contracts.** DGS/DPS provides support to state agencies through the establishment of both mandatory and optional use term contracts. The contracts may be executed for a single agency, selected agencies, or for the use of all state agencies and political subdivisions. Contracts are entered into in accordance with law and applicable procurement regulations. Agencies are advised of the existence of such contracts by means of written notices from DGS/DPS and are posted under "State Contracts" on www.eva.virginia.gov. These notices identify the contract vendor, prices, and the terms and conditions of the contract. The prices and terms obtained under mandatory use contracts are offered by bidders with the understanding that if the requirements are to be obtained from a nongovernmental source, they will be ordered from the contractor. The use of these contracts is mandatory for all state agencies and institutions for the purchase of items listed and available under the terms of the contract. Orders are placed against a state contract by preparing a purchase order in eVA. An agency or institution may not use its local purchase authority to purchase items from another source which are available under the terms of a mandatory use contract. If the goods or services available under the terms of a mandatory use contract cannot be used by an agency or institution, a request to purchase other goods or services of similar nature shall be submitted to DGS/DPS for approval (see also 2.1). The request shall be submitted in eVA.
 - d. **Agency or Institution Statewide Term Contracts.** Agencies and institutions desiring to establish statewide term contracts, within their delegated authority, should consider the factors in 13.7 b. and whether the entity has the appropriate number and experience level of contract officers to handle the management of the term contract. A written request to establish a statewide term contract shall be sent to the DGS/DPS Director for approval in eVA. Upon the approval of the DGS/DPS Director, agencies and institutions may award a statewide term contract in accordance with the approval granted. Contract Management for any agency or institution-established contract shall be the responsibility of the entity establishing the contract.
- 13.8 **Submission of DGS/DPS Purchase Requisition.** The DGS/DGS requisition is the document that initiates the procurement action for goods and printing, whose value exceeds an agency's or institution's delegated authority. It is also used to initiate procurement action for services contracted by DGS/DPS on behalf of an agency. It should contain all the essential information a DGS/DPS buyer needs to blend the appropriate contract terms and conditions with a full, clear and concise description of the requirement into a solicitation which can be issued to qualified bidders or offerors. Any approvals required

or exceptions granted regarding the procurement should also be furnished. Should an agency require special exemption from purchasing through DGS/DPS, the request must be submitted to DGS/DPS in eVA for prior approval. The following paragraphs highlight essential elements which should be included in every requisition. Requisitions without complete information may be returned causing delay.

Annex 13-D

Submit request in eVA

If you do not have access contact your Procurement Management Account Executive

14. **General.** Every authority, department, division, institution, officer, agency, and other unit of state government (using agencies) shall utilize DGS' central electronic procurement system beginning at the point of requisitioning for all procurement actions including, but not limited to, technology, transportation & construction, unless otherwise authorized in writing by the Division. Where necessary to capture data in agency enterprise resource planning systems and to eliminate or avoid duplicate or manual data entry in such agency systems, using agencies shall integrate their enterprise resource planning systems with the DGS' central electronic procurement system, unless otherwise authorized in writing by the Division or in accordance with the provisions of the Restructured Higher Education Financial and Administrative Operations Act (*Code of Virginia*, §§ 23-38.88 and 2.2-1110). This chapter establishes policies and provides guidance on electronic procurement in Virginia, hereinafter referred to as eVA. eVA encompasses vendor central registration and source selection, requisitioning, solicitation development, soliciting and receiving formal and informal bids and proposals, bid/proposal tabulation and evaluation, electronic ordering, public posting, electronic receiving, electronic invoicing, electronic data record keeping and various reporting capabilities. Additionally, eVA facilitates item searches, in which Commonwealth entities can shop mandatory sources and mandatory use and optional use term contracts, surplus property and non-contract sources, all displayed as electronic catalogs. **Policies in this chapter shall take precedence in the event of conflict with other sections of this manual.** The *Virginia Public Procurement Act (VPPA)*, other applicable sections of the *Code of Virginia*, as well as other provisions of this manual and *Vendors Manual* will remain in full force and effect. All purchase transactions, regardless of funding source, governed by the *VPPA* shall be processed through eVA to eVA registered vendors except as otherwise provided herein (see 14.11) or excluded in 14.9.c. Any purchases processed outside eVA will continue to be governed by applicable law and by the non-eVA policies and procedures contained in this manual and *Vendors Manual* in effect at the time of the transaction.

14.3 **Shopping.** Any available mandatory source, mandatory use contract or optional use contract will appear in the response(s) received to an item search in eVA. Unit prices shown in the electronic catalogs are inclusive of shipping charges; however, a minimum order requirement may apply, which can be determined by clicking on the item description to view further information. The extent to which agencies and institutions use eVA will be taken into consideration when evaluating requests for (and maintenance of) higher levels of delegated purchasing authority (see 1.2a). The below procedures shall apply to purchases made via eVA:

- a. **Mandatory Sources and Mandatory Use Contracts (see 2.1):** Agencies and institutions shall place all orders through eVA on mandatory use contracts. Purchases may be made up to any dollar amount unless otherwise limited by the specific mandatory source or contract. Exception to the use of a mandatory source must be approved in writing in advance by an official of the mandatory source. Exception to the use of a mandatory DGS/DPS contract must be approved in advance by DGS/DPS in eVA.
- c. **Non-mandatory Sources (see 2.2b. & c.):** Surplus property listed in eVA is available for purchase up to any dollar amount. Employment Service Organizations are not listed. Purchases from Employment Service Organizations are exempt from competitive procurement within the guidelines stipulated in 2.2c, but can only be accessed outside eVA.
- d. **Open Market Sources:** In addition to any available mandatory source, mandatory contract or optional use contract, other vendors may appear as choices for the specific requirement. When a mandatory source or contract is not available to satisfy the requirement or an exemption has been granted to bypass it, any open market vendor may be selected when the total value does not exceed the single quote limit. See paragraph 14.6 for small purchase competitive requirements.

14.4 **Change Orders:** Change orders, regardless of dollar value, shall be processed whenever requested by a supplier to ensure the supplier's eVA transaction fee is accurate, as may be required by internal policy when the actual invoiced amount differs from the purchase order total, and in accordance with the requirements set forth in Sections 3.6 and 10.12 of the Agency Procurement and Surplus Property Manual (APSPM).

Change Orders: When the actual invoiced amount differs from the purchase order total change orders, regardless of dollar value, shall be processed whenever requested by a supplier to ensure the supplier's eVA transaction fee is accurate; as may be required by internal policy; and in accordance with the requirements set forth in Sections 3.6 and 10.12 of the Agency Procurement and Surplus Property Manual (APSPM).

14.5 **Receiving:** Agencies and institutions shall receive all purchase orders in eVA using either central receiving or desktop receiving functionality.

14.6 **Competitive Requirements.**

- a. **Single Quotation (up to and including \$10,000):** An eVA catalog (non-contract) price can be considered a quote in compliance with 3.11.g.1 and 5.3.a when the value of the purchase is up to and including \$10,000.
- b. **Sourcing:** eVA shall be used for all solicitations over \$10,000 requiring competition in compliance with APSPM Chapters 5-9.
- c. **Posting on eVA:** Posting on eVA meets the public posting requirements set forth in 3.19.
 - i. All Quick Quotes, Invitations to Bid, Requests for Proposal, Addenda, awarded contracts and modifications are publicly posted on eVA (14.6.b).

14.9 **Requisitioning and Ordering –Use of eVA:**

- a. All purchase transactions, regardless of funding source, shall be processed through eVA by issuing the order to the vendor including purchases to mandatory sources (VCE, VDC, OGC, and VIB); and coding the requisition with the appropriate purchase order category ending in “1” (e.g., R01, P01, VR1, VP1, etc.).
- d. 8. Purchases of Pharmaceuticals, Vaccines, and University Oral Contraceptives MMCAP Contract Products, as categorized by MMCAP and within the Pharmacy Program under MMCAP Pharmaceutical Wholesaler Distribution Services Contract or a MMCAP Vaccine Program Contract. This does not include purchases of Non-Pharmaceuticals within the Pharmacy Program or MMCAP Contract Products under other MMCAP programs not mentioned above (ex. Medical Supplies).
- d. 9. Revenue contracts, or contracts with \$0 payment made by the Commonwealth

APPENDIX B

SECTION II

SPECIAL TERMS AND CONDITIONS GOODS AND NONPROFESSIONAL SERVICES

4. **eVA ORDERS AND CONTRACTS:** The solicitation/contract will result in (_____) purchase order(s) with the applicable eVA transaction fee assessed for each order.
41. **PREBID/PREPROPOSAL CONFERENCE - MANDATORY/OPTIONAL:** (Note: Select one of the following two clauses if a mandatory or optional prebid or preproposal conference is desired and include it in the solicitation.)

- A. **MANDATORY PREBID/PREPROPOSAL CONFERENCE:** A mandatory prebid/preproposal conference will be at _____ (time and date) at the _____ (place) _____. The purpose of this conference is to allow potential bidders/offers an opportunity to present questions and obtain clarification relative to any facet of this solicitation.

Due to the importance of all bidders/offers having a clear understanding of the specifications/scope of work and requirements of this solicitation, attendance at this conference will be a prerequisite for submitting a bid/proposal. Bids/Proposals will only be accepted from those bidders/offers who are represented at this prebid/preproposal conference. No one will be admitted after _____ (time) _____.

Bring a copy of the solicitation with you. Any changes resulting from this conference will be issued in a written addendum to the solicitation.

*** When Used: For use in complex procurements when clarification of the contents of the solicitation to potential bidders/offers will greatly enhance understanding of what is sought to be procured. CAUTION: Use of this clause may limit competition because only those that attend may submit a bid/proposal. Use wording appropriate to the type of solicitation, i.e., prebid, bid, bidder in an IFB and preproposal, proposal, offeror in an RFP.**

68. **PLASTIC MATERIALS:** Bidders must identify whether their plastic materials contain recycled materials and, if so, specify the amount of recycled content in such plastic materials.

***When used: For use when soliciting bids for goods.**

69. **PERSONAL PROTECTIVE EQUIPMENT:**

All personal protective equipment for public use must comply with all applicable federal and international certifications.

- a. When an agency or institution receives three or more bids from a Virginia-based company or a manufacturer that uses materials or product components made in Virginia or the United States, the agency must select from those bids. If such bids are unavailable, the agency must select a United-States based manufacturer using materials or product components made in the United States.
- b. If an agency or institution is unable to purchase equipment in accordance with subsection A, it must purchase equipment from another company or manufacturer that has tested the personal protective equipment by an independent laboratory to ensure compliance with all applicable federal and international certifications and requirements for such equipment or if the manufacturer of such equipment provides verifiable proof of internal and independent testing by an accredited United States laboratory or testing facility at the time of award.
- c. State agencies shall comply with the provisions of this section unless the requirements stated in subsections A and B cannot be met.

***When used: For use when soliciting bids for personal protective equipment.**

SECTION III

ADDITIONAL TERMS AND CONDITIONS FOR NON-CAPITAL OUTLAY CONSTRUCTION PROJECTS

For the current special terms and conditions for non-capital outlay construction projects please visit the DGS/DEB site at https://dgs.virginia.gov/globalassets/business-units/bcom/documents/forms/dgs-30-054_04-21_co-7.pdf.

The Commonwealth's General Terms & Conditions, any other special terms and conditions as listed in previous sections of this appendix, and any specific terms developed by the buyer should also be included as needed.

APPENDIX C

PROCUREMENT INFORMATION MEMORANDUM (PIM) RECORD OF CHANGES

98-040	Removes specific eVA tool names throughout, clarifies when high-risk contract renewals need to be reviewed, updates requirements for bid bonds and performance and payment bonds, deletes references to Executive Order Seventy-Seven (2021), adds references to Executive Order Seventeen (2022), updates Small Business Subcontracting Plan annex, updates Special Terms; eVA Orders and Contracts and Prebid/Preproposal Conference-Mandatory/Optional, adds Special Terms; Plastic Materials and Personal Protective Equipment and removes the Additional Terms and Conditions for Non-Capital Outlay Construction Projects and replaces them with a link.	06/29/22	
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