


September 1, 2023

## 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) #98-042

Enclosed is PIM #98-042, effective September 1, 2023, 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 September 1, 2023. The location of text changes will be indicated by an arrow in the margin ( → ) with the corresponding PIM #98-042 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 #98-042 should be filed in the back of the Appendix C log.

<i>APSPM</i> Cite	Summary of Changes
1	Deletes the last two sentences from the second paragraph.
1.2.b	-Adds “and institutions” and “when the agency/institution has a certified Virginia Contracting Officer on staff” to the first sentence in the first paragraph -Adds “institution” to the first sentence in the second paragraph -Adds a second and third sentence to the second paragraph
1.2.e.2	Deletes “public posting waiver” from the first sentence
Annex 1-A	Adds “contracts” and “and allow receipt of electronic responses” to the first sentence in number 2
2.2.c	Updates the eVA web address in the second paragraph
3.2.e	-Replaces “should be received at one central location and” with “shall provide an option for suppliers to respond electronically in eVA unless an exemption has been granted by the Director of DGS or his Designee” in the first sentence -Adds “If accepting paper responses” to the second sentence -Adds “paper” to the third sentence -Adds “Paper Responses” to the title in the fourth paragraph
3.8.e	Adds “Multiple Award (MAS) category, state” and replaces “Schedule 84” with “the Security and Protection Large Category (with the exception of SIN 332999S, Safes and Securities Products, and SIN 334118, Personal & Document Identification Systems)” in the second sentence
3.11.e	Updates the eVA web address
3.15.a	Updates the eVA web address
3.19	Updates the eVA web address
Annex 3-K	Updates the eVA web address
4.3.e	-Replaces “shall” with “should” in the second sentence -Deletes the third and fourth sentence
5.6.a.1	-Adds “and receive” to the first sentence -Adds “provide an option for suppliers to respond electronically in eVA and” to the third sentence
5.6.b.1	Adds “and receive” to the second sentence
5.6.b.2	Adds “The solicitation shall also provide an option for suppliers to respond electronically in eVA” as the last sentence
6.2.a	Adds “The solicitation shall also provide an option for suppliers to respond electronically in eVA unless an exemption has been granted by the Director of DGS or his designee” as the last sentence
6.4	Deletes section in its entirety

6.5	Deletes section in its entirety
6.6	Re-writes section
Annex 6-B, Step 4, C	Adds <i>"The solicitation shall also provide an option for suppliers to respond electronically in eVA unless an exemption has been granted by the Director of DGS or his designee"</i> as the last sentence
Annex 6-D	Adds <i>"The solicitation shall also provide an option for suppliers to respond electronically in eVA unless an exemption has been granted by the Director of DGS or his designee"</i> as the last sentence of the "Public Notice" box
7.2.d	Replaces <i>"and indicate if"</i> with <i>"which shall also state that"</i> in the fourth sentence
7.2.i	Adds <i>"The solicitation shall also provide an option for suppliers to respond electronically in eVA unless an exemption has been granted by the Director of DGS or his designee"</i> as the last sentence
Annex 7-B, Step 1, V	Replaces <i>"whether"</i> with <i>"that"</i> in the fourth sentence
Annex 7-B, Step 2, I.E	Adds <i>"The solicitation shall also provide an option for suppliers to respond electronically in eVA unless an exemption has been granted by the Director of DGS or his designee"</i> as the second sentence
Annex 7-B, Step 7	Replaces <i>"will"</i> with <i>"may"</i> and adds <i>"or eliminate the proposal from further consideration"</i> to the last sentence
Annex 7-E	-Replaces <i>"whether"</i> with <i>"that"</i> in the third sentence of the "Evaluation Criteria" box -Adds <i>"The solicitation shall also provide an option for suppliers to respond electronically in eVA unless an exemption has been granted by the Director of DGS or his designee"</i> as the last sentence of the "Public Notice" box
Annex 8-F	Updates eVA web address
9.3.b	Updates eVA web address
10.11.a	-Replaces <i>"Memorandum of Understanding (MOU)"</i> with <i>"contract"</i> in the sixth sentence -Replaces <i>"MOUs"</i> with <i>"contracts"</i> in the last sentence
10.13.b	-Deletes the third, fourth, fifth and sixth sentence -Adds <i>"All contract extension requests shall be approved by DPS in advance and shall be submitted in eVA"</i> as the third sentence
Annex 12-B	Updates eVA web address
13.2	Updates eVA web address
13.7.a	Updates eVA web address
Annex 13-C	Updates web address
14.9.d.7	Replaces <i>"health disorder"</i> with <i>"disability"</i>
14.9.d.15	Adds <i>"mental"</i> and deletes <i>"mental health, mental retardation"</i>
Annex 14-A	Updates eVA web address
Appendix A	-Deletes <i>"and Nonprofit Organizations Serving the Handicapped"</i> from the Sheltered Workshops definition -Deletes <i>"Extension of Contract"</i> from the Special Terms and Conditions definition
Appendix B, Section I	Updates were made to the following General Terms and Conditions: A. Vendors Manual P. Default U. Announcement of Award X. eVA Business-To-Government Vendor Registration, Contracts, and Orders
Appendix B, Section II	Updates were made to the following Special Terms and Conditions: 58. Employment Services Organizations (ESO)
Appendix C	Adds Summary of changes.

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](#).

1. **General.**

To the end that public bodies in the Commonwealth obtain high quality goods and services at reasonable cost, that all procurement procedures be conducted in a fair and impartial manner with avoidance of any impropriety or appearance of impropriety, that all qualified vendors have access to public business and that no offeror be arbitrarily or capriciously excluded, it is the intent of the General Assembly that competition be sought to the maximum feasible degree, that procurement procedures involve openness and administrative efficiency, that individual public bodies enjoy broad flexibility in fashioning details of such competition, that the rules governing contract awards be made clear in advance of the competition, that specifications reflect the procurement needs of the purchasing body rather than being drawn to favor a particular vendor, and that the purchaser and vendor freely exchange information concerning what is sought to be procured and what is offered.

1.2 **Agency Purchasing Authority.**

- b. **Services.** Agencies and institutions are authorized to contract for services up to any dollar amount subject to applicable laws, regulations, this manual and fiscal restraints; when the agency/institution has a certified Virginia Contracting Officer on staff; however, agencies may submit requisitions to DGS/DPS for processing.

Effective July 1, 2015 – For agencies and institutions that do not have a certified Virginia Contracting Officer on staff at the time of agency/institution activity for a service procurement, their delegation for service procurements is reduced to \$100,000. Requirements over the agency's/institution's delegated authority shall be forwarded to DGS/DPS for processing. Purchases from state contracts are unlimited except for limitations on specific contracts.

- e. **Authority to Sign Procurement Documents.**

- (2) **Designated signature authority is required for the following documents:** purchase requisitions submitted to DGS/DPS, agency purchase orders, contracts, , multi-colored printing, waiver of a prebid or preproposal conference, contract modification, and written determinations to support the use of emergency procedures. The agency head may delegate approval authority in writing, for sole source procurements up to and including \$50,000 to the chief purchasing officer or a direct report to the agency head. Over \$50,000 the agency head may delegate approval authority in writing, to a direct report to the agency head.

**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**

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 contracts, solicitations, solicitation addenda, award notices including sole source and emergency, and allow receipt of electronic responses 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.

## 2.2 **Nonmandatory Sources.**

### c. **Employment Services Organizations (ESO).**

A commodities list of available goods and services provided by employment services organizations is accessible from a link on the eVA home page, [eva.virginia.gov](http://eva.virginia.gov) or [www.vadars.org](http://www.vadars.org).

## 3.2 **Bid Invitations, Requests for Proposals and Responses.**

- e. **Receipt of Bids or Proposals.** Bids or proposals shall provide an option for suppliers to respond electronically in eVA unless an exemption has been granted by the Director of DGS or his designee. If accepting paper responses; a clock, publicly displayed, or an electronic date/time stamp machine should be used to establish receipt times. When paper bids or proposals are received, the bids or proposals shall be date stamped and the time noted or stamped on the envelope showing the time of receipt. The bid or proposal receipt time deadline must strictly comply with the date and time stated in the solicitation. The purchasing officer shall be responsible for deciding when the receipt deadline has arrived and should announce wording to the effect that, "Bids/Proposals for solicitation number \_\_\_ are now closed. No further bids/proposals will be treated as timely." It is the responsibility of the bidder or offeror to have the bid or proposal at the specified location by the appointed time. Bid or proposal receipt deadlines and public openings scheduled during a period of suspended state business operations will be deemed rescheduled for processing at the same time on the next regular business day. Nothing in this paragraph limits the agency's ability to entertain, during competitive negotiation, new or different content to a timely-submitted proposal.

**Late Bids or Proposals – Paper Responses.** Bids or proposals received after the date and time specified for receipt in the solicitation, shall not be considered. For late **sealed** bids or proposals the envelope shall be date and time stamped, marked "late" and retained unopened in the procurement file. Late **unsealed** bids or proposals, those solicited for requirements up to and including \$100,000, shall be marked "late" and placed in the procurement file.

## 3.8 **Joint and Cooperative Procurement.**

- e. **General Services Administration (GSA) or other U.S. Government Contracts:** As authorized by the United States Congress and consistent with applicable federal regulations, and provided the terms of the contract permit such purchases, § 2.2-4304 of the *Code of Virginia* permits any authority, department, agency, or institution of the Commonwealth to purchase goods and nonprofessional services, other than telecommunications and information technology, from a U.S. General Services Administration contract or a contract awarded by any other agency of the U.S. government, upon approval of the Director of the Division of Purchases and Supply of the Department of General Services for non-technology purchases and the Commonwealth's Chief Information Officer for technology purchases. For non-IT general purchases only one GSA Multiple Award Schedule (MAS) category has been approved for state use by Congress, the Security and Protection Large Category (with the exception of SIN 332999S, Safes and Securities Products, and SIN 334118, Personal & Document Identification Systems). Certain law enforcement, drug interdiction, and emergency operations programs have been granted authority by Congress to use any GSA Schedule subject to GSA guidelines as to when they may be used.

## 3.11 **Small, Women-Owned & Minority Businesses**

- e. **Competitive Requirements.** All employees with purchasing responsibility who are involved in procurement decisions for goods and services are expected to notify and give every consideration to using qualified small business suppliers of procurement opportunities in a manner that is consistent with state and federal laws and regulations and with the provisions set forth in this manual. Whenever the agency or institution engages in a solicitation or request for quotes, it will include businesses selected from the list of certified small businesses maintained on the DSBSD and eVA web sites, [www.sbsd.virginia.gov](http://www.sbsd.virginia.gov) and [eva.virginia.gov](http://eva.virginia.gov). This shall include DSBSD-certified women-owned and minority-owned businesses and businesses with service disabled veteran owned status that have also received the DSBSD small business certification.

## 3.15 **Preferences**

### a. **Reciprocal Preferences.**

DGS/DPS will post and maintain a listing of preference laws provided by other states on the eVA website. (Absolute preference defined, see Appendix A.) See [eva.virginia.gov](http://eva.virginia.gov) for a listing of state preference laws and (*Code of Virginia*, § 2.2-4324B).

- 3.19 **Publicly Posted Notices.** All informal solicitations, Invitations to Bid, Requests for Proposal, Addenda, sole source award notices, emergency award notices, awarded contracts and modifications, government-to-government service contracts starting at \$25,000 that appears on the Commercial Activities List, and conceptual proposals received

under a PPEA or PPTA shall be posted on the DGS central electronic procurement system, commonly known as eVA (*Code of Virginia*, § 2.2-1110). The eVA web site address is [eva.virginia.gov](http://eva.virginia.gov). The agency must include in the posting access to an electronic version of all related documents.

### **Annex 3-K**

#### **Example RFP Newspaper Advertisement**

##### **Request for Proposals**

Agency: Agency Name

RFP: 1234

Title: Food Services

Closing Date/Time: Aug 1, 2013 2:00/EST

More Info: [eva.virginia.gov](http://eva.virginia.gov)

4.3 **Preparing the Written Solicitation.**

- e. **Prebid or Preproposal Conferences.** Conference or site visits early in the solicitation cycle provide an opportunity to emphasize and clarify critical aspects of solicitations, eliminate ambiguities or misunderstandings, and permit vendor input. Conferences/site visits should be conducted with potential bidders or offerors when issuing solicitations for complex, large (over \$100,000) or critical requirements. Attendance at conferences or site visits may be either optional or mandatory. The issuing agency may permit attendance through teleconferencing or videoconferencing. When mandatory attendance is stipulated in the solicitation, evidence of those in attendance must be maintained by the agency and only bids or proposals from those firms represented at the conference or visiting the site will be accepted. Agencies should carefully consider whether it is absolutely necessary that bidders or offerors attend in order to understand the solicitation and submit a response to it. Such mandatory conferences and site visits can reduce competition because of vendor scheduling conflicts. In addition, no such conference or site visit can be scheduled less than ten full calendar days from the date the solicitation is issued and public notice requirements are completed. (A sample clause is in Appendix B, Section II.) Prebid or preproposal conferences scheduled during a period of suspended State business operations must be rescheduled by the purchasing agency to a date and time that will permit proper notification to all potentially interested participants. If a modification to the solicitation is required as a result of the conference or site visit, an addendum must be issued. Specific points to be considered when conducting these conferences or site visits are contained in Annex 6-E.

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

a. **Unsealed Bidding**

1. eVA shall be used to solicit and receive bids for goods and nonprofessional services over \$10,000 up to and including \$100,000 (see 14.6.b). Detailed line item descriptions, general terms and conditions and all appropriate special terms and conditions must be stated in or attached to the solicitation, including an award term. The solicitation shall provide an option for suppliers to respond electronically in eVA and 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.

b. **Unsealed Request for Proposals**

1. Goods or nonprofessional services up to and including \$100,000 may be procured using the Unsealed Request for Proposal process (see flowchart, Annex 5-F). eVA shall be used to solicit and receive proposals for goods and nonprofessional services over \$10,000 up to and including \$100,000 (see 14.6.b).
2. The solicitation for unsealed proposals should include a cover sheet, a general description of what is being sought, detailed line item descriptions, the evaluation criteria and weights to be used in evaluation, current version of the General Terms and Conditions, any Special Terms and Conditions including unique capabilities or qualifications that will be required, award term, and a requirement that under the Small Business Enhancement Award Priority they shall provide their appropriate DSBSD-certified small business (including micro) number. The solicitation shall also provide an option for suppliers to respond electronically in eVA.

6.2 **Preparation and Issuance of IFBs.**

- a. **Format.** Prepare the IFB using the format and contents shown in Annex 6-B. Establish a due date and time that will allow sufficient time for potential bidders to seek clarification and for the issuance of an addendum, if necessary. The due date shall not be less than 10 days from the issue date of the IFB. The solicitation shall also provide an option for suppliers to respond electronically in eVA unless an exemption has been granted by the Director of DGS or his designee.

6.4 Deleted.

6.5 Deleted

6.6 **Combined Two-Step Competitive Sealed Bidding.** Combined two-step competitive sealed bidding is used when it is impractical to initially prepare a definitive purchase description to support an award based on prices. In such instances an IFB is issued requiring the firms who respond to the solicitation to furnish their unpriced technical proposals in one sealed envelope and their bid prices in a second sealed envelope at the same time. There is no negotiation in the combined two-step competitive sealed bid process; however, the agency at its option may request information from bidders to clarify material contained in their technical proposals.

The solicitation describes the agency's requirement in general terms and asks for a technical proposal describing how the bidder intends to meet the agency's requirements and what goods, equipment, and service, as applicable, will be furnished. The solicitation must also specify any mandatory technical data and information to be submitted in the proposal and any optional information desired. It also includes a pricing schedule. The cover sheet should explain the combined two-step procedure. The solicitation shall also provide an option for suppliers to respond electronically in eVA unless an exemption has been granted by the Director of DGS or his designee.

When receiving electronic responses the instructions issued must specify that the technical proposal is uploaded in eVA in the technical envelope and the pricing must be included in the line items. When receiving paper responses, the instructions issued must specify that the responses are to be submitted in two separate sealed envelopes - one marked "Technical Proposal" and the other "Bid Price" and the bidders should be instructed to identify both the technical proposal and pricing envelope with the bidder's name, company name and address, and bid reference number.

If Set-aside in accordance with 3.11(g), the solicitation shall include a tiered award clause as specified in Special Term and Condition 2.L. It should indicate if a prebid conference will be conducted and if attendance is mandatory or optional. The proposals are publicly opened, and the names of the firms submitting proposals are announced. The agency then evaluates and selects those proposals which will meet its needs, based on the mandatory criteria specified in the solicitation. The evaluators may request written or oral discussions from bidders to clarify or supplement the material in the proposal. The contents of the technical proposal are not subject to negotiation and must be evaluated as submitted. They are not ranked but are determined to be acceptable or not acceptable for meeting the agency's needs. Only those responsive bidders whose technical proposals were determined to be acceptable will be moved to the next step of price evaluation. The contract is awarded to the lowest responsive and responsible bidder. The award document shall incorporate by reference the terms and conditions of the solicitation, the contractor's technical proposal, and the bid price. Post the appropriate award notice and contract (see 3.19). For late sealed paper bids the envelope shall be date and time stamped, marked "late" and retained unopened in the procurement file.

**Annex 6-B**  
**SAMPLE FORMAT AND STEP-BY-STEP PROCEDURES**  
**INVITATION FOR BIDS**  
**(IFB)**

**STEP FOUR:**

- C. **PUBLISH:** If a high-risk contract, submit solicitation for external agency review (see 3.1). Post in eVA. The solicitation shall also provide an option for suppliers to respond electronically in eVA unless an exemption has been granted by the Director of DGS or his designee.

**Annex 6-D**  
**IFB SOLICITATION AND FILE CHECKLIST**

<b>Pre-Award, Receipt &amp; Evaluation, and Post-Award Activities:</b>		
	Public Notice: Public notice of the solicitation is required at least ten days prior to the date set for receipt of bids by posting on eVA (see 3.19). The solicitation shall also provide an option for suppliers to respond electronically in eVA unless an exemption has been granted by the Director of DGS or his designee.	Posted notice of solicitation from eVA

7.2 **Preparation and Issuance of a Request for Proposal (RFP).**

- d. Mandatory requirements should be kept to a minimum and refer only to those areas that are required by law or regulation or are such that they cannot be waived and are not subject to negotiation. The use of "shall" or "must" indicates a mandatory requirement. Specify any optional information desired. The criteria to be used in evaluation shall be stated in the RFP which shall also state that a numerical scoring system will be used in the

evaluation of proposals. The weights assigned to the evaluation criteria shall also be posted in the location used for public posting of procurement notices prior to the due date and time if the weights were not included in the RFP. A breakout of subcomponent weights need not be listed. Price shall be one of the factors considered, but need not be the determining one. Include a pricing schedule in the RFP (see Annex 7-B).

- i. Purchase actions requiring advertisement shall be posted in eVA (3.19). In addition to advertising in eVA, RFPs may be advertised in a newspaper of general circulation in the area in which the contract is to be performed. The advertisement should be a brief statement about the requirement and information on how to receive a copy of the solicitation. The solicitation shall also provide an option for suppliers to respond electronically in eVA unless an exemption has been granted by the Director of DGS or his designee.

## **Annex 7-B SAMPLE FORMAT AND STEP-BY-STEP PROCEDURES REQUEST FOR PROPOSAL (RFP)**

### **STEP 1 - PREPARE THE REQUEST FOR PROPOSAL (RFP)**

- V. EVALUATION AND AWARD CRITERIA: This section is in two parts. The first part, “Evaluation Criteria,” tells the offerors how the proposals will be evaluated. **The criteria must be developed from the items asked for in the “Specific Proposal Instructions” section.** The RFP shall indicate that a numerical scoring system will be used in the evaluation of proposals. The point values assigned to each of the evaluation criteria shall be included in the RFP or be posted in the location used for public posting of procurement notices prior to the due date and time. Prepare a written evaluation plan showing the maximum point values to be assigned to each of the evaluation criteria appearing in the RFP. It is suggested that the point values assigned to the evaluation criteria when totaled equal 100. The second part is the “Award of Contract” clause that states how the award will be made. Select from Appendix B, Section II, the appropriate award clause. The following is a **sample** of the beginning language and example evaluation and award criteria that can be modified to reflect the agency's needs:

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

- I. COVER SHEET: Utilize the cover sheet format on Annex 7-B.
- E. SEALED PROPOSALS WILL BE RECEIVED UNTIL: Specify the exact date and time for receipt of proposals, at least 10 calendar days from date of issue. The solicitation shall also provide an option for suppliers to respond electronically in eVA unless an exemption has been granted by the Director of DGS or his designee. Public openings of proposals is not required but may be held if desired. If a public opening is held, add “And Then Opened In Public” after the date and time stated on the cover page of the solicitation.

### **STEP 7 - BUYER REVIEW OF PROPOSALS FOR COMPLIANCE WITH THE RFP**

After proposals are opened, the buyer/contract officer must review them for completeness and compliance with mandatory requirements. If a proposal is found either to be missing items of information required to be included by the Specific Proposal Instructions or to indicate noncompliance with one or more mandatory requirements of the RFP, immediately notify the offeror. Give the offeror a reasonable time to provide the missing information or furnish evidence of intention to comply with the mandatory requirement(s). Failure to furnish the information within the time allowed may adversely affect the scoring of the proposal or eliminate the proposal from further consideration.



**RFP SOLICITATION AND FILE CHECKLIST**

<p><u>Evaluation Criteria:</u> The evaluation criteria must be stated in the solicitation, and be based on the requirements stated therein. Typical evaluation criteria include price, approach to the work, experience and qualifications of offerors. Indicate in the RFP that a numerical scoring system will be used in the evaluation of the proposal. The weights assigned to each criteria must be either included in the RFP or posted prior to receipt of proposals.</p>	<p>Evaluation criteria weights (if not included in the RFP)</p>
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<b>Pre-award, Receipt &amp; Evaluation, and Post-Award</b>	
<p><u>Public Notice:</u> Public notice of the solicitation is required at least ten (10) days prior to the date set for receipt of proposals by posting in eVA and may be published in a newspaper of general circulation in the area in which the contract is to be performed. Notices may also be posted in other locations (see 3.19). The solicitation shall also provide an option for suppliers to respond electronically in eVA unless an exemption has been granted by the Director of DGS or his designee.</p>	<p>Posted notice of solicitation in eVA</p>

**Annex 8-F****REPORTING REQUIREMENTS:**

This contract award is subject to the attached list of General Terms and Conditions of the Commonwealth of Virginia *Vendors Manual Appendix B Section II* and any changes or revisions thereto, which are hereby incorporated into this contract in their entirety. A copy of the manual is normally available for review at the purchasing office and is accessible on the internet at [eva.virginia.gov](http://eva.virginia.gov) under “Vendors Manual” on the vendor tab. Additionally, this contract award is subject to any attached Special Terms and Conditions.

**9.3 Documentation.**

- b. **Posting Requirements.** Issue, post and/or publish required written notice. All emergency notices shall be posted in eVA and at a minimum state that the procurement has been declared an emergency and must also state that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. Notice may also be published in the newspaper (*Code of Virginia*, 2.2-4303). The contract must also be posted, see 3.19 for further guidance and [eva.virginia.gov](http://eva.virginia.gov) for instructions for uploading procurement notices. See Annex 9-B for the proper form for internal posting, if desired.

**10.11 Payment and Invoice Processing.**

- a. **Invoice Processing.** Invoice processing is to be performed in accordance with the rules and regulations set forth by the Department of Accounts. To maintain good vendor relationships and a competitive environment, it is imperative that invoices be processed promptly and in accordance with the contract terms. The *Code of Virginia*, § 2.2-4350A, requires agency’s and institutions to pay for the completely delivered goods or services by the required payment date. If no payment date has been established by contract, then payment is due 30 days after receipt of a proper invoice by the agency or its agent responsible under the contract for approval of such invoices for the amount of payment due, or 30 days after the receipt of the goods or services, whichever is later (*Code of Virginia*, § 2.2-4347). When a large purchase requires performance over an extended period of time, agencies should make arrangements to process partial payments upon receipt of evidence indicating that the goods or services have been received (see *Vendors Manual*, 8.3). Agencies and institutions with separate accounting and purchasing offices are strongly encouraged to develop a contract between the two offices. These contracts should establish a clear framework for an effective discrepancy resolution process, so contractor payments are not delayed.

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. All contract extension requests shall be approved by DPS in advance and shall be submitted in eVA. All extensions shall be executed in writing prior to the expiration of the current contract.

**ANNEX 12-B**

Commodity codes are available at: [eva.virginia.gov](http://eva.virginia.gov)

- 13.2 **DGS/DPS Home Page.** DGS/DPS has a home page on the Internet. Included on the home page are the *VPPA, Vendors Manual*, this manual, staff telephone directory, organizational chart, Procurement Information Memoranda (PIMs), DGS/DPS purchase requisition, master contract list, state contracts, Hotel/Motel Guide, list of mandatory sources, information about the VCO program and other training opportunities, *VBO* information, contract compliance information, vendor registration information, alphabetical list of all state purchasing offices, list of agencies with increased delegated purchasing authority, and information regarding the VDC and surplus property. It also includes hot links to other web sites that have useful information for purchasing professionals. New information is added regularly. The web site address is [www.dgs.virginia.gov/dps/](http://www.dgs.virginia.gov/dps/) or [eva.virginia.gov](http://eva.virginia.gov).

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 [eva.virginia.gov](http://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.

**Annex 13-C**

Directory of Procurement Assistance

Please refer to:

[dgs.virginia.gov/procurement/contacts/dps-contacts/](http://dgs.virginia.gov/procurement/contacts/dps-contacts/)

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

7. Medical or Dental Services when provided by any individual or organization licensed and authorized by law to engage in the prevention, diagnosis, or treatment of human illness, injury, condition, disability, mental disability, or substance use disorder. This does not include contracts and purchase orders between the agency or institution and temporary service providers or independent laboratory testing companies.
15. Purchases with public and private hospitals, as well as pharmacy chains and independent pharmacies, that are licensed and authorized by law to dispense controlled drugs and other medications based on prescriptions written by medical practitioners licensed to engage in the prevention, diagnosis, or treatment of human illness, injury, mental or physical disabilities, substance abuse, or emotional condition, when the purpose of the contract is to provide on-site mentoring and practical experience to pharmacy students enrolled in state institutions of higher education.

**Annex 14-A**

**Standard eVA Term and Condition**

**Standard eVA Order Term and Condition:** This order is governed in all respects by the laws of the Commonwealth of Virginia, including the Virginia Public Procurement Act, the Commonwealth of Virginia Agency Procurement and Surplus Property Manual, and the Commonwealth of Virginia Vendors Manual copies of which are available at [eva.virginia.gov](http://eva.virginia.gov). The stated price(s) include shipping FOB destination unless otherwise stated in the body of the order. In addition, this order is subject to an eVA transaction fee in accordance with the eVA Fee Schedule a copy of which is available at [eva.virginia.gov](http://eva.virginia.gov). This fee will be invoiced to your company, approximately 60 days after the order issue date specified above, by the Commonwealth of Virginia, Department of General Services. Any modification to these terms must be agreed to in writing by both parties prior to performance of this order.

**APPENDIX A  
GLOSSARY AND ACRONYMS**

**Sheltered Workshops:** Deleted. See definition for Employment Services Organization..

**Special Terms and Conditions:** Special clauses pertaining to a specific procurement which may supplement or in some cases supersede one or more general terms and conditions, e.g., Award Clause.

**APPENDIX B  
SECTION I  
REQUIRED GENERAL TERMS AND CONDITIONS  
GOODS AND NONPROFESSIONAL SERVICES**

- A. **VENDORS MANUAL:** This solicitation is subject to the provisions of the Commonwealth of Virginia *Vendors Manual* and any changes or revisions thereto, which are hereby incorporated into this contract in their entirety. The process for filing a complaint about this solicitation is in section 7.13 of the *Vendors Manual*. (Note section 7.13 does not apply to protests of awards or formal contractual claims.) The procedure for filing contractual claims is in section 7.19 of the *Vendors Manual*. A copy of the manual is normally available for review at the purchasing office and is accessible on the Internet at [eva.virginia.gov](http://eva.virginia.gov) under “I Sell To Virginia”.
- P. **DEFAULT:** In case of failure to deliver goods or services in accordance with the contract terms and conditions, the Commonwealth may terminate this agreement after verbal or written notice without penalty. Upon termination the Commonwealth may procure the goods or services contracted for from other sources and hold the contractor responsible for any resulting additional purchase and administrative costs. This remedy shall be in addition to any other remedies which the Commonwealth may have.

- U. **ANNOUNCEMENT OF AWARD:** Upon the award or the announcement of the decision to award a contract as a result of this solicitation, the purchasing agency will publicly post such notice in eVA ([eva.virginia.gov](http://eva.virginia.gov)) for a minimum of 10 days.
- X. **eVA BUSINESS-TO-GOVERNMENT VENDOR REGISTRATION, CONTRACTS, AND ORDERS:** The eVA Internet electronic procurement solution, web site portal [eva.virginia.gov](http://eva.virginia.gov), streamlines and automates government purchasing activities in the Commonwealth. The eVA portal is the gateway for vendors to conduct business with state agencies and public bodies. All vendors desiring to provide goods and/or services to the Commonwealth shall participate in the eVA Internet e-procurement solution by completing the free eVA Vendor Registration. All bidders or offerors must register in eVA and pay the Vendor Transaction Fees specified below; failure to register will result in the bid/proposal being rejected.

Vendor transaction fees are determined by the date the original purchase order is issued and the current fees are as follows:

- a. For orders issued July 1, 2014, and after, the Vendor Transaction Fee is:
  - (i) DSBSD-certified Small Businesses: 1%, capped at \$500 per order.
  - (ii) Businesses that are not DSBSD-certified Small Businesses: 1%, capped at \$1,500 per order.
- b. Refer to Special Term and Condition “eVA Orders and Contracts” to identify the number of purchase orders that will be issued as a result of this solicitation/contract with the eVA transaction fee specified above assessed for each order.

For orders issued prior to July 1, 2014, the vendor transaction fees can be found at [eva.virginia.gov](http://eva.virginia.gov).

The specified vendor transaction fee will be invoiced, by the Commonwealth of Virginia Department of General Services, typically within 60 days of the order issue date. Any adjustments (increases/decreases) will be handled through purchase order changes.

## SECTION II

### SPECIAL TERMS AND CONDITIONS

#### GOODS AND NONPROFESSIONAL SERVICES

58. **EMPLOYMENT SERVICES ORGANIZATIONS (ESO):**

- A. Where it is practicable for any portion of the awarded contract to be subcontracted, the contractor is encouraged to offer such business to employment services organizations. A list of employment services organizations can be found at [www.vadars.org](http://www.vadars.org) or [eva.virginia.gov](http://eva.virginia.gov).

## APPENDIX C

### PROCUREMENT INFORMATION MEMORANDUM (PIM)

#### RECORD OF CHANGES

98-042	Updates the eVA web address throughout the manual, adds agencies must provide an option for suppliers to respond electronically to solicitations unless granted an exemption, removes the requirement for mandatory prebid/preproposal conferences for solicitations over \$100,000, updates GSA schedule name, deletes sections 6.4 and 6.5, rewrites section 6.6, mandates all contract extensions need DPS approval in advance, updates policy and terms regarding Default and Employment Service Organizations (ESO).	09/01/23	
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