



Procurement Reform Policies Chapter 39.26 RCW

Financial Management Advisory Council

Presented by Melanie Buechel

February 28, 2013

POLICY # DES-090-00

Delegation of Authority

- ❑ Enabling Legislation: RCW 39.26.090
 - ✓ Effective January 1, 2013 DES is authorized to contract for all goods and services needed to support and maintain agency operations, except as otherwise provided in law.
 - ✓ The Director of DES is charged with establishing policies for delegating authority to state agencies.
 - ✓ Delegation policies must be based on a risk assessment process developed by the DES and specify dollar thresholds or specific types of goods and services.



POLICY # DES-090-00

Delegation of Authority

- This policy provides the following information:
 - The interim delegation of authority to state agencies for the procurement of goods and services.
 - Information and direction on how an agency may request and receive additional delegated authority.
 - Exemptions from the delegated authority requirement.
 - Information on how final delegation of authority will be determined.



POLICY # DES-123-03

Direct Buy Procurements/Purchases

- ❑ Enabling Legislation: RCW 39.26.125 (3)
 - Beginning January 1, 2013, the DES director is required to establish policies for direct buy purchases/procurements.
 - Direct buy purchases are exempt from competitive solicitation requirements.



POLICY # DES-123-03

Direct Buy Procurements/Purchases

- ❑ This policy provides the following information:
 1. An established dollar threshold in which agencies may acquire goods and services directly from a vendor without requiring a competitive process.
 - \$10,000 or less, excluding sales tax
 - \$13,000 or less, excluding sales tax, if purchased from a self-certified small, micro or mini business as defined by RCW 39.26.010 (17), (18) and (21)
 2. Implementation requirements, guidelines, and exemptions for direct buy purchases.
 - Must use existing “qualified master contracts” before engaging in a direct buy. Only when an existing qualified master contract cannot justifiably satisfy agency needs may the agency make a direct buy purchase.



POLICY # DES-140-00

Sole Source Procurements/Purchases

Enabling Legislation: RCW 39.26.140

Effective January 1, 2013 and unless otherwise exempt, all agency sole source contracts must:

- ✓ Be posted on WEBS -Intent to procure sole source on goods/services
 - Post for no less than 5 working days
- ✓ Be made available for public inspection
 - Post on agency website at least 10 working days prior to intended contract start date
- ✓ Be filed DES with supporting justification
Not less than 10 working days prior to the contract start date.
- ✓ Be approved by DES before the contract becomes binding, services are performed and goods are received.



POLICY # DES-140-00

Sole Source Procurements/Purchases

- This policy provides the following information:
 - Requirements for justifying a sole source contract.
 - Vendor notification requirements.
 - Initiating the DES sole source contracting approval process.
 - An overview of the DES sole source contracting approval process.
 - Satisfying sole source contracting transparency requirements.
 - Sole source contracting exemptions.



POLICY # DES-130-00

Emergency Procurements/Purchases

- ❑ Enabling Legislation: RCW 39.26.130
- Effective January 1, 2013 and unless otherwise exempt, all emergency procurements/purchasing must:
 - ✓ Be reported to DES with supporting justification
 - 3-working days after the start of work or contract execution, whichever is sooner
 - ✓ Be made available for public inspection
 - Post procurement document on Agency website or information sufficient to provide someone instructions on how to obtain a copy of the procurement document **for term of procurement document or contract or 5 working days, whichever is greater.**



POLICY # DES-130-00

Emergency Procurements/Purchases

□ Emergency definition:

A set of unforeseen circumstances beyond the control of the agency that either:

- (a) Present a real, immediate, and extreme threat to the proper performance of essential functions; or
- (b) May reasonably be expected to result in material loss or damage to property, bodily injury, or loss of life, if immediate action is not taken.



POLICY # DES-130-00

Emergency Procurements/Purchases

❑ This policy provides the following information:

- 1) Emergency procurement criteria and qualifications.
- 2) Emergency procurement reporting requirements and timelines.
- 3) Emergency procurement reporting exemptions.



POLICY # DES-170-00

Complaints and Protests

❑ Enabling Legislation: RCW 39.26.170

Beginning January 1, 2013, agencies with original or delegated authority must have a clear and transparent procurement complaint process and protest process.

❑ This policy provides the following information:

- 1) Minimum requirements for a complaint process and a protest process.
- 2) The criteria for filing a complaint or protest.
- 3) Agency response requirements and timelines.
- 4) How to request authority to sign a contract before the protest process is completed



Upcoming Policies

- Transparency
- Protest Bonds
- Electronic Signatures
- Electronic Submittal of Bids
- Competitive Solicitation and Models/Types

Subscribe to the Procurement Reform Website

<http://des.wa.gov/about/pi/ProcurementReform/Pages/default.aspx>





**Procurement Reform
Training
Chapter 39.26 RCW**

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TRAINING PROGRAM

January 1, 2013

Chapter 39.26.110 RCW – Training

DES must provide either **training or certification programs**, or both, to ensure consistency in procurement practices for employees authorized to perform procurement functions.

This applies to the procurement of both goods and services.



TRAINING PROGRAM

Training and Risk

*A high quality training program =
Well-trained and knowledgeable staff =
high quality procurement/purchasing,
contracting, and contract management
practices =
lower procurement risk for the state*



TRAINING PROGRAM

Implementation Timelines and Requirements:

July 1, 2013 – Agencies must require employees responsible for developing, executing, or managing procurements or contracts to complete DES-approved training.

July 1, 2015 – No agency employee may execute or manage contracts unless they have met DES training requirements.



TRAINING PROGRAM

Training Program:

☐ Certification Program

- ✓ Washington Basic Certification
 - For all employees who **procure** goods or services
- ✓ Washington Advanced Certification
- ✓ Trainer Certification



TRAINING PROGRAM

Recommended Training Program:

Certificate Programs

- ✓ Small Acquisition (P-Card, etc.)
- ✓ Contract Management
- ✓ Executive Management
- ✓ Procurement Evaluation
- ✓ Specialized/High Risk Acquisitions
- ✓ Training for Auditors, Financial Staff, others

Assessment and Grandfathering Process



TRAINING PROGRAM

- ❑ Training Development Approach
 - ✓ Training Advisory Group
 - ✓ Review of existing training
 - ✓ Partner with Higher Ed and other sources to develop training curriculum
 - ✓ DES Personnel Services Division – Learning Delivery



TRAINING PROGRAM

□ Training Development Approach

- ✓ Develop training programs through a phased approach
- ✓ Research and utilize cost-efficient and resource-efficient training delivery methods
- ✓ Assess current procurement professionals – demonstration of proficiency

