



SUPREME COURT OF APPEALS OF WEST VIRGINIA

Procurement Policies and Procedures Finance Division

1. Scope.

The Supreme Court of Appeals of West Virginia (“the Court”) establishes this policy to prescribe the fiscal rules for procurement processes relied upon by the Court in conducting its business.

Accordingly, this document establishes a distinct set of policies, procedures, and guidelines for procurement processes for use by all employees of the Court, including all Judicial Officers and Employees of the Supreme Court, Circuit Courts, Probation Officers, Family Courts, Magistrate Courts, the Administrative Office, Board of Law Examiners, Office of Disciplinary Counsel, the Clerk’s Office, and the Judicial Investigation Commission.

To the extent these rules fail to provide the adequate guidance in addressing or resolving a specific problem or question related to procurement processes, the Administrative Director and Chief Financial Officer (CFO) shall address the matter and, with approval of the Court, establish the fiscal rules to be followed in these special situations.

Breaches of this policy may result in disciplinary or other corrective action. Address any questions regarding this policy to the CFO.

2. Introduction.

- 2.1 The overall objective of the purchasing function is to acquire the goods and services necessary to provide the essential services for which an organization is responsible.
- 2.2 All procurement transactions must be conducted in a manner that provides competition, consistent with the ethical standards specified in state and federal statutes, this policy, and all local practices and procedures.
- 2.3 Procedures for the review of all proposed procurements must be established to ensure that only necessary items are purchased.
- 2.4 No employee shall participate in the selection, award, or administration of a contract or purchase order with a related party, or where a conflict of interest, real or apparent, exists.
- 2.5 No employee shall solicit or accept gratuities, favors, or anything of monetary value from contractors, vendors, or parties to any awards, agreements, or contracts. This prohibition does not apply to unsolicited gifts of nominal value, which is recognized by the West Virginia Ethics Commission to be a gift whose value is less than \$25.

| | |
|-----------------|------------|
| Effective Date: | 2019 03-11 |
| Revision Date: | 2020 01-02 |
| Review Date: | 2020 01-02 |

3. Procurement Procedures.

3.1 Definitions.

(a) ***Request for Proposal/Quote.*** A document which contains specifications or the scope of work and essential terms and conditions that is used to solicit bids. This purchasing method relies on evaluation of established quality criteria where conformity to specifications and cost are not the sole determining factor in the award.

(b) ***Purchase Order.*** A document and first official offer issued by a buyer to a seller indicating types, quantities, and agreed prices for products or services. It is used to control the purchasing of products and services from external sources. The issuance of a purchase order does not itself form a contract.

(c) ***Procurement Coordinator.*** The individuals in the Court's Administrative Office in Charleston who perform procurement functions. These individuals are responsible for coordinating and recording the purchase of goods and services.

(d) ***Internal Sources.*** Goods and services available through state agencies. These include West Virginia Surplus Property, Correctional Industries and Sheltered Workshops.

3.2 Overview.

(a) ***Routine Purchases.***

Each location should have a person designated to make routine purchases for their office. This person should also be the P-Card Holder for the location.

Routine office supplies includes such items as copy paper, pens, file folders, cleaning supplies, etc.

Routine purchases do not require prior approval. However, the purchases should be made in compliance with established policies and procedures under the following:

1. West Virginia Auditor's Office Purchasing Card Policies and Procedures,
2. West Virginia State Code, and,
3. West Virginia Ethics Commission Rules.

(b) *Non-Routine Purchases.*

Non-routine purchases include (but are not limited to) items such as:

- Refrigerator
- Microwave
- Ice maker
- HEPA Air cleaner
- Dehumidifier
- Office furniture (see item (d) below)
- Computer equipment (see item (e) below)
- Jury expenses – snacks, meals, etc.

(c) Purchase Request Forms should be completed for all non-routine purchases regardless of the payment method (direct payment or p-card). The Chief Circuit Judge should approve all Purchase Request Forms. Once completed and approved, the Purchase Request Form should be submitted to the Administrative Office for processing.

(d) All requests for office furniture/fixtures should be submitted to the Facilities & Fleet Management Division at the Administrative Office in Charleston. This includes such items as office chairs, file cabinets, and furniture.

(e) All requests for computer equipment should be submitted to the Information Technology Division at the Administrative Office in Charleston. This includes such items as printers, keyboards, mice, monitors, and computers.

(f) All other requests should be submitted to the Procurement Department at the Administrative Office in Charleston.

4. Exclusions.

The following goods/services are not to be paid from state funds (via employee reimbursement or p-card purchase):

- Dry Cleaning,
- Snacks/Candy/Soft Drinks for employee consumption (other than for scheduled meetings) and,
- Coffee supplies for employees consumption such as coffee, creamer, k-cups (other than for scheduled meetings).

5. Procedures. Determination of Need.

5.1 Determination of Need.

(a) The division/department must determine the product or service required, including quality level, quantity, delivery requirements, and estimated cost.

(b) The division/department must complete the Purchase Request Form (if required-See 3.2 above) and obtain the required signatures of approval for the purchase.

(c) Approval levels of the Purchase Request Form are as follows:

- 1) Purchases up to \$2,500 – Division Director (AO)
- 2) Purchases from \$2,500 to \$20,000 – Administrative Director
- 3) Purchases from \$20,000 to \$25,000 – Chief Justice
- 4) Purchases above \$25,000 require approval by the entire Court.

5.2 Availability through Internal Sources.

Correctional Industries (business cards and stationery) and Sheltered Workshops (bottled water) should be utilized as the first vendor whenever such commodities and services are available and meet quality and price standards.

5.3 Availability through Statewide or Agency Contract.

If the product or service is not available from internal sources, the division/department should determine if that product or service is available from a statewide or agency contract. If available, the division/department should purchase the product or service in accordance with purchasing guidelines as indicated within the statewide or agency contract. (Examples: Office Max/Office Depot for office supplies, Pitney Bowes for mail processing equipment).

5.4 Direct Award and Emergency Purchases.

If the product or service is not available through an existing statewide or agency contract, the division/department should determine if the purchase will be competitive, direct award (only one vendor who can provide this product or service) or an emergency purchase.

5.5 Purchase Procedures Best Practices.

(a) *Purchases less than \$2,500* do not require competitive bids, but they are encouraged when possible.

(b) *Purchases from \$2,500 to \$10,000* require a minimum of three verbal bids unless the items are on a statewide, agency, or internal source contract. Verbal bids

should be documented with all vendors being provided identical specifications for the good(s) or service(s) desired. The lowest bid meeting specifications should be awarded the purchase order/contract.

(c) ***Purchases exceeding \$10,000*** require a minimum of three written bids unless the items are on a statewide, agency, or internal source contract. Written bids should be documented with all vendors being provided identical specifications for the good(s) or service(s) desired. The lowest bid meeting specifications should be awarded the purchase order/contract.

5.6 Supporting Documentation.

Supporting Documentation for purchases must be maintained and available for inspection upon request. Supporting documentation includes, but is not limited to, the Purchase Request Form, Vendor Invoice, and receiving documents (packing slip).

5.7 Receiving Documents.

Receiving documents (packing slip) should be forwarded to the Procurement Division. If no receiving documents are available, send an email to the AO Procurement Coordinator stating that goods or services have been received.

The details of this policy and all Court policies are subject to modification by the Court at any time as situations, standards, and legal requirements may change. The Court will ensure that all employees are notified of any such modification in a timely fashion.