

June 29, 2018

MEMORANDUM

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

FROM: J. Peter Stamps
Director



SUBJECT: Procurement Information Memoranda (PIM) #98-035

Enclosed is PIM #98-035, effective July 1, 2018, 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 is actively working to incorporate all changes into the web-based *APSPM*, and will post as soon as it is available. It is downloadable from the eVA website at <http://www.eva.virginia.gov>. Once posted, the location of text changes will be indicated by an arrow in the margin (→) with the corresponding PIM #98-035 number identified next to the changes. 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 #98-035 should be filed in the back of the Appendix C log.

APSPM Cite	Summary of Changes
1.2.b	Corrects typographical error by adding Letter "b" to the Services paragraph
1.3.c	Adds language for Virginia-grown perishable articles
1.4.c	Adds language and references for perishable Virginia-grown foods
1.5.h	Removes Virginia Grown Foods as an exemption to competitive requirements
2.3	Adds " <i>businesses with DSBSD service disabled veteran-owned status</i> "
3.10.a	-Revises first paragraph that adds an additional requirement for executive branch agencies as defined in §2.2-2006. -Adds " <i>and service disabled veteran-owned businesses</i> " to the last paragraph
3.10.b	Adds " <i>businesses with DSBSD service disabled veteran-owned status</i> "
3.10.e	Adds " <i>businesses with DSBSD service disabled veteran-owned status</i> "
3.10.g	Adds " <i>businesses with DSBSD service disabled veteran-owned status</i> "
3.10.h	Adds " <i>businesses with DSBSD service disabled veteran- owned status</i> "
3.14 .f	Corrects the second letter "d" to "f"
3.17.f	Adds " <i>prequalification application</i> "
3.18.d	Clarifies Notice of Award and Intent to Award documents
3.24.a and b	Corrects references
Annex 3-B, Section I	Corrects language from preferred " <i>method</i> " to preferred " <i>tool</i> "
4.12 a through d	Clarifies Award Documents language throughout section
4.14	-Changes the language in the third sentence from " <i>must be named as an additional insured</i> " to " <i>shall be added as an additional insured to the policy by an endorsement</i> ". -Clarifies that the agency must verify and document the procurement file
4.23.e	Updates Professional Services Small Purchases threshold from \$60,000 to \$80,000
4.31	Updates location of Debarment listing
5.3.a	Adds language regarding Single Quotation quotes using an eMall catalog (non-contract) price
Annex 5-C	Under the Place Order section, changes " <i>authorized in 14.9</i> " to " <i>unless exempt pursuant to 14.9.c</i> "
6.2.e.1	Adds " <i>businesses with DSBSD service disabled veteran-owned status</i> "
6.2.f	-First paragraph, adds " <i>businesses with DSBSD service disabled veteran-owned status</i> " -Second paragraph adds " <i>businesses with DSBSD service disabled veteran-owned status</i> "
Annex 6-A	Changes the reference from " <i>14.9.b</i> " to " <i>14.9.c</i> ." under Award Contract

Annex 6-G	Removes reference to RFP/offerors for Notice of Intent to Award sample
Annex 6-H	-Changes “ <i>Your Bid/Offer Dated</i> ” to “ <i>Bid Response Date</i> ” -Changes the “ <i>Note</i> ” information
Annex 6-I, Small Business Subcontracting Plan	- Clarifies that the Small Business Subcontracting Plan document must be returned - Adds “ <i>businesses with DSBSD service disabled veteran-owned status</i> ” throughout -Changes Instructions, Letter A
Chapter 7	Adds Annex 7-K – Notice of Intent to Award Adds Annex 7-L – Notice of Award
7.2.g.1	Adds “ <i>businesses with DSBSD service disabled veteran-owned status</i> ”
7.2.j	Adds “ <i>businesses with DSBSD service disabled veterans-owned status</i> ”
7.4.a and e	Clarifies document types Updates language in Section “e”
Annex 7-A	Changes “ <i>Award Notice</i> ” to “ <i>Notice of Award</i> ”
Annex 7-B, Comp Neg Step-By-Step	- Step 1, Section IV, A.2.f. Adds “ <i>or prequalification application</i> ” - Step 9, Section III, Letter D. Adds “ <i>DSBSD service disabled veteran-owned status</i> ” - Step 12. Changes and reference - Step 15. Changes language and references
Annex 7-E	Clarifies Notice of Award or Notice of Intent to Award section
Annex 7-G, Small Business Subcontracting Plan	- Clarifies that the Small Business Subcontracting Plan document must be returned -Adds “ <i>business with DSBSD service disabled veteran-owned status</i> ” Changes Instructions, Letter A
Annex 7-K	Adds a new Notice of Intent to Award for Chapter 7
Annex 7-L	Adds a new Notice of Award for Chapter 7
10.11.b	Changes reference “ <i>14.9.b</i> ” to “ <i>14.9.c</i> ”
10.11.b.2	Updates the Gold Card limits to match DOA policy.
12.7.b.3	First bullet: Updates the definitions and code references for fire companies and emergency medical services agencies
12.7.b.7.a	Changes code references from VITA to DGS Office of Surplus Management and updates link
Annex 13-C	Deletes Directory of Procurement Assistance and adds web address for contact information
14.	Changes the reference in the second to last sentence from “ <i>14.9.b</i> ” to “ <i>14.9.c</i> ”
14.2	Adds “ <i>and a contingency plan in the event the eVA system is temporarily not available</i> ” to the last sentence
14.6.a	Updates language regarding eMall catalog (non-contract) prices
14.6.d	Updates reference to ST&C #4 from “ <i>eVA Business to Government Contracts and Orders</i> ” to “ <i>eVA Orders and Contracts</i> ”
14.9.b.8	Updates language to clarify which products within the available MMCAP contracts are exempt from fees
14.9.c.11	Adds “ <i>eVA Fees</i> ” as an example of a business and/or financial transaction
Appendix A, Glossary and Acronyms	- Adds a definition for: Service Disabled Veteran - Adds a definition for: Service Disabled Veteran Business - Adds a definition for: Service Disabled Veteran-Owned Small Business (SDVOSB) - Adds a definition for: Virginia-Grown Food Products
Appendix B, Section I	- Updates were made to the following General Terms and Conditions: T. Insurance, #3.
Appendix B, Section II	Updates were made to the following Special Terms and Conditions: -- Introduction paragraph 30. Insurance, Money and Securities 32. Limitation of Liability, subsections A and B: Updates “ <i>When Used</i> ” 36. Submission of Small Business Subcontracting Plan, subsections A and C. Adds language for Businesses with DSBSD service disabled veteran-owned status and ESO’s
Appendix B, Section III	Updates were made to the following Additional Terms & Conditions for Non-Capital Outlay Construction Projects: 24. Asbestos, Subsection c
Appendix C, PIM Record of Changes	- Adds Summary of changes. - Updates the contact information on the Suggested Changes form
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 Account Executive.

1.2 **Agency Purchasing Authority.**

- b. **Services.** Agencies are authorized to contract for services up to any dollar amount subject to applicable laws, regulations, this manual and fiscal restraints; 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 activity for a service procurement, their delegation for service procurements is reduced to \$100,000).

1.3 **Statutory Exemptions.**

- c. Perishable articles, provided that no article except fresh vegetables, fresh fish, fresh meat, fresh fruits, fresh eggs and milk shall be considered perishable within the meaning of this clause, unless so classified by DGS/DPS however, the purchase of perishable articles identified above that are Virginia-Grown and not expected to exceed \$100,000 may be exempt from the VPPA and the APSPM provided the procurement is accomplished in accordance with §2.2-4343-22(A)(22);

1.4 **Administrative Exemptions.**

- c. **DGS/DPS has delegated the authority to agencies and institutions to make bulk purchases of the following listed commodities.** Up to and including \$100,000, use small purchase procedures (see Chapter 5) unless otherwise noted below; over \$100,000 use the applicable method of procurement. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates shall not be made by online public auctions (*Code of Virginia, § 2.2-4303.1*).

<u>CC#</u>	<u>COMMODITY</u>		
04000	Animal and Livestock, includes Poultry	74584	Slurry Seal
32500	Animal Feed, All types	75007	Borrow and Soil
33500	Fertilizer, All types	75021	Cement, Truckload Lots
39000	Foods, Perishable (If Virginia-grown, see 2.2-4343.A.22)	75035	Crushed Stone
54078	Sawdust	75056	Lightweight Aggregate, all types
59595	Wood Chips & Bark, etc.	75063	Local Option Materials, Gravel, Nonpotable Water, Pit Run, Sand, etc.
67500	Pesticides and Chemicals: Agriculture and Industrial	75070	Ready-Mix Concrete
74507	Asphalt	75077	Sand and Gravel
74514	Asphaltic Concrete, Cold Laid	75095	White (Hydrated) Lime
74521	Asphaltic Concrete, Hot Laid	77006	Aggregate, Gravel, Marble, etc.
74570	Road Oil	79000	Seed, Sod, etc.
74577	Rock Asphalt, Cold Mix		

1.5 **Exceptions to Competitive Requirements.**

- h. **Deleted.**

- 2.3 **Source Lists.** Agencies shall utilize eVA VBO or Sourcing and Contracting functionality to notify sources through public posting of all business opportunities. eVA's functionality will send electronic notifications to sources registered for the solicitation commodity codes. The procurement officer should review notified sources to ensure such businesses are capable of providing, as a regular part of their business, the goods or services needed. Agency personnel at all levels should make a concerted effort to identify responsible vendors as sources of supply for goods and services and encourage them to register in eVA, including Virginia vendors and DSBSD-certified small, women-owned and minority-owned businesses and businesses with service-disabled veteran-owned status.

3.10 **Small, Women-Owned & Minority Businesses**

- a. **Agency Plans.** Each executive branch agency and institution of the Commonwealth shall prepare and adopt an annual SWaM (Small, Women and Minority-owned businesses) procurement plan that will specify that agency's or institution's race-neutral and gender-neutral small business goals for procurement in accordance with Executive Order 20, dated July 22, 2014. Executive branch agencies that are defined in 2.2-2006 and subject to Chapter 20.1 Virginia Information Technologies Agency must also include within their goals, a

minimum of 3% participation by service disabled veteran businesses when contracting for all goods and services, including non-technology procurements (Code of Virginia 2.2-4310.2).

Executive branch agencies and institutions shall submit an annual SWaM plan to the Department of Small Business and Supplier Diversity (DSBSD) and the appropriate cabinet secretary, in a form specified by the DSBSD, on September 1 of each fiscal year. The plan shall include the annual designation of a SWaM Equity Champion to ensure nondiscrimination in the solicitation and awarding of contracts.

Agencies shall establish internal procedures consistent with the provisions of the *VPPA*, this manual, and Executive Order 20, dated July 22, 2014 to facilitate the participation of small businesses and businesses owned by women and minorities in procurement transactions. The procedures established shall be in writing and shall comply with the provisions of any enhancement or remedial measures authorized by the Governor pursuant to § 2.2-4310 of the *VPPA*, and shall include specific plans to achieve any goals established therein.

Contracts and subcontracts awarded to Employment Services Organizations (ESO) and service disabled veteran-owned businesses shall be counted toward the agencies goals set in their annual SWaM Procurement Plan. (Code of Virginia, § 2.2-4310.1B). To procure goods/services from ESOs see 2.2c for guidance.

- b. **Certified Vendors.** For purposes of any particular procurement a vendor shall be considered a Micro Business or Small Business if and only if the vendor holds a certification, as such by the DSBSD by the due date for receipt of bids or proposals for the procurement in question. DSBSD-certified women-owned and , minority-owned businesses, and businesses with DSBSD service disabled veteran-owned status shall also be considered micro or small businesses for a particular procurement if they hold a DSBSD micro or small business certification on the due date for receipt of bids or proposals for that procurement. For purposes of compliance with this section, agencies may rely on the accuracy of the certified vendors listed on the DSBSD and eVA website. The eVA vendor certification data is provided by DSBSD.
- 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 and www.eva.virginia.gov. This shall include 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.
- g. **Set-aside for Award Priority.** The goal of the Commonwealth is that more than 42% of its purchases be made from small businesses. "Small businesses" are those which have received certification from DSBSD by the due date for receipt of bids or proposals. This shall include DSBSD-certified women-owned, minority-owned and businesses with DSBSD service disabled veteran-owned status when they have also received DSBSD small business certification. Procurements shall follow applicable procedures in Chapter 5 for single quotation, unsealed bidding and unsealed proposals. For competitive purchases include a tiered award clause as specified in Special Term and Condition 2.L or 2.M. Award of a contract shall be made in order of the Small Business Enhancement Award Priority as follows:
- h. **Prime Contractor Small Business Subcontracting Plan.** For procurements over \$100,000 unless a determination has been signed by the chief purchasing officer and supported by factual evidence explaining in sufficient detail why no subcontracting opportunities exist, all agencies and institutions shall include in the terms and conditions, the requirement for a Small Business Subcontracting Plan for the award of any prime contract (see Annexes 6-I and 7-G). A DSBSD-certified small business, which shall include women-owned and minority-owned and businesses with DSBSD service disabled veteran-owned status when they have also received DSBSD small business certification who serves as prime contractor will receive full credit of the evaluation criteria for the Small Business Subcontracting Plan. See Appendix B, Section II, 36 for the special term and condition that shall be included in solicitations requiring the plan and the contractor to provide evidence of compliance with this requirement.

3.14 Preferences

- f. **Use of Recycled Goods or Products.** Any person who believes that particular goods or products with recycled content are functionally equivalent to the same goods or products produced from virgin materials may petition the procuring agency or institution to include the recycled goods or products in its procurement process. The petitioner shall submit documentation which establishes that the goods or products (i) contain recycled content and (ii) can meet the performance standards set forth in the applicable specifications prior to bid/proposal due date. If the procuring agency or institution which receives the petition request determines that the documentation demonstrates that the goods or products with recycled content will meet the performance standards set forth in the applicable specifications, it shall incorporate such goods or products into its procurement process. (See *Code of Virginia*, § 2.2-4313.)

3.17 Public Access to Procurement Records.

- f. Trade secrets or proprietary information submitted for a procurement transaction shall not be subject to public disclosure under the *Virginia Freedom of Information Act*; however, the bidder or offeror must invoke the protection of *Code of Virginia*, § 2.2-4342F, in writing, prior to or upon submission of the data or other materials, and must identify the data or other materials to be protected and state the reasons why protection is necessary. It is an agency's responsibility to establish and enforce procedures to protect vendor proprietary information with the same degree of protection that would be provided for confidential information of the Commonwealth. The classification of an entire bid or proposal document, prequalification application, line item prices and/or total bid or proposal prices as proprietary or trade secrets is not acceptable. If, after being given reasonable time, the bidder or offeror refuses to withdraw an entire classification designation, the bid will be considered nonresponsive or the proposal will be rejected.

3.18 Publicly Posted Notices.

- d. A Notice of Award must be posted for a ten (10) day period immediately following the actual time of award. If a protest is anticipated, the Notice of Intent to Award must be posted ten days prior to the actual time of award (see also 4.12d). Emergency notices must state that the contract is being issued on an emergency basis while sole source notices must state that only one source was determined to be practicably available and both must also state that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. Routine notices of award may be a copy of the bid tabulation sheet revealing bidders prices and indicating the bidder receiving the award. IFB and RFP solicitations must contain the General Term and Condition on Announcement of Award (see Appendix B, Section I. U.). The Notice of Award shall be posted on the eVA VBO and in any additional locations as prescribed in the solicitation for a ten (10) day period immediately following the actual time of award (*Code of Virginia*, § 2.2-4360).

3.24 Tie Bids

- a. **Virginia Products and Firms.** In the case of a tie bid, preference shall be given to goods produced in Virginia, goods or services or construction provided by Virginia persons, firms or corporations, if such choice is available (see 3.14); otherwise the tie will be resolved by the toss of a coin. The coin toss must be witnessed and the results recorded by a supervisor above the level of the buyer. Award(s) are to be made in favor of the Virginia bidder for tie line items and multiple purchase orders or contracts placed as required. Copies of tie bids resulting from competitive sealed bidding shall be forwarded to the Anti-Trust Unit of the Office of The Attorney General.
- b. **Recycled Content.** In the case of a tie bid in instances where goods are being offered and existing price preferences have already been taken into account, preference then shall be given to the bidder whose goods contain the greatest amount of recycled content (see also 3.14).

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 \$5,000	Single quote from a DSBSD-certified micro business, if available. Quick Quote may be used.
Over \$5,000 but less than \$10,000 →	Quick Quote, Unsealed Bidding, or Unsealed Request for Proposals are allowed. Quick Quote is the preferred tool for unsealed bidding. Solicitations under \$10,000 shall be set-aside for award to a DSBSD-certified micro business unless exempted and documentation is required. See Small Business Enhancement Award Priority in 3.10g. For procurements that are expected to exceed \$5000, public posting on eVA VBO is required if Quick Quote is not used.
\$10,000 up to and including \$100,000 →	Quick Quote, Unsealed Bidding, or Unsealed Request for Proposals are allowed. Quick Quote is the preferred tool for unsealed bidding. Solicitations \$10,000 up to and including \$100,000 shall be set-aside for DSBSD-certified small business unless exempted and documentation is required. See Small Business Enhancement Award Priority in 3.10g. For procurements that are expected to exceed \$5000, public posting on eVA VBO is required if Quick Quote is not used.

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

Threshold	Procedures
Over \$100,000; may be used for lesser amounts. →	If used for purchases \$100,000 or less it shall be set-aside unless documented (3.10). 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. Procurements over \$100,000 shall include a Prime Contractor Small Business Subcontracting Plan unless documented (3.10h). Use one of the following methods for purchases over \$100,000 unless an exception (see III. below). 1 - Competitive sealed bidding. 2 - Two-step competitive sealed bidding. 3 - Competitive negotiation. Public posting on eVA VBO is required. Requests for Proposal also required to be advertised in a newspaper.

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

Thresholds	Procedures
Emergency →	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 on eVA VBO is required.
Sole Source (Unlimited dollar amounts) →	Over \$5,000, 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 on eVA VBO is required.

4.12 **Award Documents.** DGS/DPS requires written contracts to be issued in accordance with the provisions of Chapter 14. Every procurement transaction should originate from a requisition, except for SPCC purchases made over the counter at the point-of-sale. Agency Purchase Orders (APOs) must be prepared and given to suppliers who request a copy, regardless of dollar value. Award documents used by an agency will vary according to the method of solicitation. The award shall include or incorporate by reference the specifications, descriptions or scope of work, general conditions, special conditions and all other requirements contained in the solicitation (Invitation for Bids or Request for Proposal), together with all written modifications and the bid or proposal submitted by the contractor. The award document is to be signed and issued by an authorized official of the agency. Listed below are the types and conditions under which they are to be used.

a. **Agency Purchase Order (APO).** The Agency's eVA Purchase Order shall be used in compliance with Chapter 14, unless otherwise exempt. If exempt, DGS-41-056 or an agency's locally developed purchase order (see Annex 4-A), may be used:

- to place orders against term contracts for goods, services and printing
- as a binding commitment for one time spot purchases of goods, services and printing.
- as the award document for a term contract for goods, services and printing issued under an agency's delegated purchasing authority using unsealed or sealed competitive bidding procedures.

The APO shall not be used to establish a line of credit with one vendor upon which a series of purchases can be made, unless a state or agency term contract has been awarded to the vendor (by use of the APO or the Notice of Award found in Annex 6-H) for the commodity being purchased (examples are bread, milk, fuel oil). The APO should not be used merely to encumber funds. Agencies and institutions must ensure that the Commonwealth's General Terms and Conditions are printed on, attached, or incorporated by reference to any agency purchase order.

b. **Notice of Award.** The Notice of Award form (see Annex 6-H) may be used as a unilaterally signed award document issued to contractors to accept bids received from sealed and unsealed bid solicitations for spot purchases or term contracts. Using agencies may then place individual or standing orders against the contract using the APO form. This shall not be used as the award document for negotiated procurements (RFPs, Sole Source or Emergency), see 4.12.c.

c. **Standard Contracts.** A Commonwealth of Virginia Standard Contract (see Annex 7-D or 8-D as applicable) may be used as a two-party award document issued to a contractor resulting from a competitively or noncompetitively negotiated spot purchase or term contract. If the procurement was for an indefinite delivery, term type requirement, using agencies may then place individual or standing orders against the contract using the APO form. If the use of a Contractor's standard form is being considered, see 4.26. This two-party contract should not be used as the award document for bids, see 4.12.a or b.

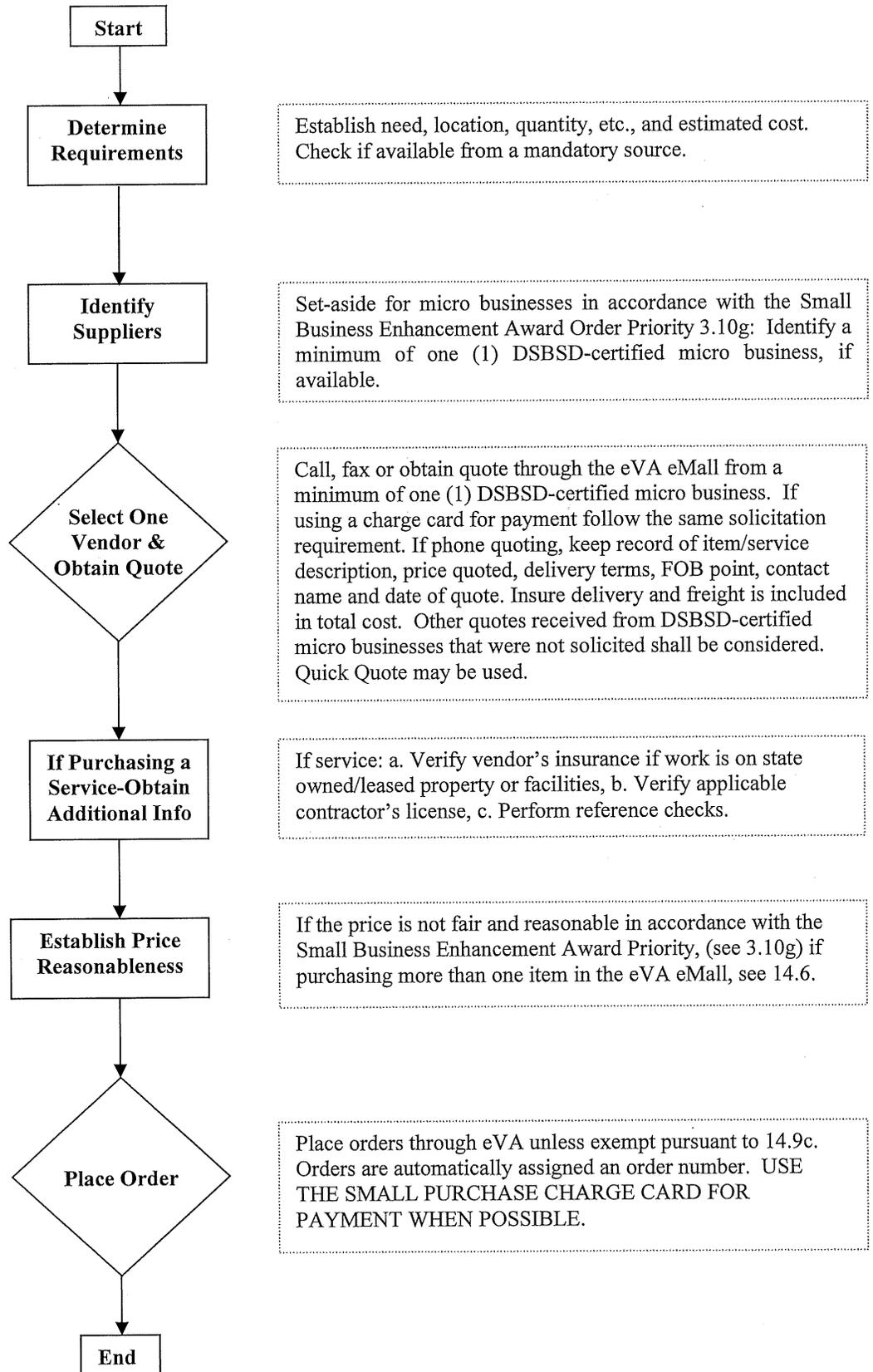
d. **Notice of Intent to Award.** The Notice of Intent To Award form (see Annex 6-G and Annex 7-K) is a suggested format agencies may use to officially notify the public through a public posting of their intent to issue an award as required in 3.18.d. This notice is recommended for use whenever considerable bidder or offeror interest has been expressed about the potential award and/or an agency suspects an award decision may be challenged. The notice should not be posted until after completion of the evaluation. The notice shall be date stamped and publicly posted for the ten day period allowed for protest (*Code of Virginia*, § 2.2-4360). Upon expiration of the ten-day period, the appropriate award document as discussed above must be issued (see also 3.18).

- 4.14 **Insurance.** Whenever work is to be performed on state owned or leased property or facilities, the contractor shall be required to have Workers' Compensation, Employer's Liability, Commercial General Liability and Automobile Liability, and in certain types of programs Professional Liability/Errors and Omissions insurance coverage. Requirements for the various Professional Liability/Errors and Omissions coverages are listed in Appendix B, Section I, T. The Commonwealth of Virginia shall be added as an additional insured to the policy by an endorsement when requiring a Contractor to obtain Commercial General Liability coverage. In some cases, Workers' Compensation Insurance and Employer's Liability Insurance may not be required. Workers' Compensation insurance is required when the contractor has three (3) or more employees. If work is performed by a sole proprietor, the person does not need Workers' Compensation insurance, as they do not have employees. Employer's Liability is required if an employer has employees who are paid a wage or salary. Employer's Liability is not required for persons in business together, e.g., husband and wife, siblings or parents and children, as these persons would be considered owners not employees. For construction contracts, if any subcontractors are involved, subcontractors shall also be required to have Workers' Compensation Insurance in accordance with *Code of Virginia*, §§ 2.2-4332 and 65.2-800 et seq. Stipulated insurance must be obtained prior to commencing work and be maintained during the entire term of the contract. At a minimum, the contractor must certify to the agency that they possess the appropriate insurance coverage. The agency must verify and document the contractor's insurance coverage and include it in the procurement file. Documentation may be maintained on the Telephone Record for Services found in Annex 5-H. The procuring office may require a certificate of insurance to be furnished prior to commencement of work and at any time during contract performance.
- 4.23 **Professional Services.**
- e. **Professional Services Small Purchases.** The small purchase threshold for the procurement of professional services is \$80,000. Procurements up to and including \$80,000 for Professional services may only be procured by other than competitive negotiation if the agency has implemented small purchase procedures in accordance with the *Code of Virginia*, § 2.2-4303G. Professional services procurements less than \$10,000 shall be set-aside for micro businesses. For purchases from \$10,000 up to and including \$50,000, procurements shall be set-aside for small businesses (including micro businesses). Procurements shall follow the agency's implemented procedures or § 2.2-4302.2 and include a tiered award clause as specified in Special Term and Condition M. Additionally, architectural, landscape architectural, land surveying and professional engineering services shall be purchased in accordance with the Construction and Professional Services Manual (CPSM), issued by DGS/Division of Engineering and Buildings. Public posting is required for professional service procurements over \$30,000.
- 4.31 **Debarment.** Grounds for debarment of vendors and procedures for disqualification and reinstatement of vendors are contained in paragraph 7.20 of the Commonwealth of Virginia's *Vendors Manual*. The debarment listing can be found on the eVA website
- 5.3. **Single Quotation.** (Up to and including \$5,000)
- a. Where the agency's estimated cost of goods or nonprofessional services is \$5,000 or less, unless exempted (see 3.10 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 e-Mall 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 3.10g.

Annex 5-C

Single Quotation Process

For Goods and Non-professional Services up to and including \$5,000



6.2 **Preparation and Issuance of IFBs.**

e. **Sources.**

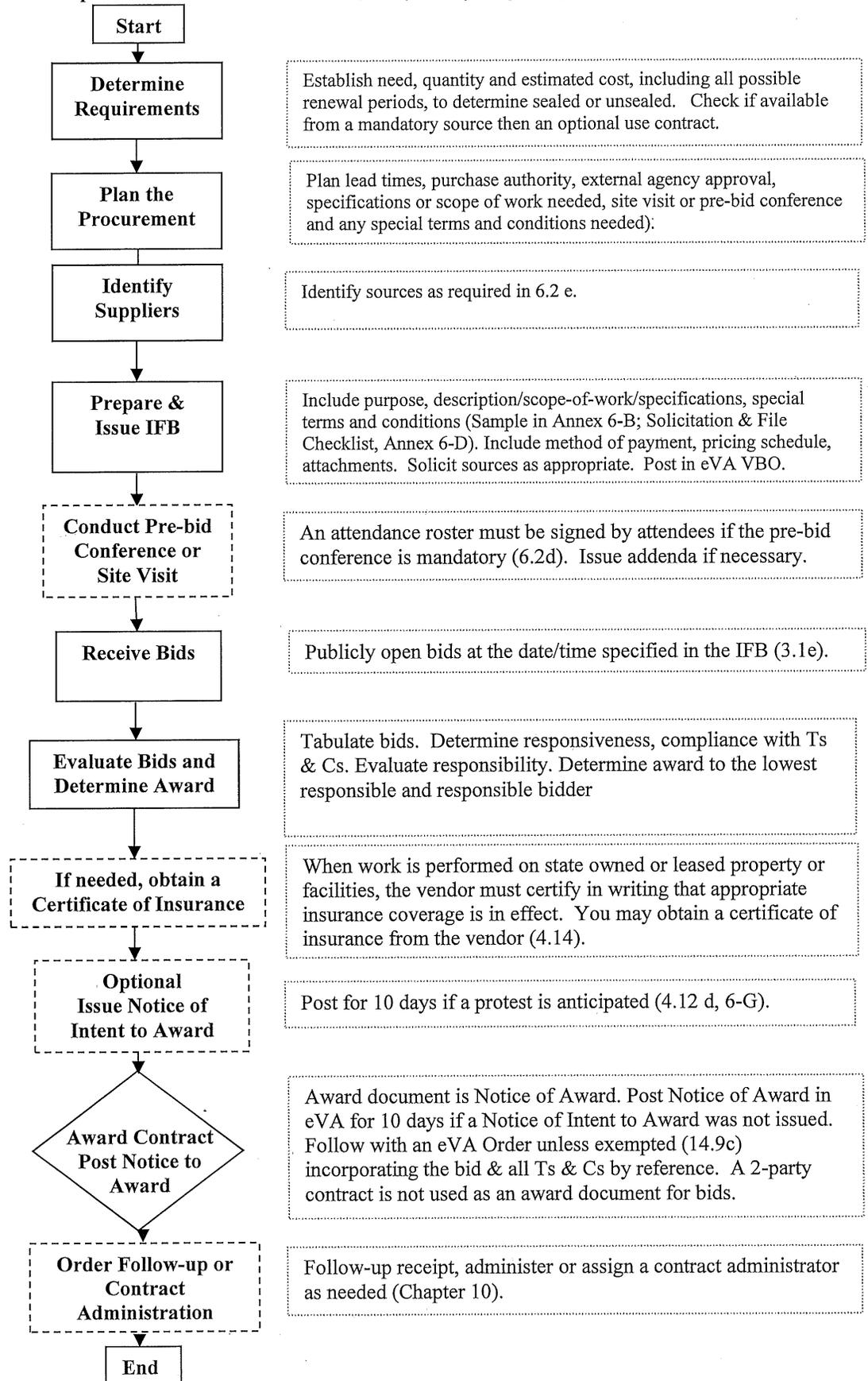
- 1) If the solicitation is over \$100,000, identify if there is a sufficient number of sources (a minimum of four), including DSBSD-certified small businesses, which includes any woman-owned and minority-owned and businesses with DSBSD service disabled veteran-owned status also certified as a small business, if available, that will be notified through eVA Virginia Business Opportunities (VBO).
- 2) If the solicitation is up to and including \$100,000 follow guidelines in Chapter 5.6.

- f. **Small Business Subcontracting Plan.** For procurements over \$100,000 in accordance with the Commonwealth's policy of facilitating and maximizing the participation of small businesses, which includes women-owned and minority-owned businesses and businesses with DSBSD service disabled veteran-owned status when their business have also received DSBSD small business certification, in order for the bid to be considered responsive bidders shall include, as part of their bid, a Small Business Subcontracting Plan unless no subcontractor opportunities exist. (See 3.10 h) See Appendix B, Section II, 36 for the special term and condition that shall be included in solicitations requiring the plan and the contractor to provide evidence of compliance with this requirement

If the bidder on the contract is a DSBSD-certified small business, the bidder shall indicate such in Section A of Annex 6-I. This shall include 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. If the bidder is not a DSBSD-certified small business, the bidder, to be considered responsive, is required to identify the portions of the contract the bidder plans to subcontract to DSBSD-certified small business by completing and returning Section B of Annex 6-I. If no subcontracting opportunities exist see 3.10 h. For purposes of any particular procurement, a bidder or subcontractor shall be considered a Small Business if and only if the bidder or subcontractor holds a certification as such by the DSBSD on the due date for receipt of bids.

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-G

(AGENCY LETTERHEAD)

COMMONWEALTH OF VIRGINIA

NOTICE OF INTENT TO AWARD

DATE _____

COMMODITY _____

IN RESPONSE TO IFB # _____ OF _____ (ISSUE DATE)

CONTRACTOR(S)/VENDOR(S) _____

Records for this procurement are now available for inspection by any bidder on this IFB

(Purchase officer/contract officer) _____ (Signature)
Name typed or printed

Note: This form is used if a protest of the award is anticipated.

Annex 6-H

(AGENCY LETTERHEAD)

COMMONWEALTH OF VIRGINIA

NOTICE OF AWARD

Contract No. _____

Date _____

Vendor Reference No. _____

Name _____

Address _____

Bid Response Date _____

In Response To _____

To Furnish _____

During the Period _____

Purchase Officer or Contract Officer

Note: This form serves as the public notice of award for a competitive bid. This form may also be used as an award document for a competitive bid by adding the following paragraph before the signature line:

"hereby is accepted at prices and terms stated, subject to all conditions and requirements of the solicitation, purchase specifications, warranties, performance bond and other stipulations, if any. The solicitation, your bid and this notice of acceptance constitute the contract."

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:** _____

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: _____

CHAPTER 7

COMPETITIVE NEGOTIATION

In this Chapter look for . . .

- 7-K Notice of Intent to Award
- 7-L Notice of Award

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

g. Sources.

- 1) If the solicitation is over \$100,000, identify if there is a sufficient number of sources (a minimum of four), including DSBSD-certified small businesses, which includes any woman-owned and minority-owned businesses and businesses with DSBSD service disabled veteran-owned status also certified as a small business, if available, that will be notified through eVA Virginia Business Opportunities (VBO).
- 2) If the solicitation is up to and including \$100,000 follow guidelines in Chapter 5.6

j. Small Business Subcontracting Plan. In accordance with the Commonwealth's policy of facilitating and maximizing the participation of small businesses, which shall include women-owned and minorities-owned businesses and businesses with DSBSD service disabled veterans-owned status when their business has also received DSBSD small business certification, an evaluation criterion for all contracts in excess of \$100,000 shall be a Small Business Subcontracting Plan (see Annex 7-G), unless no subcontractor opportunities exist. (See 3.10 h). This requirement is to ensure DSBSD-certified small business participation, which will assist efforts toward achieving the statewide goal of exceeding 42% of the Commonwealth's discretionary spending in combined prime and subcontracts for small businesses. When using numerical scoring, the weight for this evaluation criterion shall be at least 20% of the total evaluation points. If the weight for this criterion exceeds 20%, the weight should be based on the availability or likelihood of subcontracting opportunities for the goods or services being procured. See Appendix B, Section II, 36 for the special term and condition for submission of the Small Business Subcontracting Plan and Evidence of Compliance with this requirement.

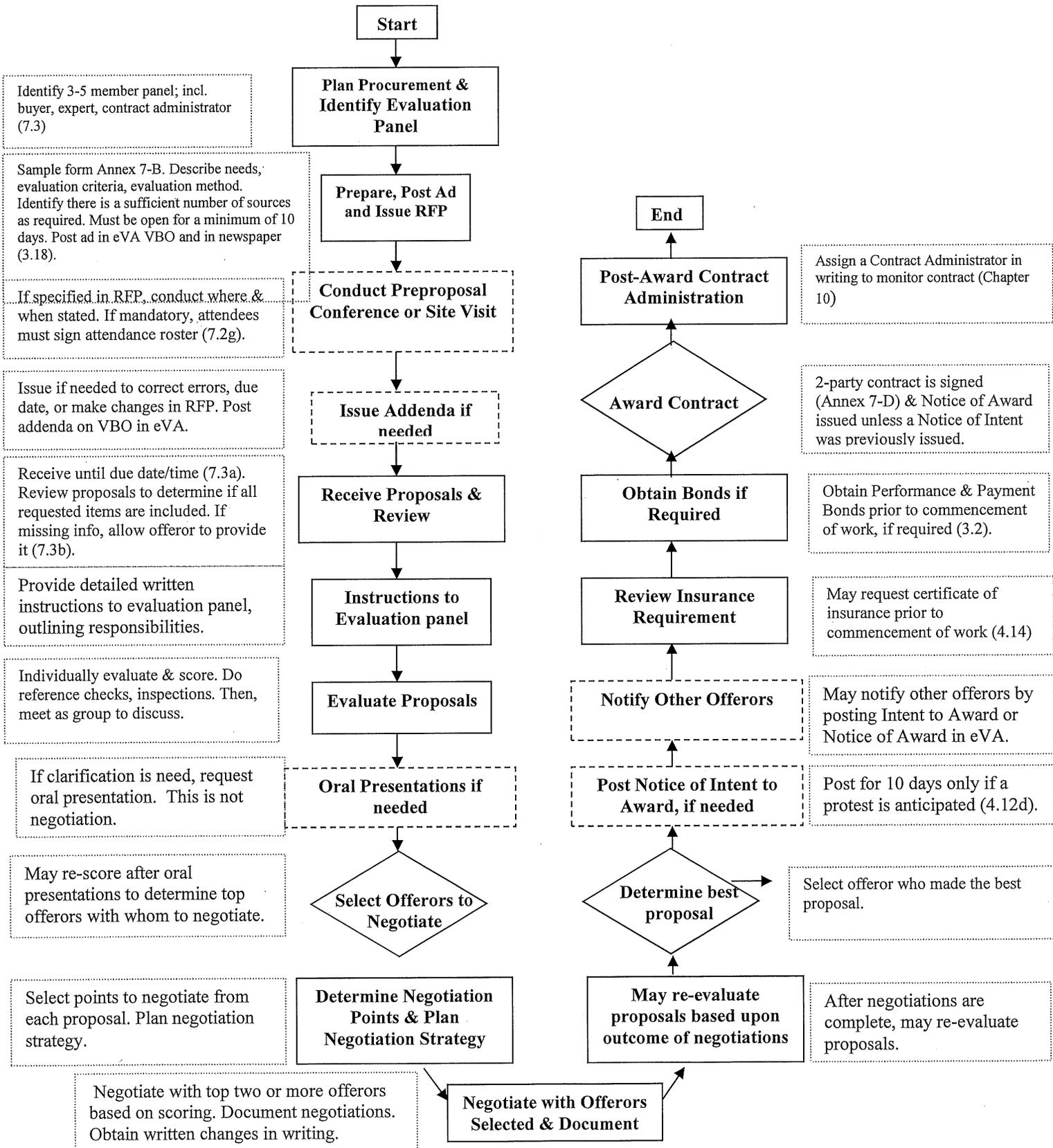
If the offeror is a DSBSD-certified small business the offeror shall indicate such in Section A of Annex 7-G, and shall receive 100% of the points assigned to this evaluation criterion. If the offeror is not a DSBSD-certified small business, the offeror is required to identify which portions of the requirement is planned to subcontract to DSBSD-certified small businesses by completing and returning Section B of Annex 7-G. The maximum number of points available if the offeror is not a DSBSD-certified small business is 75% of the points assigned to this evaluation criterion. For any particular procurement, an offeror or subcontractor shall be considered a Small Business if and only if the offeror or subcontractor holds a certification as such by the Department of Small Business and Supplier Diversity (DSBSD) on the due date for receipt of proposals.

7.4 Negotiation and Award.

- a. Negotiations are conducted with each of the offerors so selected. Negotiation allows modification of proposals, including price. Offers and counter-offers may be made as many times with each offeror as is necessary to secure a reasonable contract. After negotiations have been conducted with each of the selected offerors, the proposals shall be re-scored unless there have been no changes in any of the items negotiated or only one proposal is under consideration. The Commonwealth selects the offeror which, in its opinion, has made the best proposal. In all cases, written confirmation shall be obtained from the offeror on any modifications of the original proposal. Once a Notice of Intent to Award is posted, no further negotiation shall be conducted.

- e. If a protest is anticipated, post a Notice of Intent to Award for 10 days; otherwise, post a Notice of Award for 10 days immediately following the actual time of award (see 3.18, Annexes 7-K and 7-L). The award documents is a standard contract (ref. 4.12.c and Annex 7-D). The standard contract shall be bilaterally signed and shall incorporate, by reference, the terms and conditions of the RFP and the contractor's proposal, together with all written modifications thereof.

Competitive Sealed Proposal 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 1 - PREPARE THE REQUEST FOR PROPOSAL (RFP)

IV. PROPOSAL PREPARATION AND SUBMISSION INSTRUCTIONS:

A. GENERAL INSTRUCTIONS:

2. Proposal Preparation:

- f. Ownership of all data, materials, and documentation originated and prepared for the State pursuant to the RFP shall belong exclusively to the State and be subject to public inspection in accordance with the *Virginia Freedom of Information Act*. Trade secrets or proprietary information submitted by an offeror shall not be subject to public disclosure under the *Virginia Freedom of Information Act*; however, the offeror must invoke the protections of § 2.2-4342F of the *Code of Virginia*, in writing, either before or at the time the data or other material is submitted. The written notice must specifically identify the data or materials to be protected and state the reasons why protection is necessary. The proprietary or trade secret material submitted must be identified by some distinct method such as highlighting or underlining and must indicate only the specific words, figures, or paragraphs that constitute trade secret or proprietary information. The classification of an entire proposal document or prequalification application, line item prices, and/or total proposal prices as proprietary or trade secrets is not acceptable and will result in rejection of the proposal. If, after being given reasonable time the offeror refuses to withdraw an entire classification designation, the proposal will be rejected.

STEP 9 - EVALUATE PROPOSALS

III. COMPLETE EVALUATION BY ASSIGNING POINTS.

- D. When assigning points for the Small Business Subcontracting Plan criteria, a DSBSD-certified small business, which shall include women-owned and minority-owned businesses and businesses with DSBSD service disabled veteran owned status when they have also received DSBSD small business certification, who serves as the prime contractor, will receive the maximum number of evaluation points for this criteria. The weight for the small business subcontracting plan shall not be less than 20% of the total point value. See Annex 7-G, Section A of the Small Business Subcontracting Plan. Example: 20 points available for Small Business Subcontracting and the Offeror is a DSBSD-certified small business then that Offeror would receive 20 points. No further subcontracting would be required.

STEP 12 - POST A NOTICE OF INTENT TO AWARD

Post for 10 days if protest of the award is anticipated (see Annex 7-K for example of format).

STEP 15 - AWARD CONTRACT

The preferred instrument of award for a competitively negotiated contract is the Standard Contract Form (see 7.4.e and Annex 7-D). A Notice of Award shall be publically posted in accordance with 3.18.d.

RFP SOLICITATION AND FILE CHECKLIST

✓	RFP SOLICITATION CHECKLIST	✓	FILE CHECKLIST
	<u>Approval</u> : Required approvals should be obtained prior to preparing the solicitation and a copy placed in the solicitation file. Examples include a release from Corrections to purchase a good(s) or service they produce from a commercial source, authority from the DGS/DPS for an agency to make a direct procurement in excess of its delegated purchase authority (see 1.2, 1.4 and 2.1).		Special Approval
	<u>Approved Request</u> : Written approval to expend funds must be included in the file. When considering the value of the procurement, include all possible renewal periods.		Purchase Requisition
	<u>Statement of Needs</u> : The Statement of Needs describes in general terms what is to be procured.		
	<u>Preproposal Conferences/Site Visits</u> : If a preproposal conference or site visit is to be held, the solicitation must state the date, time, place, and whether attendance is optional or mandatory.		Preproposal sign-in sheet
	<u>General Terms and Conditions</u> : The general terms and conditions or "boilerplate" must be included in every solicitation. Taxes, Use of Brand Names, and Transportation and Packaging General Terms and Conditions are not normally required for service contracts. The Insurance clause is not normally required for goods purchases.		
	<u>Special Terms and Conditions</u> : Each procurement is different, and for each solicitation the special terms and conditions used should be carefully reviewed to ensure that the proper ones are included. They should be essential to the requirement, protect the interests of the Commonwealth, and assist the offeror in understanding the agency's intent.		
	<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 whether 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.		Evaluation criteria weights (if not included in the RFP)
	<u>Method of Payment</u> : If payment is to be made prior to final acceptance of the service or goods to be provided, the solicitation should set forth the procedure; e.g., progress payments, partial payments, etc. The solicitation shall identify the anticipated type of payment, e.g. SPCC, check, EDI, etc.		
	<u>References</u> : If references are required, the number and type should be specified in the solicitation, and those listed should be checked.		Results of Reference Checks (if requested)

Pre-award, Receipt & Evaluation, and Post-Award

	<u>Evaluation Committee</u> : Proposal Evaluation Committee is identified.	Names of Evaluation Committee
--	--	-------------------------------

	<u>Offerors List:</u> Solicit a list of sources per 7.2g. Note which vendors are DSBSD-certified small businesses	Offerors List: Name, addresses of Offerors Solicited
	<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 on eVA VBO and by publishing 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 3.18).	Publicly advertise and posted notice of solicitation in <i>VBO</i> Advertisement
	<u>Solicitation:</u> The original RFP. After the award, remove excess copies of the solicitation and keep the original RFP as issued as a permanent record in the file.	Original solicitation
	<u>Addenda:</u> Any changes to the original solicitation must be made by written addendum, sent to each offeror solicited, or each offeror who attended a mandatory preproposal conference. A copy of all addenda issued must be uploaded to the DGS/DPS eVA web site and maintained in the file.	Addenda
	<u>Questions/Responses:</u> Answers to questions from potential offerors should be shared with all offeror's who attended a mandatory preproposal conference or who were included on the list of offeror's solicited.	
	<u>Proposal Receipt:</u> Proposals are closed at the date and time specified in the solicitation. See 3.1e. There is no requirement for a public opening. Instructions are provided to the evaluation committee. Proposals are checked for missing information.	
	<u>Review Proposals:</u> Provide detailed written instructions to evaluation committee, outlining specific actions. Members review proposals against mandatory requirements. If missing required information, contact offeror. Allow opportunity for them to provide information.	Copy of each evaluation committee member's score sheet
	<u>Review Member Evaluations:</u> Schedule conferences as appropriate or necessary. Conduct reference checks and inspections as required.	
	<u>Oral Presentations:</u> Schedule oral presentations if they are necessary to clarify any ambiguities or omissions in the proposals.	
	<u>Proposal Evaluation:</u> Individual evaluations are prepared and proposals are evaluated based upon the evaluation criteria and weights.	
	<u>Select Offerors and Determine Issues to Negotiate:</u> The committee will decide who to negotiate with based upon the logical division in the point spread as determined by the points received on the evaluation score sheets. The issues to negotiate will be determined by the evaluation committee.	
	<u>Schedule and Conduct Negotiation:</u> A record is maintained of the negotiations with each offeror so selected.	Documentation of negotiations.
	<u>Best and Final Offers:</u> If it is planned for Best and Final Offers (BAFO's) to be considered from offerors, then this provision must be made a part of the RFP. If the responses have been scored and a BAFO is received after negotiations, then the affected and previously scored proposal will be rescored with the new information contained in the BAFO being considered. No further negotiation shall take place with offerors providing BAFO's. The offeror who has made the best proposal is given the award.	Best and final offers (if requested in the RFP)

	<u>Review Insurance Requirement or other Requirements:</u> If insurance is required in RFP, the agency has the option to request the insurance certificate prior to commencement of work.	
	<u>Notice of Award or Notice of Intent to Award:</u> Post a Notice of Intent to Award for 10 days on the DGS/DPS eVA web site if a protest of the award is anticipated; otherwise, issue the Notice of Award.	Notice of Award
	<u>Bonds:</u> Obtain Performance and payment Bonds prior to commencement of work, if required in the RFP.	
	<u>Successful Proposal:</u> A copy of the successful proposal is retained in the active procurement file.	Successful proposal
	<u>Contract:</u> A standard two-party contract is typically used for negotiated procurements. Be sure to include by reference, all of the terms and conditions of solicitation, and the RFP as may have been changed through subsequent negotiation.	Copy of the contract
	<u>Contract Administration:</u> If the contract requires administration by other than the buyer, those responsibilities are assigned in writing.	Contract Administrator assignment
	<u>Licenses/References:</u> If other information was required of the contractor, these items must be retained in the procurement file.	Licenses, References
	<u>Unsuccessful Proposals:</u> A copy of the unsuccessful proposals is retained as a part of the inactive permanent record.	Unsuccessful proposals
	<u>Post-Award Correspondence:</u> All post- award correspondence should be maintained in the procurement file.	

The following items should be considered when developing the solicitation:

	For BOTH Goods and Service Procurements:
	<u>Availability of Funds:</u> Funds to support a procurement solicitation must be available. If funds are limited, the file should contain a statement of dollar ceiling that cannot be exceeded, to ensure that a buyer does not make an award in excess of the funds available. See Appendix B, Section II, Special Terms and Conditions for the appropriate clause which should be used in the solicitation. Use with term contracts only.
	<u>Bonds:</u> For the procurement of goods or services other than construction, for any dollar amount, consider if performance or payment bonds are necessary to protect the Commonwealth's interest.
	<u>Cancellation Clause:</u> If the solicitation will result in a term contract this clause should be included. This is not an appropriate clause for spot purchases. (See Appendix B for sample clause.)
	<u>Performance Period:</u> The performance period stated in the contract must include a starting and ending date, or the contract period must be for a specific period of time after a starting point; e.g., 120 days after date of award. If an option to renew the contract for an additional period is desired, the option must be stated in the solicitation.
	<u>Liquidated Damages:</u> If time and delivery are critical, it may be necessary to include a provision for liquidated damages. The basis for the amount of liquidated damages assessed must be supportable and reasonable, considering the service or goods being purchased and the impact of delay on the Commonwealth. A liquidated damages clause is <u>not</u> to be used as a penalty but as a means to access for damages which may be incurred by late delivery.

	<u>Ownership of Documents</u> : If the contract will result in the production of plans, camera ready copy, art work, or any other material that has been paid for by the Commonwealth and is required for subsequent or future production, then the appropriate special clause should be used in the solicitation to ensure ownership and retention by the Commonwealth.
	<u>Required Delivery/Completion Time</u> : If applicable, a specific date must be stated in the solicitation.
	<u>Small Business Subcontracting and Evidence of Compliance</u> : Use in solicitations for goods, nonprofessional services, or non capital outlay construction when a small business subcontracting plan is a condition of the award. Required in solicitations valued over \$100,000 that are not set-aside for small businesses accordance with the Small Business Enhancement Award Priority, unless a written determination is made, signed by the chief purchasing officer and supported by factual evidence explaining in sufficient detail why no subcontracting opportunities exist.
	<u>Vendor Data Sheet</u> : If the agency wishes to check the offeror's references or to verify the offeror's experience, the Vendor Data Sheet should be included as an attachment to the solicitation (see Annex 6-C).
	For Goods Procurements:
	<u>Inside Delivery</u> : If inside delivery is required, the solicitation should so state. Consider specifying access requirements, e.g., inside delivery is required, the solicitation must so state.
	<u>Samples/Demonstration or Demonstration Models</u> : If samples, demonstration or demonstration models are required, the type, quantity, size, the place, and time for submission must be stated in the solicitation.
	<u>Technical Data</u> : If technical data will be required for evaluation, the solicitation should specify when and where the data should be submitted.
	For Service Procurements:
	<u>Bonds</u> : For the procurement of services other than construction, for any dollar amount, consider if performance or payment bonds are necessary to protect the Commonwealth's interest. If services are being solicited where personal bonding is required such as financial or security service, the requirement must be stated in the solicitation.
	<u>Facilities</u> : If the agency will provide facilities for use by the contractor, such as a storage area, this should be stated in the solicitation. If the contractor is required to provide equipment or facilities, it should also be stated in the solicitation.
	<u>Hours of Work - Access to Agency Facilities</u> : If the hours of work and access to the agency's facility are restricted to certain time periods and dates, the solicitation should so specify. If the resulting contract is not a fixed price contract and overtime work can be anticipated, the pricing schedule should require a statement of overtime rates.
	<u>Insurance</u> : This General Term and Condition should be included on service purchases when the contractor is required to work on state owned, leased or rented property. The contractor must have the proper liability insurance and worker's compensation to protect the Commonwealth from claims resulting from the contractor's work or personnel. For information, call the Division of Risk Management at 804-786-3152.
	<u>Licensing Requirements</u> : State any requirements for licensing. Contractors must comply with licensing requirements (see 3.4).
	<u>Material/Supplies</u> : If there is agency furnished material to be supplied to the contractor, the solicitation must provide for its control, and return, or disposition. If the contractor is to furnish material or supplies, the quantity, quality, and availability must be specified.
	<u>Personnel Approval</u> : If the agency desires to approve individuals employed by the contractor under the terms of the contract, or to exercise some degree of control over contractor's personnel, the requirement must be included in the solicitation.
	<u>Response Time/Service Calls</u> : If the vendor must respond to a service call within a specific time frame, the time frame must be specified in the solicitation.
	<u>Subcontractor Approval</u> : If subcontractors may be involved in satisfying the requirement and there is a need to approve the subcontractors on a project, then the solicitation should state what approvals the Commonwealth

	wishes to exercise (see page Annex B, Special Condition on Subcontracts).
	For Construction Procurements:
	See 4.24 - The procurement of “construction” for “Capital Outlay Projects” is governed by the rules of the <i>Construction and Professional Services Manual</i> , issued by DGS/Division of Engineering and Buildings.
	<u>Bonds</u> : For construction contracts in excess of \$500,000, a bid bond, performance and payment bonds are required.
	<u>Drawings, As-Built</u> : If “as-built drawings” are required, specify the number of copies, when, and to whom they are to be delivered.
	<u>Drawings, Shop</u> : If shop drawings are required, specify when and to whom they are to be submitted, approvals required, and time limits for review or changes, by both the agency and the contractor.
	<u>Material/Supplies</u> : If there is agency furnished material to be supplied to the contractor, the solicitation must provide for its control, and return, or disposition. If the contractor is to furnish material or supplies, the quantity, quality, and availability must be specified.

Annex 7-G

Small Business Subcontracting Plan

It is the goal of the Commonwealth that more than 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:** _____

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 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 Department of Small Business and Supplier Diversity (DSBSD), provide your certification number and the date of certification):

Certification number: _____ Certification Date: _____

Section B

Populate the table below 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, minority, and DSBSD service disabled veteran-owned businesses 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 percentages may result in breach of the contract.

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

Micro/Small Business Name & Address DSBSD Certificate #	Status if Micro/Small Business is also: Women (W), Minority (M), or DSBSD Service Disabled Veteran-Owned	Contact Person, Telephone & Email	Type of Goods and/or Services	Planned Involvement During Initial Period of the Contract	Planned Contract Dollars During Initial Period of the Contract (\$ or %)
Totals \$					

(AGENCY LETTERHEAD)
COMMONWEALTH OF VIRGINIA
NOTICE OF INTENT TO AWARD

DATE _____

COMMODITY _____

IN RESPONSE TO RFP # _____ OF (ISSUE DATE)

CONTRACTOR(S)/VENDOR(S) _____

Records for this procurement are now available for inspection by any offeror on this RFP.

(Purchase officer/contract officer) _____ (Signature)
Name typed or printed

Note: This form is used if a protest of the award is anticipated.

Annex 7-L
(AGENCY LETTERHEAD)
COMMONWEALTH OF VIRGINIA
NOTICE OF AWARD

Contract No. _____

Date _____

Vendor Reference No. _____

Name _____

Address _____

Offer Response Date _____

In Response To _____

To Furnish _____

During the Period _____

Purchase Officer or Contract Officer _____

Note: This form (or the eVA Order) serves as public notice of award for a Competitive Negotiation.

10.11 Payment and Invoice Processing.

- b. **Charge Cards Payments.** In an effort to streamline invoice and payment processing steps and sharply reduce paperwork, the Department of Accounts (DOA) has established a contract allowing agencies and institutions to use charge cards through two programs, the small purchase charge card (SPCC) and Gold Card. Unlike the typical consumer charge card, this program incorporates the features of corporate charge cards - national concept designed for business applications. Major program benefits include the reduction in the number of invoices processed by Commonwealth agencies and institutions, reduction in internal requisitioning reduced vendor collection costs, and payment to the vendor by the charge card company within as little as three business days. State agencies are required to participate in the SPCC program; participation in the Gold Card program is optional. Agencies, institutions and cardholders must follow all policies and procedures established in the Commonwealth Accounting Policies and Procedures (CAPP) Manual Section 20355 *Purchasing Charge Card*. Information can be obtained by calling DOA at 804-371-4350. Charge card purchases shall be processed through eVA unless the purchase is exempt from processing through eVA in 14.9 c
- (1) **Small Purchase Charge Card (SPCC).** The SPCC is issued for cardholder use for transactions up to \$5,000 and the cardholder's monthly transaction limit up to \$100,000 for the purchase of small dollar goods and services in accordance with the issuing agencies policies and procedures, Agency Procurement and Surplus Property Manual and Virginia Public Procurement Act.
 - (2) **Gold Card.** The Gold Card is issued for cardholder use for transactions up to \$50,000 or higher per transaction with a monthly limit of \$250,000 or higher, set by the Statewide Program Administrator at DOA. The Gold Card program is established to optimize the Commonwealth's participation in eVA and reduce the number of checks issued by the Commonwealth. The Gold Card program is administered through DOA Program Administrator who can be contacted at 804-371-4350. Gold Cards are only issued to full-time classified purchasing/procurement professionals or their staff deemed responsible by the Agency Head. An individual may not hold a SPCC and a Gold Card.

12.7 Surplus Property Disposal Methods and Procedures.

b. **Surplus Property Disposal Methods.**

3. **Preliminary Sales Offering of Surplus Property to Eligible Organizations: Political Subdivisions, School Divisions and Qualified Non-Profit 501(c) Organizations.** Part of the mission of the Commonwealth's surplus property activity is to support public institutions and certain non-profit organizations by making available useful materials and property at a reasonable price. Therefore, prior to initiating any public sale or auction, surplus materials may first be offered at the items fair market value to these institutions, which are political subdivisions of the Commonwealth (local governments and other public bodies), schools, and qualified non-profit 501(c) organizations. Qualified non-profit 501(c) organizations are defined as approved for the distribution of federal surplus materials. Contact the OSPM office for eligibility questions. Additionally, direct sales may be also be made to the following organizations as established in §2.2-1122, of the *Code of Virginia*:

- Fire company as defined in §27-6.01 or emergency medical services agency as defined in §32.1-111.1 that is recognized by an ordinance to be part of the safety program of a county, city or town;
- Virginia charitable organizations with a 501(c)(3) tax-exempt status that operate as children's homes;
- Virginia charitable corporations with a 501(c)(3) tax-exempt status operating as clinics for the indigent and uninsured that are organized for the delivery of primary healthcare services (i) as federally qualified health centers designated by the Health Care Financing Administration or (ii) at a reduced or sliding fee scale or without charge;
- Public television stations located in the state;
- Local social service departments for the purpose of resale at cost of surplus motor vehicles, when direct sales are made to Temporary Assistance for Needy Families (TANF) recipients.
- Through local social services boards, surplus clothing may be transferred to an appropriate department, division, institution, or agency of the Commonwealth for distribution to needy individuals.

Sale prices of less than market value may be considered with the submission of written justification supporting a reduced price. Attach copies of justification letters reflecting prices proposed. Upon approval from the Director, DGS Office of Surplus Property Management, a Surplus Property Sales Award will be issued, and the item will be available for purchase to the requesting organization.

7. Surplus Computers and Related Equipment:

- (a) Agencies can utilize a state contract which provides pick-up, data cleaning, and disposal. The contract is currently administered by DGS Office of Surplus Management. For more information, visit the following link:

<https://dgs.virginia.gov/office-of-surplus-property-management/government-entities/recycling-assistance-program/>

Annex 13-C
Directory of Procurement Assistance

Please refer to:

<http://www.eva.virginia.gov/pages/eva-dps-directory-of-procurement.htm>

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 through an Electronic Mall (e-Mall), 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.
- 14.2 **Agency Responsibility.** Agencies and institutions should develop written internal policies, procedures and controls on the use of eVA. This should include re-delegation of purchasing authority, requisition approval process, how to incorporate terms and conditions, interface with finance and accounting, record keeping, encumbrance of funds, receiving (central and/or decentralized) and interface with internal automated systems. Additionally, guidelines should be included for conducting compliance audits/reviews of purchase transactions made by or on behalf of agency employees and a contingency plan in the event the eVA system is temporarily not available.
- 14.6 **Competitive Requirements.**
- a. **Single Quotation (up to and including \$5,000):** An e-Mall catalog (non-contract) price can be considered a quote in compliance with 3.10.g.1 and 5.3.a when the value of the purchase is up to and including \$5,000 or less.
 - d. **eVA Required Terms and Conditions.** The eVA Business-to-Government Vendor Registration clause, General Term and Condition X, and the eVA Orders and Contracts clause, Special Term and Condition 4 shall be used in all solicitations, contract awards and contract renewals. All purchase orders shall include the standard eVA order term and condition (see Annex 14-A). Existing contracts without General Term and Condition X or without special Term and Condition 4 or with an older version of either shall be modified to include the current versions of General Term and Condition X and Special Term and Condition 4 at the time of renewal.

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

b. Mandatory Use of eVA for Purchases exempted from Assessment of Fees.

8. Purchases of Pharmaceuticals, Vaccines, and University Oral Contraceptives MMCAP Contract Products, as categorized by MMCAP, within the Pharmacy Program or Influenza Vaccine Program under MMCAP Pharmaceutical Wholesaler Distribution Services Contracts. Purchases of Non-Pharmaceuticals within the Pharmacy Program or MMCAP Contract Products under other MMCAP programs not mentioned above are not exempt from eVA fees ex. Medical Supplies.

c. Optional Use of eVA for Purchases exempted from Assessment of Fees.

11. Business and/or financial transactions to which public procurement regulations do not apply. Examples include eVA Fees, debt service payments, Medicare and Medicaid payments, and child support payments.

APPENDIX A

GLOSSARY AND ACRONYMS

Service Disabled Veteran: A Service Disabled Veteran means a veteran who (i) served on active duty in the United States military ground, naval, or air service, (ii) was discharged or released under conditions other than dishonorable, and (iii) has a service-connected disability rating fixed by the United States Department of Veterans Affairs. Individuals must be certified by the Virginia Department of Veteran Services (DVS) as a Service Disabled Veteran in order for their businesses to be eligible for Service Disabled Veteran-Owned status.

Service Disabled Veteran Business: means a business that is at least 51 percent owned by one or more service disabled veterans or, in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more individuals who are service disabled veterans and both the management and daily business operations are controlled by one or more individuals who are service disabled veterans.

Service Disabled Veteran-Owned Small Business (SDVOSB): Means a DSBSD-Certified Small Business owned by a DVS-Certified Service Disabled Veteran, when they have also obtained Service Disabled Veteran-owned “status” by the DSBSD in the SWaM vendor database. This is not a separate DSBSD certification, but rather a designation of those DSBSD-certified Small Businesses that are owned by DVS-Certified Service Disabled Veterans. Veterans wishing to apply for service disabled status must first seek eligibility certification from the Dept. of Veteran Services.

<https://www.dvs.virginia.gov/benefits/virginia-swam-program-sdvosb-designation/>

Virginia-Grown Food Products: Farm, agricultural, and aquaculture food products grown, harvested, raised or caught in Virginia that are identified by, and meet all the quality standards of, the Virginia Department of Agriculture and Consumer Services.

APPENDIX B

SECTION I

REQUIRED GENERAL TERMS AND CONDITIONS
GOODS AND NONPROFESSIONAL SERVICES

T. **INSURANCE:** By signing and submitting a bid or proposal under this solicitation, the bidder or offeror certifies that if awarded the contract, it will have the following insurance coverage at the time the contract is awarded. For construction contracts, if any subcontractors are involved, the subcontractor will have workers' compensation insurance in accordance with §§ 2.2-4332 and 65.2-800 et seq. of the *Code of Virginia*. The bidder or offeror further certifies that the contractor and any subcontractors will maintain these insurance coverage during the entire term of the contract and that all insurance coverage will be provided by insurance companies authorized to sell insurance in Virginia by the Virginia State Corporation Commission.

MINIMUM INSURANCE COVERAGES AND LIMITS:

1. Workers' Compensation - Statutory requirements and benefits. Coverage is compulsory for employers of three or more employees, to include the employer. Contractors who fail to notify the Commonwealth of increases in the number of employees that change their workers' compensation requirements under the *Code of Virginia* during the course of the contract shall be in noncompliance with the contract.
2. Employer's Liability - \$100,000.
3. Commercial General Liability - \$1,000,000 per occurrence and \$2,000,000 in the aggregate. Commercial General Liability is to include bodily injury and property damage, personal injury and advertising injury, products and completed operations coverage. The Commonwealth of Virginia shall be added as an additional insured to the policy by an endorsement.
4. Automobile Liability - \$1,000,000 combined single limit. (Required only if a motor vehicle not owned by the Commonwealth is to be used in the contract. Contractor must assure that the required coverage is maintained by the Contractor (or third party owner of such motor vehicle.)

Profession/Service

Limits

Accounting	\$1,000,000 per occurrence, \$3,000,000 aggregate
Architecture	\$2,000,000 per occurrence, \$6,000,000 aggregate
Asbestos Design, Inspection or Abatement Contractors	\$1,000,000 per occurrence, \$3,000,000 aggregate
Health Care Practitioner (to include Dentists, Licensed Dental Hygienists, Optometrists, Registered or Licensed Practical Nurses, Pharmacists, Physicians, Podiatrists, Chiropractors, Physical Therapists, Physical Therapist Assistants, Clinical Psychologists, Clinical Social Workers, Professional Counselors, Hospitals, or Health Maintenance Organizations.)	\$2,150,000 per occurrence, \$4,250,000 aggregate
(Limits increase each July 1 through fiscal year 2031 per	<i>Code of Virginia</i> § 8.01-581.15.)
Insurance/Risk Management	\$1,000,000 per occurrence, \$3,000,000 aggregate
Landscape/Architecture	\$1,000,000 per occurrence, \$1,000,000 aggregate
Legal	\$1,000,000 per occurrence, \$5,000,000 aggregate
Professional Engineer	\$2,000,000 per occurrence, \$6,000,000 aggregate
Surveying	\$1,000,000 per occurrence, \$1,000,000 aggregate

* **When Used: FOR CONSTRUCTION, SERVICE CONTRACTS AND GOODS CONTRACTS WHEN INSTALLATION IS REQUIRED** - Required in all solicitations where a contractor will perform work or services in or on state facilities. The limits are minimums and may be increased. The Department of Treasury, Division of Risk Management (804-786-3152) should be contacted when other types of coverage may be required or when in doubt as to the need for other limits. When soliciting one of the Professions/Services listed above include the Professional Liability/Errors and Omissions coverage and limits as shown. When not soliciting one of these Professions/Services, omit the required coverages section from the General Terms and Conditions boilerplate.

SECTION II

SPECIAL TERMS AND CONDITIONS GOODS AND NONPROFESSIONAL SERVICES

Introduction paragraph:

The following is an index of Special Terms and Conditions clauses. Some are mandatory whereas others may be used at the buyer's discretion in solicitations or negotiated contracts as the individual procurement may dictate. These clauses cover a broad spectrum of goods, printing, and services and are followed by a brief explanation (indicated by an asterisk *) of when each should be used. Other special terms and conditions may be developed and included in the solicitation when appropriate.

30. **INSURANCE, MONEY AND SECURITIES:** Contractor shall maintain a Broad Form Money and Securities Insurance Policy obtained from an insurance company licensed to conduct crime insurance business in the home state of the contractor and which has earned an A.M. Best Company, Inc. rating of A or better, as reflected in their most current publication, covering all money and property entrusted to the contractor by the Commonwealth of Virginia, with limits of coverage of not less than \$_____ for Loss Inside the Premises Coverage and not less than \$_____ for Loss Outside the Premises Coverage, the Commonwealth of Virginia shall be added as an additional insured to the policy by an endorsement with respect to this contract. Certificate of such protection must be presented to the purchasing agency prior to the start of the service showing name of insurance company, limits and type of coverage, term of coverage, additional insured provision and name and address of licensed insurance agent. The contractor agrees to maintain such policy until the completion of the contract and all money and property of the Commonwealth is remitted to the Commonwealth.

*** When Used: Required for contracts covering the collection, handling, safekeeping, and/or transporting state monies or securities. The amounts to be entered by the agency should be equal to the estimated maximum amount of monies or securities that would be in the contractor's possession at any one time.**

32. **LIMITATION OF LIABILITY:**

A. To the maximum extent permitted by applicable law, the contractor will not be liable under this contract for an indirect, incidental, special or consequential damages, or damages from loss of profits, revenue, data or use of the supplies, equipment and/or services delivered under this contract. This limitation of liability will not apply, however, to liability arising from: (a) personal injury or death; (b) defect or deficiency caused by willful misconduct or negligence on the part of the contractor; or (c) circumstances where the contract expressly provides a right to damages, indemnification or reimbursement.

When Used: *This clause should be used on an exception basis* – Prior review by both risk management and legal counsel is mandatory before including in a solicitation or contract. A contract officer may use this clause in a contract when negotiations suggest that liability may be an issue, but the risk and liability to the Commonwealth is negligible. Examples include, but are not limited to, office supplies and equipment, paper products, printing, furniture, audio/visual equipment, consultant services, media services, equipment maintenance, etc. In certain circumstances, a contract officer may include this clause in a solicitation after consulting with risk management and legal counsel. Note: The clause may be modified, as applicable, depending on the intended use of the goods and/or services.

B. **LIMITATION OF LIABILITY:** To the maximum extent permitted by applicable law, the contractor's liability under this contract for loss or damages to government property caused by use of any defective or deficient supplies, products, equipment and/or services delivered under this contract shall not exceed the greater of \$_____ or _____ times the amount of money paid to the contractor under this contract during the twelve month period preceding the event or circumstance giving rise to such liability. The contractor will not be liable under this contract for any indirect, incidental, special or consequential damages, or damages from loss of profits, revenue, data or use of the supplies, equipment and/or services delivered under this contract. The above limitation of liability is per incident. The limitation and exclusion of damages in the foregoing sentences will not apply, however, to liability arising from: (a) personal injury or death; (b) defect or deficiency caused by willful misconduct or negligence on the part of the contractor; or (c) circumstances where the contract expressly provides a right to damages, indemnification or reimbursement.

When Used: *This clause should be used on an exception basis* – Prior review by both risk management and legal counsel is mandatory before including in a solicitation or contract. A contract officer may use this clause in a contract when negotiations suggest that liability will be an issue and the risk and liability to the Commonwealth is extensive. Examples include, but are not limited to: software; hardware; two-way

communication devices; telephone equipment; medical, dental, and laboratory equipment and supplies; elevator maintenance and inspection services; food service; medical service; etc. Caution: The potential risk must be calculated in dollars and indicated in the first blank. Delete the remaining part of the sentence. If the risk value cannot be determined within a reasonable amount and the contract is for indefinite quantity (e.g., annual contract), estimate the approximate annual value and fill in the dollar amount. Enter a multiplication factor in the second blank, such as two (2) or some other reasonable number. In rare circumstances, a contract officer may include this clause in a solicitation after consulting with risk management and legal counsel. Note: The clause may be modified, as applicable, depending on the intended use of the goods and/or services.

36. **SUBMISSION OF SMALL BUSINESS SUBCONTRACTING PLAN, EVIDENCE OF COMPLIANCE WITH SMALL BUSINESS SUBCONTRACTING PLAN, AND SUBCONTRACTOR REPORTING :**

- A. Submission of Small Business Subcontracting Plan: It is the statewide goal of the Commonwealth that 42% of its purchases be made from small businesses certified by DSBSD. This includes discretionary spending in prime contracts and subcontracts. All bidders/offerors are required to submit a Small Business Subcontracting Plan. The contractor is encouraged to offer such subcontracting opportunities to DSBSD-certified small businesses. This shall include DSBSD-certified women-owned and minority-owned businesses and businesses with DSBSD service disabled veteran-owned status when they have also received DSBSD small business certification. Where it is not practicable for any portion of the goods/services to be subcontracted to other suppliers, the bidder/offeror shall note such on the Small Business Subcontracting Plan. No bidder/offeror or subcontractor shall be considered a small business unless certified as such by the Department of Small Business and Supplier Diversity (DSBSD) by the due date for receipt of bids or proposals.
- B. Evidence of Compliance with Small Business Subcontracting Plan: Each prime contractor who wins an award in which provision of a small business subcontracting plan is a condition of the award, shall deliver to the contracting agency or institution timely reports substantiating compliance in accordance with the small business subcontracting plan. If a variance exists, the contractor shall provide a written explanation. A subcontractor shall be considered a Small Business for purposes of a contract if and only if the subcontractor holds a certification as such by the DSBSD. Payment(s) may be withheld until the purchasing agency confirms that the contractor has certified compliance with the contractor's submitted Small Business Subcontracting Plan or is in receipt of a written explanation of the variance. The agency or institution reserves the right to pursue other appropriate remedies for non-compliance to include, but not be limited to, termination for default.
- C. Prime Contractor Subcontractor Reporting:
1. Each prime contractor who wins an award greater than \$100,000, shall deliver to the contracting agency or institution on a _____ (insert monthly, quarterly, or other frequency) _____ basis, information on use of subcontractors that are DSBSD-certified businesses or Employment Services Organizations (ESOs). The contractor agrees to furnish the purchasing office at a minimum the following information: name of firm, phone number, total dollar amount subcontracted, category type (Businesses that are DSBSD-certified small, women-owned, minority-owned, businesses with DSBSD service disabled veteran-owned status, or Employment Services Organization) and type of product/service provided, at the frequency required.
 2. In addition each prime contractor who wins an award greater than \$200,000 shall deliver to the contracting agency or institution on a _____ (insert monthly, quarterly, or other frequency) _____ basis, information on use of subcontractors that are **not** DSBSD-certified businesses or Employment Services Organizations. The contractor agrees to furnish the purchasing office at a minimum the following information: name of firm, phone number, total dollar amount subcontracted and type of product/service provided, at the frequency required.

*** When Used:** Use in solicitations for goods, nonprofessional services, or non capital outlay construction when a small business subcontracting plan is a condition of the award. Required in solicitations valued over \$100,000, unless a written determination, signed by the chief purchasing officer and supported by factual evidence explaining in sufficient detail why no subcontracting opportunities exist is made. Fill in the blank with period of time or occurrence when evidence of compliance is due, e.g., request for final payment, monthly, quarterly, annually, end of contract period.

SECTION III

ADDITIONAL TERMS AND CONDITIONS FOR NON-CAPITAL OUTLAY CONSTRUCTION PROJECTS

24. **ASBESTOS:**

- a. This subsection applies to projects involving existing buildings where asbestos abatement is not a part of the work. If the contractor discovers or inadvertently disturbs any material that may contain asbestos that has not been previously identified, that was overlooked during the removal, or which was deemed not to be friable or which was encapsulated, the contractor shall stop work in the area containing the asbestos, secure the area, and notify the owner immediately by telephone or in person with written notice as soon as possible. The owner will have the suspect material sampled.

If the sample is positive and must be disturbed in the course of the work, the owner will have the material repaired or removed and will pay for the bulk sample analysis.

If the material disturbed is not within the contractor's authorized work and/or work area or under this contract, the contractor will pay for all associated sampling and abatement costs.

- b. If asbestos abatement is included as a part of the work, the contractor shall assure that the asbestos abatement work is accomplished by those duly licensed in accordance with the specific requirements of the contract documents.
- c. If asbestos abatement is included as part of the work, the licensed asbestos subcontractor shall, in the insurance required, add the Commonwealth of Virginia and the contractor as additionally insured to the policy by an endorsement

APPENDIX C

PROCUREMENT INFORMATION MEMORANDUM (PIM)
RECORD OF CHANGES

PIM NUMBER	TOPIC	DATE FILED	INITIALS
98-035	Provides clarification on Award Documents and Notices of Award documents. Changes dollar threshold for professional services. Removes Virginia-Grown Food from the competition exceptions list. Adds provisions for service disabled veterans and businesses with DSBSD service disabled veteran-owned status. Updates policy and terms regarding Insurance.	7/1/18	

Suggested Changes

Your assistance is sought in identifying areas where changes may be needed. Whether concept changes or one word changes to the *APSPM*, DGS/DPS welcomes suggestions for clarification, corrections, or policy and procedure modifications. Please copy this form and use it to submit your suggestions for consideration. Forms may be mailed to DGS/DPS, P. O. Box 1199, Richmond, VA 23218-1199, sent by fax to 804-786-5712, or contact the PCR Director indicated at: <http://www.eva.virginia.gov/pages/eva-dps-directory-of-procurement.htm>. Use additional sheets as necessary.

APSPM section number affected: _____

Suggestion: _____

Why the change is needed: _____

APSPM section number affected: _____

Suggestion: _____

Why the change is needed: _____

(Optional)

Submitted by: _____ Telephone: _____

Agency: _____