

# Supplier Relationship Management

## How to Avoid Being Between a Rock and a Hard Place!

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DGS/Division of Purchases & Supply  
Supplier Relationship Manager,  
Commonwealth of Virginia





# Supplier Relationship Management

Happy Buyer!



Happy Supplier!



# Doing Business with CoVA [www.virginia.gov](http://www.virginia.gov)



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

## Division of Purchases & Supply - eVA



### Div of Small Business and Supplier Diversity (DSBSD)

SWAM certification  
Micro – unique to CoVA  
[www.sbsd.virginia.gov](http://www.sbsd.virginia.gov)

### State Corporation Commission (SCC)

Bidders in the CoVA are required to be authorized by the SCC to conduct business in the CoVA or submit documentation stating why they are exempt.  
<http://www.scc.virginia.gov/>

### Div of Engineering & Building (DEB)

Oversees construction and capital outlay projects  
[www.dgs.virginia.gov](http://www.dgs.virginia.gov)

### Virginia Dept of Transportation (VDOT)

<http://www.virginiadot.org/business/asd-default.asp>

### Technology Goods, Non-professional Services, and Telcom (VITA)

View Contracts  
Supply Chain: How to Sell to VITA  
[www.vita.virginia.gov](http://www.vita.virginia.gov)

### Local Governments

Statewide contracts issued for CoVA are not restricted exclusively for use by state agencies. Other public bodies located with the Commonwealth may be permitted to use certain statewide contracts.

The Commonwealth of Virginia ranked **tops** in the nation in the Governing Institute's inaugural Procurement Survey of the States. The rankings recognize states for technological innovation, transparency and strategic methods in providing public bodies with goods, services and information technology.

### CoVA Spend:

CoVA (FY 2018): >\$9.3B  
Transportation: \$3.64B  
Education: \$2.36B  
Health/Human Svcs: \$2082B  
Public Safety/Homeland Security: \$4.85M

**Virginia's E-Procurement Portal**  
Supplier Registration - Free to join, eVA Vendor registration gives you access to many free services and tools including automated placement on bidders list and email/fax notifications for business opportunities with Virginia State Agencies, Colleges and Universities, as well as many Local Governments.

Vendor's Manual – The Vendor's Manual is a guide designed to provide complete information on the purchasing rules from a vendor's perspective.

Reports: Transparency And Spend Reports, Who's buying what You're selling

Catalogs - Free functionality that allows Vendors to provide a catalog file or have eVA directly access your website through a "Punchout"

eVA Customer Care:  
Hours: 8AM – 4:45PM M-F  
TOLL FREE: 866-289-7367  
OUTSIDE US: 804-371-2525  
[eVACustomerCare@DGS.Virginia.gov](mailto:eVACustomerCare@DGS.Virginia.gov)

# CoVA Procurement Law & Authority

## Virginia Public Procurement Act (VPPA)

### Roads & Bridges

#### Transportation

**VDOT + Transp Board.** Full authority for all Construction and Professional Services under both VPPA + PPTA

Manuals, Books, and Guides

### Buildings

#### Administration

**DGS/DEB.** Construction and Professional Services. Applies to State Agencies, Level I + some Level II IHEs that follow the CPSM

CPS Manual

### Professional Services

Unlimited to All

### Local Governments

#### Exempt themselves from VPPA

No state oversight for Goods, Services, IT, Telco, and Capital Outlay. **Examples:** Boards, Commissions, Authorities, Cities, Towns, Counties, VA Higher Ed Tuition Trust, and other political subdivisions

### Goods, Printing, Non-Professional Services Administration

**DGS/DPS.** Full authority for central procurement and [eProcurement](#) with following delegations made to Agencies

#### Goods

- \$50K to all
- \$100K to 29
- Unlimited to 6

Agency Manual  
Vendors Manual

#### Printing

- \$50K to all
- \$100K to 21
- Unlimited to 3

#### Services

Unlimited to all agencies

### IT Goods, Non-professional Services, and Telco Technology

**CIO/VITA.** Full authority with [limited delegations](#) made to Agencies  
VITA "BuyIT" Manual  
Project Mgt Standards + Policies

VPPA requires Governor or designee (Director, DGS) to approve increases exceeding \$50,000 or 25% whichever is greater on "fixed-price" contracts

### \*Restructured Higher Ed Act Higher Education

VCU, VPI, UVA and W&M **fully exempt from VPPA** and DGS or VITA oversight for all Goods, Services, IT and Construction

ODU, JMU, GMU, VMI, RU, LU and MWU **fully exempt from VPPA** and DGS or VITA oversight for Goods and Services

All above: [VASCUPP](#) + [Purchasing Manual](#)

VCCS Central office and 23 colleges and CNU are fully exempt from VITA IT Procurement and DGS Construction

To a varying extent, Level III and some Level II IHEs create and follow their own Building Construction and Capital Outlay manuals and rules

### Exempt From VPPA

- Chesapeake Hospital Authority
- Citizens' Advisory Council (Executive Mansion)
- Eastern VA Medical School
- Metro Washington Airports Authority
- Medical College of VA Hospital Authority
- Motor Vehicle Dealers Board
- Patrick Hospital Authority
- Richmond Eye & Ear Hospital Authority
- VA Baseball Stadium Authority
- VA Commercial Space Flight Authority
- VA Economic Development Partnership
- VA Port Authority
- VA Retirement System
- VA Tourism Authority
- State Lottery Dept
- VA College Savings Plan
- Legislative Branch

**Incomplete List** - Other agencies may have specific exceptions

### Devolution from VPPA

- [\\*Restructured Higher Education Act](#)
- [Public-Private Education Facilities & Infrastructure Act of 2002 \(PPEA\)](#)
- [Public-Private Transportation Act of 1995 \(PPTA\)](#)
- Enterprise Applications Master Services Agreement (MSA)



# DPS Vendor's Manual

<https://dgs.virginia.gov/procurement/policy-consulting--review/policy/>

## Chapter 3 General Reqr of Vendors

Registration  
Visits  
Assistance  
Gifts  
Responsive/  
Responsible  
Doing Business  
E-Verify

## Chapter 7 Performance

PO's  
Quality  
Delivery  
Contracts  
Termination  
Debarment  
Claims

## Chapter 9 Protests and Appeals

Protest  
Appeal



## Chapter 3: General Requirements of Vendors

### ■ Registration in eVA (3.1, 3.2, 3.16)

- Application, Registration, Update Information

### ■ Visits (3.3)

- Encouraged to identify new innovation/product/service
- Be sure to make an appointment
- Consultative or advisory visits are encouraged to bring latest state of the art technology and materials to agency attention



## Chapter 3: General Requirements of Vendors

### ▪ Assistance to State Agencies (3.4)

- The furnishing of product or service information is considered to be normal sales effort and does not entitle the vendor to preferential treatment in the awarding of contracts
- A vendor may offer, without compensation, assistance to agency personnel in developing specifications for a requirement and compete on that requirement.



## Chapter 3: General Requirements of Vendors

### ■ Gifts (3.5)

- No vendor shall offer any gift, gratuity, favor, or advantage to any state employee who exercises official procurement responsibility, develops procurement requirements, or otherwise influences procurement decisions
- If approved, State employees may attend vendor-sponsored seminars or trade shows where the buying staffs will benefit from receiving product information and learning of new techniques and trends



## Chapter 3: General Requirements of Vendors

### ▪ Responsible Supplier (3.7):

- Regular/authorized dealer of goods/service
- Ability to comply with delivery/performance schedule
- Satisfactory record of performance and integrity
- Necessary facility, organization, experience, tech skills and financial resources to fulfill PO/Contract



## Chapter 3: General Requirements of Vendors

### ▪ Responsive Supplier (3.8)

- Supplier who has submitted a bid which conforms in all material respects to the Invitation for Bids
- 3.6c (new for 2019): The latest date/time stamped bid/proposal will be the only accepted bid/proposal for the solicitation (providing multiple bids, i.e. 1) brand name 2) equivalent)



## Chapter 3: General Requirements of Vendors

### ■ Doing Business (3.15)

- In accordance with the *Code of Virginia* § 2.2-4311.2, every written contract shall include a provision that a contractor is registered with the State Corporation Commission



## Chapter 3: General Requirements of Vendors

### ▪ E-Verify (3.16)

- Pursuant to *Code of Virginia*, §2.2-4308.2, any employer with more than an average of 50 employees for the previous 12 months entering into a contract in excess of \$50,000 with any agency... shall register and participate in the E-Verify program to verify information and work authorization of ...hired employees performing work



## Chapter 7: Performance

### ■ PO's (7.1)

- The order number should be shown on all bills of lading, packing slips, back orders, invoices, etc.
- The receipt of a purchase order authorizes shipment
- Contractors who accept and deliver an order without a written purchase order or other properly executed Commonwealth contract form **do so at their own risk.**



## Chapter 7: Performance

### ■ Quality (7.2)

- All supplies and equipment furnished must be new and in first class condition unless the solicitation and contract award specified used items.



## Chapter 7: Performance

### ■ Delivery (7.5, 7.7, 7.8)

- Delivery to a common carrier does not constitute delivery to state agencies or political subdivisions
- Must be made by the date or period specified in the purchase order or contract or the contractor will be in default
- Receiving: Shipments will be checked against the agency's copy of the ordering document to assure quantities, units, etc., match. Overshipments may be rejected and returned at the contractor's expense



## Chapter 7: Performance

### ■ Contracts (7.11, 7.12)

- A contract shall not be assignable by the vendor in whole or in part without the written consent of the state purchasing office issuing the contract
- All renewals must be fully executed in writing prior to the expiration of the current contract term
- Term contracts for goods or nonprofessional services may not be renewed without a renewal clause



## Chapter 7: Performance

### ■ Complaints (7.13)

- Good/Non-Professional Services: DGS/Div of Purchases & Supply
- Technology (IT): VITA
- Construction (BCOM): DGS/Div of Engineering & Buildings



## Chapter 7: Performance

### ■ Termination for Default (7.14)

- Failure to deliver or perform in accordance with the contract specs or T&Cs, the state may re-procure articles or services and hold the defaulting contractor responsible for any resulting additional purchase and administrative costs



## Chapter 7: Performance

- **Purchase Order Changes (7.16, 7.17)**
  - Change orders, regardless of dollar value, shall be processed whenever requested by a supplier to ensure the supplier's eVA transaction fee is accurate
  - No contract or purchase order may be modified or renewed unless provided for in the original contract or solicitation
  - Contract renewals or modifications must be in writing under the signature of the buyer/contract officer responsible for the purchase



## Chapter 7: Performance

### ■ Claims (7.19)

- Written notice of intention to file a claim whether for money or other relief, must be given at the time of the occurrence or beginning of the work upon which the claim is based
- Contractual claims whether for money or other relief shall be submitted in writing no later than sixty days after final payment



## Chapter 7: Performance

### ■ Debarment (7.20)

- Excludes individuals or firms from contracting with state agencies for particular types of goods or nonprofessional services for specified periods of time
- Debarment does not relieve the contractor of responsibility for existing obligations
- Suspension: 1-364 days
- Debarment: 1-3 years (or until fees are paid)



## Chapter 7: Performance

### ▪ Causes of Debarment: 19 causes

- Breach of contract
- Conferring or offering to confer any gift, gratuity, favor, or advantage, present or future, upon any employee
- Conviction of any criminal offense involving public contracting or offenses indicating a lack of moral or business integrity
- Failure to pay reprocurement costs or Vendor Transaction fees
- Creating or using an entity for the purpose of circumventing a debarment decision against another individual or firm



## Chapter 9: Protests and Appeals

### ■ Protest of Award (9.6)

- Any bidder or offeror submitting a bid or may protest the award or decision to award by submitting such protest in writing (to include electronic and facsimile submissions) to the head of the purchasing office....no later than ten days after public notice of the award or announcement of the decision to award is made whichever occurs first.
- The written protest must be received in the purchasing office not later than 5:00 p.m. on the tenth day.
- The protest shall include the specific basis for the protest and the relief sought



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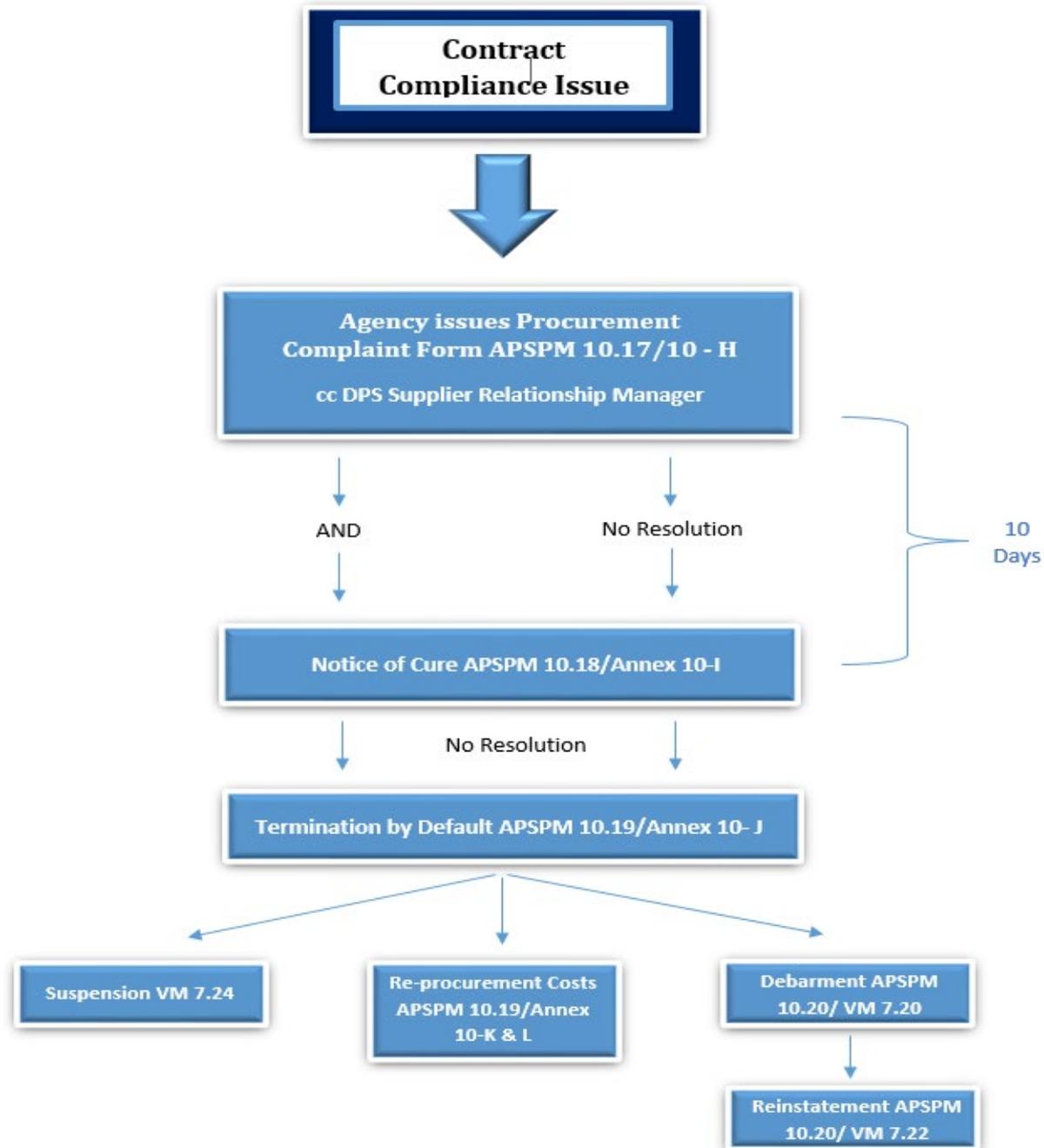
## Chapter 9: Protests and Appeals

- **Appeal of Ineligibility, Disqualification, Debarment (9.3)**
  - Any bidder, offeror or contractor refused permission to participate, or disqualified from participation, in public contracts shall be notified in writing
  - The public body shall (i) notify the bidder in writing... (ii) disclose the factual support for the determination, and (iii) allow the bidder an opportunity to inspect any documents that relate to the determination....within five business days after receipt of the notice.
  - Within ten business days after receipt of the notice, the bidder may submit rebuttal information challenging the evaluation.



# Contract Compliance Process

- **Agencies, Executive Branches**
- **Localities, Higher Education**
- **Follow DGS/DPS policy**
- **Be sure to ask if they have a policy manual and vendor rules and regulations**





# Contract Compliance Process

Step 01



Communicate

Step 02



PCF/Cure  
Letter

Step 03



Termination

Step 04



Debar



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[www.fmctechnologies.com](http://www.fmctechnologies.com)



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[www.managementtrust.com](http://www.managementtrust.com)





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