

**State of Alaska
Department of Military and Veterans' Affairs
Standard Operating Procedures**

SUBJECT: Procurement and Property Management Procedures

DATE: February 5, 2020

PURPOSE: Define State of Alaska Procurement requirements within the Department of Military and Veterans Affairs (DMVA). These procedures supplement, but do not replace current statutes, regulations, manuals, and other directives governing State of Alaska procurement requirements. This policy may be more, but not less restrictive than current State statutes and regulations, and Department of Administration, Shared Services of Alaska, General Service (DOA/SSoA) manual and directives.

DISTRIBUTION: All Divisions within the DMVA

AUTHORITY:

Alaska Statute (AS) 36.30. Provides statutory direction and authority for Statewide procurement of supplies, services, professional services, construction, and maintenance of State Property.

Alaska Administrative Code (AAC) 2 AAC 12. Regulatory guidance that further defines sections of AS 36.30.

Alaska Administrative Manual (AAM) 81. Supplements AS 36.30 and 2 AAC 12.

Alaska Administrative Manual (AAM) 82. Supplements AS 36.30 and 2 AAC 12 provides specific requirement of protest procedures.

Procurement Information Messages (PIMs). Provides changes in policy and procedures by the Department of Administrative Services, Shared Services of Alaska (DOA/SSoA).

49 CFR, Part 18, Title 49. Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. Establishes uniform administrative rules for Federal grants and cooperative agreements and subawards to State, local and Indian tribal governments.

National Guard Regulation (NGR) 5-1, National Guard Grants and Cooperative Agreements. Provides policy and procedural guidance to be followed in the administration and execution of cooperative agreements (CAs).

Code of Federal Regulation, 2 CFR 200, Grants and Agreements. Helps to ensure consistent and uniform government-wide policies and procedures for management of the agencies grants and agreements.

DEPARTMENT AND DIVISION PROCUREMENT POLICY:

The Department of Military and Veterans Affairs (DMVA), Division of Administrative Services (DAS), is responsible for developing and maintaining Department Procurement and Property Management policies consistent with current State statutes, regulations, manuals, and directives. All Department employees will follow current DAS policies for procurement and property management actions within the Department.

Divisions are encouraged to develop supplemental Divisional level procurement and property management policies that are unique to their Divisions. Those policies may be more, but not less restrictive than current State statutes and regulations, DOA/SSoA manuals and directives, or this DMVA/DAS Procurement and Property Management Policy.

RESPONSIBILITIES:

Commissioner/Office of the Adjutant General (OTAG)

Delegated purchasing authority is made to the Commissioner as the head of the agency. This authority authorizes procurements that are specific to the Department. The Commissioner may:

- Sub-delegate purchasing authority as allowed in the Division of General Services (DGS) Delegation of Purchasing Authority. This authority may not be sub-delegated lower than the Director of DAS.
- Oversee Departmental procurement policy and procedure development.
- Act as, or appoint a hearing officer, if required, in bid or contract disputes and protests.
- Administers employee suspensions or revocations of delegated purchasing authority.
- Approve or disapprove any requests for purchase, contracts, grants, cooperative agreements, or memorandum of understanding that are not in the best interest of the Department.

Division of Administrative Services (DAS)

The Division of Administrative Services develops, implements, and maintains the DMVA procurement policies and procedures that are a supplemental of the State statutes, regulations, and policies. Division Directors will be notified of any changes in State purchasing policies or procedures that would affect the operation of the Department.

DAS acts on behalf of the Commissioner for the approval of requests for purchases, grants, contracts, and other agreements. When required, acts as a liaison between Divisions requesting procurements outside their purchasing authority and other appropriate State agencies.

DAS will provide assistance in all phases of procurement related matters and transactions, to include Integrated Resource Information System (IRIS) procurement training. They will audit procurement practices and recommend disciplinary action in purchasing violations. Delegations of purchasing authority will be reviewed and a file maintained on those delegations.

The DMVA property inventory will be maintained in IRIS and assistance will be provided to Divisional Property Custodians in the proper property controls and annual inventory

procedures. Property Custodian appointment letters will be reviewed and maintained by the Department Property Officer.

DMVA Employees with Delegated Purchasing Authority

DMVA members, with a current delegated purchasing authority, have the responsibility to follow procedures outlined in this manual and make purchases in accordance with their delegated authority. Members should allow for a reasonable amount of time for a solicitation, know their budgetary limitation on their purchases, and keep others involved in the solicitation process informed.

Members with delegations must keep informed on procurement practices, are responsible for ensuring they maintain procurement certifications, and trained to their delegated authority by the Department of Administrative Services, and also with the Department of Transportation and Public Facilities (DOT&PF), if applicable.

Ensure new purchases that meet State Property requirements will be tagged according to this procedure and information provided to the Department Property Officer.

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SECTION A – PROCUREMENT

This section identifies statutes, regulations, and policies that relate to procurement, services, and professional services using requests for quotes, competitive sealed bids, sealed competitive proposals, negotiated agreements, and single source, limited competition, and emergency procurements that result in the creation of a purchase order, contract, master agreement, interagency agreement, grant, or other type of contractual agreement.

1. General.

1.1 Definitions. The following definitions apply unless the context in which a term is used clearly requires a different meaning. Definitions in quotes are taken directly from AS 36.30 or 2 AAC 12.

Approval Delegation: Written memorandum received by a State of Alaska employee from a Commissioner or Division Director authorizing the employee to approve the procurement of goods or services, or invoices for payment within the limits of their delegation. This delegation gives the authority to commit funds on behalf of a Division. NOT the same as a delegation of purchasing authority.

Approving Authority: Employee delegated, in writing, by the Commissioner or Division Director the authority to approve the procurement of goods or services or approve invoices for payment within the limits of their delegation.

Approving Officer: Person with authority to certify documents for the Division, who certifies the funds are available for the purchase and that the expenditure is within the intent of the appropriation. Certification can be in the form of a signature on a document, and/or approving procurement document within IRIS.

Chief Procurement Officer: “The officer appointed under AS 36.30.010 as the Chief Procurement Officer.” The DOA Commissioner appoints the Chief Procurement Officer. The appointee must have at least five years of prior experience in public procurement, including largescale procurement of supplies, services, or professional services, and must be a person with demonstrated executive and organizational ability. The term of this office is six years.

Construction: “The process of building, altering, repairing, maintaining, improving, or demolishing a public highway, structure, building, or other public improvement of any kind to real property other than privately owned real property leased for use of agencies. It includes services and professional services relating to planning and design required for the construction; it does not include the routine operation of public improvement to real property nor does it include the construction of public housing.”

Contract: “All types of State agreements, regardless of what they may be called, for the procurement or disposal of supplies, equipment for State fleet, services, professional services, or construction.”

Contract Modification: “A written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of a contract accomplished by mutual action of the parties to the contract.”

Cooperative Agreements: Cooperative agreements are project level agreements between or among agencies in which specific project-related stipulations, conditions, or arrangements are agreed upon. They generally contain a brief statement on the intent of the agreement, the specific responsibility of each party, the mutual responsibilities of all parties, and the qualifications or standard conditions. Cooperative agreements may or may not involve the direct receipt or transfer of funds and must be approved by all parties to the agreement and by the Commissioner's Office prior to execution.

Department Procurement Officer: Person authorized to enter into and administer contracts for the Department and make written determinations with respect to them; it also includes an authorized representative of a procurement officer acting within the limits of authority. The Commissioner, Deputy Commissioner, DAS Director, and the DAS Procurement Officers act as Department Procurement Officers within their delegated authority.

Grant: “Property furnished by the State, whether real or personal, designated by law, including an appropriation, act as a grant.” Transfer of Federal government funds to State or local governments to support or stimulate programs authorized by Federal or State laws, to accomplish objectives that are locally defined and managed under a Federal or State program.

Intergovernmental Agreements: Intergovernmental agreements are contractual agreements between the DMVA or Division of the DMVA and other State, Federal, or local government agencies.

Memorandum of Understanding (MOU): MOUs are general statements of mutual understanding between or among agencies in which basic stipulations, conditions, or arrangements are agreed upon. They are generally broad agreements that are continuing or renewable and provide for joint participation and cooperation in management and/or research without providing any direct transfer of funds between the parties to the agreement. MOUs must be approved by all parties to the agreement and by the Commissioner's office prior to execution.

Procurement/Purchasing Delegation: Authority to procure goods, services, and professional services for the Department. Written authorization to the State of Alaska employee from the Commissioner or delegated representative permits the employee to procure goods, service, and professional services within their established delegation, and in accordance with current statutes, regulations, manuals, and directives. Only State of Alaska employees will be granted a procurement/purchasing delegation. All delegations must be in writing, per 2 ACC 12.740(a).

Professional Services. “Professional, technical, or consultant's services that are predominantly intellectual in character, result in the production of a report or the completion of a task, and include analysis, evaluation, prediction, planning, or recommendation.”

Procurement Officer: “A person authorized to enter into and administer contracts for an agency and make written determinations with respect to them; it also includes an authorized representative of a procurement officer acting with the limits of authority.”

Reimbursable Service Agreement (RSA): When one State agency contracts with another State agency to provide services for a fee, an RSA may be required. They are used to provide services based on actuals to pass grant funding to another agency, to pass funding to another agency to purchase equipment, etc. RSAs are contracts for services between State agencies and in general should follow the rules that apply to contracts for services with private sector vendors.

Services: “The furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports that are merely incidental to the required performance; it does not include employment agreements or collective bargaining agreements.”

Solicitation: “An invitation to bid, request for proposals, request for quotations, or any other method of soliciting bids, proposals, or quotes to perform a State contract.”

Supplies: “All property for an agency, including equipment, materials, and insurance; it includes privately owned real property leased for the use of agencies, such as office space, but does not include the acquisition or disposition of other interests in land.”

1.2. Delegation of Authority

All purchasing authority is delegated to the Commissioner of DMVA from the Commissioner of DOA for the purchase of supplies, services, and professional services and from the Commissioner of DOT&PF for procurements related to construction and equipment or services for the State Equipment Fleet. This authority is delegated in writing in accordance with AS 36.30.015 and is subject to DMVA’s ability to administer the authority in accordance with applicable statutes and regulations.

All purchasing authority of the Commissioner is delegated by this manual to the Deputy Commissioner(s) and the Director, Division of Administrative Services, who may sign any purchase requests, contracts, or other procurement agreements on behalf of the Commissioner in accordance with the content of the delegated authority from DOA, DOT&PF, and with the intent of this manual. In addition to this standing delegation, the Commissioner may grant full authority to the Department Procurement Officer(s) provided a determination is made that he/she has certification required and ability to carry out the functions of the delegations.

The authority necessary for a Division to carry out its functions will be further delegated in writing to the Director of that Division by memorandum or appropriate form from the Commissioner, Deputy Commissioner, or Director Division of Administrative Services, or by standing policy through this manual.

Within DMVA, procurement authority should be delegated to the lowest level needed to carry out program responsibilities while still providing for appropriate checks and balances of procurement actions. The Department Procurement Officer must review sub-delegations from

the Directors to their staff, with a copy kept on file in the Division's headquarters office, and the original in Division of Administrative Services Procurement Office. Persons with delegated authority to make purchases for their Divisions must meet the following minimum requirements:

1. Have a need for the authority to function in their position.
2. Have a working knowledge of purchasing policies and practices of the Department.
3. Have copies of necessary procedures manuals, Department orders, and other Department guidelines.
4. Take part in procurement training made available by Shared Services of Alaska (SSoA).

A Division's purchasing authority may change as updates are received from DOA. The Director of DAS may revoke or change any delegated purchasing authority to or within Divisions for violations or failure to meet the delegation requirements.

Any request for additional purchasing authority beyond what has been delegated to the Division or the Department must be made by memorandum to the Director of DAS. This memorandum must include:

1. Limits of the requested purchasing authority.
2. Need for having requested the purchasing authority.
3. List of persons who will use the authority.
4. Procurement procedures to be followed for the implementation of the authority.

1.2.1 Other Specific Departmental Purchasing Authority.

This section defines special purchasing authority delegated to the Department of Military and Veterans Affairs.

- **Construction Contracts.** The Department may issue construction contracts in accordance with the delegation of authority issued by DOT&PF. The delegation may be sub-delegated in writing to the appropriate Division Director(s). For the purpose of this delegation, "construction" means the process of building, altering, repairing, maintaining, improving, or demolishing a public highway, structure, building, or other public improvement of any kind to real property other than privately owned real property lease for the use of agencies; it includes services and professional services relating to planning and design required for the constructions; it does not include the routine operation of a public improvement to real property nor does it include the construction of public housing. *AS 36.30.990(7)*.

- **Vehicles.** Per AS 36.30.005(b) all rights, powers, duties, and authority relating to the procurement of State Equipment Fleet (SEF) equipment or services is delegated to the DOT&PF. SEF is responsible to procuring, maintaining, and disposing of vehicles and equipment owned and operated by the State of Alaska. Equipment is defined as rolling-stock, including attachments, managed by the SEF, which comprises State-owned and State-leased passenger, construction vehicles, maintenance vehicles, heavy equipment, and crash/fire/rescue vehicles.

All services for repairs, maintenance, and modifications to equipment are the responsibility of SEF. Agencies may not modify any fleet asset without written consent of the district equipment manager or the fleet manager.

1.3 Procurement Certification.

Delegations of purchasing authority must be submitted using the DMVA Delegation of Purchasing Authority form (Attachment 1). Divisions must provide the original copy of the completed form to the Department Procurement Officer. The DMVA will use the following matrix as a guideline for determining procurement authority.

- | | |
|------------------|---|
| Level I | Procurement Certification |
| | <ul style="list-style-type: none"> • Required for procurement officers* that perform small procurements from \$5,000 to \$10,000. • Level I Procurement Academy required every three years. |
| Level II | Procurement Certification |
| | <ul style="list-style-type: none"> • Required for procurement officers that perform small and/or alternate procurements from \$10,000 to \$100,000. • Four procurement classes required every three years. Two must be DGS procurement recertification classes. |
| Level III | Procurement Certification |
| | <ul style="list-style-type: none"> • Required for procurement officers that perform formal and/or alternate procurements above \$100,000. • Eight procurement related classes required every three years. Four must be DGS procurement recertification classes. |

*Individuals who procure supplies and services in amounts below \$5,000 or who purchase from existing contracts do not need procurement certification. However, these individuals still need a delegation of purchasing authority to conduct procurements under \$5,000. Individuals conducting procurements above \$5,000 need both written delegation of purchasing authority and certification dependent upon the dollar amount of procurements they perform.

1.3.1 Level I Procurement Certification. All DMVA employees with a delegated purchasing authority up to \$10,000.00 must have a Level I procurement certification and a written

delegation of purchasing authority on file with the Department Procurement Officer. There are two ways to obtain the Level I certification.

- Read the Procurement Academies Level I procurement Manual and complete the Procurement Academy Course Completion Sheet – Level I, or
- Attend the Level I Procurement Academy (highly recommended).

Note: The DMVA requires a Level I Procurement Certification for all employees who are issued a PCard.

1.3.2 Level II Procurement Certification. All DMVA employees with purchasing authority between \$10,001.00 and \$100,000.00 must have a Level II procurement certification and have a written DMVA delegation of purchasing authority on file with the Department Procurement Officer. Level II certification is obtained by:

- Attending the Level I and Level II procurement academies (highly recommended), or;
- Read and complete the Level I procurement manual and attending the Level II academy.

1.3.3 Level III Procurement Certification. Within the DMVA, only the Department Procurement Officer and select other employees will be granted Level III purchasing authority (over \$100,000.00). All DMVA employees with a DMVA delegated purchasing authority over \$100,001.00 will possess a Level III certification (or DOT/PF certification for construction, if applicable). A written DMVA delegation of purchasing authority must be on file with the Department Procurement Officer. Level III is obtained by:

- Possessing a Level II certification and attending the Level III Procurement Academy (highly recommended), or;
- Read complete the Level I procurement manual, and attend the Level II, and III Procurement Academy.

Note: Level II/III procurement delegations are restricted within the Department, and not all employees who are Level II/III certified will be granted Level II or Level III purchasing authority.

1.4 Fiscal Responsibility.

Prior to requesting any purchase, requesting authority to solicit to purchase or contract for supplies, services, or professional services, releasing of bids, or signing any type of agreement for supplies or services, the requestor must determine if funds are available from an appropriation established for the intended purpose of the purchase. If funds are not available, the requestor must describe on the Alaska Goods-Services Request form the proposed source of the funding, and the expected date for the availability of funds.

The certifying officer must sign Alaska Goods-Services Requests submitted to Procurement certifying all documents are correct, and that the Alaska Goods-Services Request constitutes a legal charge against funds and appropriations cited, that sufficient funds are available to pay the

obligation, or that there is sufficient unencumbered balance in the appropriation cited to the obligation. The Procurement office will not move forward with the requisition without an authorized certifying officer signature.

When an Alaska Goods-Services Request, or any other form of request for purchase is received and it involves Federal funds in any way, the purchaser will ensure selected vendor/contractor is not suspended or debarred. The purchaser will check the System Award Manual (SAM) and the appropriate supporting documentation noting the vendor is not on the list or is not found. This will be accomplished by a screen print for the vendor showing the vendor is or is not excluded or suspended. This screen shot will become a part of the procurement files. Vendors/contractors found to be debarred or suspended will not proceed to the next level of the solicitation process. Contract(s) will not be renewed or extended with any excluded vendor/contractor. **(2 CFR 180.200, Covered Transactions).**

1.5 Encumbrances.

Contracts that obligate the Department for future payments based on future performance are encumbered for current fiscal year at the time the contract is validated and submitted within IRIS. Multi-year contracts do not encumber for the next State fiscal or Federal fiscal year(s). These funds are considered reserved funding and indicated as such within the IRIS contract document. Purchases for the one-time procurement of supplies or services are encumbered at the time the purchasing document (delivery order or purchase order) is validated and submitted.

Other purchases, including vehicle orders or Enterprise Technology Service (ETS) orders, may be encumbered upon request to the Division of Administrative Services, Financial Services Section. These requests must include a copy of the obligation document with the following information:

- Order number, if applicable
- Financial coding
- Amount to be encumber
- Anticipated delivery date
- Signature or other documentation of the person authorized to make the request
- Vendor's name and IRIS vendor code

1.6 Fiscal Year Obligations – Services, Materials, Supplies, and Equipment.

It is expected that all of the funds appropriated in the annual budget will be used within the current State fiscal year. **AS. 27.25.010** States:

(a) The unexpected balance of a one-year appropriation authorized in an appropriation bill lapses on June 30 of the fiscal year for which appropriated. However, a valid obligation (encumbrance) existing on June 30 is automatically re-appropriated for the fiscal year beginning on the succeeding July 1 if it is recorded with the Department of Administration by August 31 of the succeeding fiscal year.

(b) A valid approved claim arising from a prior year for which the appropriation has lapsed shall be paid from the current year's appropriations if the claim does not exceed the balance lapsed.

Funds not recorded will lapse. The date a service is received determines the fiscal year authorization to be charged. It is intended that these funds be expended in the current fiscal year and any excess funds will lapse. *AAM 25.160*

For materials, supplies, and equipment the fiscal year charged depends on the order date but can also be influenced by the date they are received, as well as the date the items are consumed or put into use. Items ordered and received by June 30th are generally charged to the fiscal year in which they were received. Item received after June 30th are recognized as obligations using encumbrances, or memo encumbrances in the financial system, they are charged to the prior fiscal year. Items received after June 30th may be charged to the subsequent fiscal year at agency discretion. *AAM 25.160*

Any questions on which fiscal year to charge for a specific procurement should be direct to the Finance Officer.

1.7 Advance Payments.

Per **AAM 35.170** payments in advance of receipt of goods or services cannot be made, except in the following cases:

- Rental payments made after the first day in which service begins if lease requires advance payments.
- Subscriptions to periodicals, the purchase of documents and publications, and payments for postage.
- Warrants may be written for the purchase of securities, investments and real property before assets are received.
- Grants may be made in advance to individuals and to political subdivisions when the laws so provides.
- Purchase of pre-paid calling cards when it is the most efficient and cost-effective method of acquiring long distance telephone service and the use of the cards is controlled.
- Software license and maintenance agreements, if the vendor requires advance payment.
- Travel costs where the vendor requires advanced payments and it is in the best interest of the State.

1.8 Unauthorized Purchases

AAM 35.140 provide guidance for determining unauthorized expenditures. Examples include but are not limited to:

- Printing of a personal nature, such as personal letterhead stationery, holiday cards, or personal photographs.
- Nonessential office fixtures and equipment such as personalized items, occasional furniture, wall pictures or framing of same, pen and pencil desk sets, etc.
- Coffee, doughnuts, or other food, unless reviewed by the appropriate agency head and deemed necessary for such State functions as training, conferences, board meetings, or other gatherings, and not to exceed a reasonable amount.
- Shared Services of Alaska, or Department of Transportation and Public Facilities must make furnishings such as carpeting, draperies, and planters, depending on who manages the building. State expenditures for purchase of these items without prior approval is prohibited.
- Dues for personal memberships in professional and organizations when State agency membership is available.
- Microwave ovens, refrigerators, and other reasonable kitchen equipment for offices and breakrooms may be purchased with approval from the appropriate agency head.

Expenditures on employee recognition and service awards are authorized in accordance with guidelines developed by the Division of Personnel. See **AAM 100.090**.

Any person who contracts for or purchases supplies, equipment for State fleet, services, professional services, or constructions in a manner the person knows to be contrary to the requirements of AS 36.30 or regulations adopted under AS 36.30 is liable for all costs and damages to the State arising out of the violation. **AS 36.30.930**

A person who intentionally or knowingly contracts for or purchases supplies, equipment for the State fleet, services, professional services, or constructions under a scheme or artifice to avoid the requirements of AS 36.30 is guilty of a class C felony. **AS 36.30.930**

1.9 Procurement and Other State Agencies

The Division initiating a procurement action is responsible for cooperating with other State agencies to verify the purchases for supplies or services are consistent with State statutes, regulations, and policies. Below is a list of other State agencies with brief Statement of their responsibilities.

1. **Department of Administration (DOA)**. DOA is comprised of ten Divisions that provide support services to both internal and external customers. In addition, the

Department provides administrative support services to five independent State agencies, boards, or commissions. Below are a few of the Divisions most frequently contacted.

- a. **Administrative Services.** Provides general administrative and support services including accounting, budget, procurement, and computer desktop support.
 - b. **Finance.** Develops, operates, and maintains Statewide accounting and payroll systems that meet vendor payment, payroll and financial reporting requirements of State government.
 - c. **Office of Information Technology.** Provides and maintains secure and reliable information technology infrastructure for voice and data and manages enterprise applications used across the executive branch.
 - d. **Risk Management.** Provides protection of the financial assets and operation of the State from accidental loss.
 - e. **Shared Services of Alaska (SSoA).** Provides services that help other agencies perform their public missions. The Division consists of central purchasing, leasing and facilities, central mail and surplus property.
2. **Department of Transportation and Public Facilities (DOT&PF).** Develops standard construction specifications and contracting procedures for construction projects. They maintain an inventory of State facilities and State transportation equipment fleet. Oversees maintenance of State-owned facilities and transportation, and construction equipment.
 3. **Department of Law.** Reviews all non-standard contracts or standard contracts that have been modified. Provide consultation in contracts and bid dispute matters.
 4. **Office of Management and Budget (OMB).** Responsible for Statewide budget review, overall management and audit of State expenditures and programs, and coordination of Single Audit Act requirements.
 5. **Department of Commerce, Community, and Economic Development.** Regulates business licenses and the licensing of professions in the State, including contractors and the insurance industry.
 6. **Department of Labor and Workforce Development.** Responsible for enforcement of the Davis-Bacon Act (minimum wage rates for laborers and mechanics on State funded construction contracts) and local hire provisions of Title 36, Public Contracts, Wage and Hour Administration, Pamphlet 400. They also handle worker's compensation claims, collection of unemployment taxes from employers and much more.

1.10 Procurement Time Guidelines, Limitations, and Rules

❖ Informal Procurements

- \$10,000 or less. May take 1 – 5 workdays to purchase or award.
 - Processed in the order received, or by need date and time.
 - Total value must include all renewal or extension options.
 - Reasonable and adequate procedures apply.
- \$10,001 to \$50,000. May take 3 – 15 workdays to purchase or award.
 - Processed in the order received, or by need date and time.
 - Total value must include all renewal or extension options.
 - At least three firms or persons shall be contacted for quotes or informal proposals.
 - Solicitations and responses may be either written or verbal.
- \$50,001 to \$100,000. May take 5 – 30 workdays for purchase or award.
 - Processed in order received, or by need date and time.
 -
 - Request for Quote or Informal Request for Proposal required.
 - Quotes or proposal responses must be in writing.
 - Issue notice of award in accordance with **AAM 81.200**.

❖ Formal Procurements

- Greater than \$100,000. May take 45 – 60 workdays to award. Longer if there is a protest and the decision is made to stay the award until the protest is resolved. This may take a year to move forward with the award.
 - Processed in the order received, or by need date and time.
 - Total value must include all renewal or extension options.
 - Invitation to Bid or Request for Proposal required.
 - ITB or RFP must be open for a minimum of 21 days, unless the procurement officer determines in advance and in writing that a short notice period is advantageous and adequate competition is anticipated.
 - ITB has public bid opening. After which a notice of intent to award is issued, followed by a 10-day protest period.
 - RFP requires proposal evaluation by a proposal evaluation committee. This could take 3 to 5 workdays or longer. A notice of intent is issued after a winner is determined, followed by a 10-day protest period.
 - Contract may be issued after the end of the 10-day protest period, barring any protests and a stay of award.

1.11 Emergency Procurements

An emergency procurement may be made when there exists a threat to public health, welfare, or safety, when a situation exists that makes a procurement through competitive sealed bidding or competitive sealed proposals impracticable or contrary to the public interest, or to protect public or private property. An emergency Request for Alternate Procurement (RAP) must be completed

and include evidence, which consists of material facts sufficient for independent examination and verification. RAPs submitted without sufficient evidence will not be considered. A written determination by the Chief Procurement Officer of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. The written determination must include findings of fact that support the determination. Except when there is insufficient time for the Chief Procurement Officer to make the written determination, the chief procurement office may not delegate the authority to make the determination. If there is less than 72 hours for the Chief Procurement Officer to make a determination, the authority is delegated to the agency. An agency may make an emergency procurement by any reasonable means. If practical, approval by the agency head must be obtained before an emergency procurement of \$50,000.00 or more is made. The Procurement Officer or the agency official responsible for the emergency procurement shall make and promptly forward to the Chief Procurement Officer a record of each emergency procurement. If approved, the agency must make the procurement in accordance with the instructions on the approved RAP. A copy of the procurement document and the procurement report will be sent to Shared Services of Alaska/General Services. *AS 36.30.310, 2 AAC 12.440 - 460, AAM 81.500 - 510*

The record must contain:

- The contractor's name.
- The amount and type of contract.
- A listing of the supplies, services, or construction procured under the contract.
- The identification number of the procurement file.

Employees making emergency purchase for supplies shall obtain competitive prices whenever possible and award to the lowest bidder.

Emergency purchases may be made with a State purchasing card (PCard), delivery order, purchase order, verbal order, or informal written order. Verbal orders must be followed up with a written delivery order or purchase order for payment purposes.

Purchases made under this authority must be fully evaluated prior to taking purchasing action. DAS Procurement and SSoA/General Services staff are always available if assistance is needed in locating required items.

Lack of planning for a project or program does not constitute an emergency. It is the responsibility of each Division to exercise discretion in making emergency purchases. Each employee will be held accountable for any abuse of this authority. All emergency procurements must be substantiated by a full explanation of the nature of the emergency.

1.12 Contracting vs Hiring.

Prior to contracting for professional services or non-professional services, Divisions are required to determine if an employee/employer relationship will result from the contract. If you are unsure, check with procurement staff and the State Accountant in the Division of Finance. If an employee/employer relationship is likely, hire the person through the personnel system, not the procurement system.

AAM 81.010 provides information on determining if an employee/employer relationship may exist.

1.13 Alaska Executive Branch Ethics Act, AS 39.52

Alaska Executive Branch Ethics Act, **AS 39.52**, applies to all current and former executive branch public employees of public service. Service in a public office is a public trust. The Ethics Act prohibits substantial and material conflicts of interest. Further, public employees cannot improperly benefit financially or personally from their actions as public employees. However, the Act does not discourage independent pursuits and it recognizes that minor or inconsequential conflicts of interest are unavoidable.

Public employees may not use their positions for personal gain or give unwanted benefit or treatment to any person. Public employees may not:

- Use their official positions to secure employment or contracts;
- Accept compensation from anyone other than the State for performing official duties;
- Use State time, equipment, property or facilities for their own personal financial benefit or for partisan political purposes;
- Take or withhold official action on a matter in which they have a personal or financial interest;
- Coerce subordinates for his/her personal or financial benefit; or
- Attempt to influence outcome of an administrative hearing by privately contacting the hearing officer.

AS 39.52 also addresses improper gifts, improper use or disclosure of information, improper influence in State Grants, contract, leases or loans, improper representation, etc.

For more information, please contact the DMVA Ethics Supervisor. To locate the current ethics supervisor log onto <http://www.law.alaska.gov/doclibrary/ethics/MyDES.html> DMVA employees who have jobs or employment outside the Department, to include owning their own business, must complete the Ethics Disclosure Form http://www.law.alaska.gov/pdf/ethics/FORM_OutsideEmploy.pdf and give to their supervisor for processing. All newly assigned staff are required to take the online Ethics Course for Executive Branch Employees training on LearnAlaska for credit.

AS 39.52.130 States:

- A public officer may not solicit, accept, or receive, directly or indirectly, a gift, whether in the form of money, service, loan, travel, entertainment, hospitality, employment, promise, or in any other form, that is a benefit to the officer's personal or financial

interests, under circumstances in which it could reasonably be inferred that the gift is intended to influence the performance of official duties, actions, or judgment. A gift from a person required to register as a lobbyist under [AS 24.45.041](#) to a public officer or a public officer's immediate family member is presumed to be intended to influence the performance of official duties, actions, or judgment unless the giver is an immediate family member of the person receiving the gift.

- Notice of the receipt by a public officer of a gift with a value in excess of \$150, including the name of the giver and a description of the gift and its approximate value, must be provided to the designated supervisor within 30 days after the date of its receipt (1) if the public officer may take or withhold official action that affects the giver; or (2) if the gift is connected to the public officer's governmental status.
- In accordance with [AS 39.52.240](#), a designated supervisor may request guidance from the attorney general concerning whether acceptance of a particular gift is prohibited.
- The restrictions relating to gifts imposed by this section do not apply to a campaign contribution to a candidate for elective office if the contribution complies with laws and regulations governing elections and campaign disclosure.
- A public officer who, on behalf of the State, accepts a gift from another government or from an official of another government shall, within 60 days after its receipt, notify the Office of the Governor in writing. The Office of the Governor shall determine the appropriate disposition of the gift. In this subsection, "another government" means a foreign government or the government of the United States, another State, a municipality, or another jurisdiction.
- A public officer who knows or reasonably ought to know that a family member has received a gift because of the family member's connection with the public office held by the public officer shall report the receipt of the gift by the family member to the public officer's designated supervisor if the gift would have to be reported under this section if it had been received by the public officer or if receipt of the gift by a public officer would be prohibited under this section.

AS 39.52.170 restricts outside employment.

- A public employee may not render services to benefit a personal or financial interest or engage in or accept employment outside the agency which the employee serves, if the outside employment or service is incompatible or in conflict with the proper discharge of official duties.
- A public employee rendering services for compensation, or engaging in employment outside the employee's agency, shall report by July 1 of each year the outside services or employment to the employee's designated supervisor. During the year, any change in an employee's outside service or employment activity must be reported to the designated supervisor as it occurs.

- The head of a principal executive Department of the State may not accept employment for compensation outside the agency that the executive head serves.

1.14 Donations.

The Department may accept donations of supplies or services. However, the value of the supplies or services donated must be less than \$500.00, the donation compatible with the purposes of the Department, no exclusive rights granted as a result of the donation, and there are no conflict of interest or appearance of a conflict of interest.

For donations in excess of \$500.00, staff should consult with their Division Director prior to accepting donations to assure the donations are compatible with the purposes of the Department, no exclusive rights are granted, and that receiving the donation will not create a conflict of interest or appearance of conflict of interest.

1.15 Disputes. AS 36.30 Article 8, AAM 82

Departmental protests and disputes with contractors and bidders will be handled in accordance with AS 36.30, Article 8, Legal and Contractual Remedies, and 2 AAC 12, Article 13, Legal and Contractual Remedies, and AAM 82. In most situations, it is in the best interest of the Department to settle dispute by mutual accord to avoid a hearing or court proceeding. DMVA FMO will handle all disputes or protests involving construction procurements in accordance with current DOT&PF guidance.

If a dispute or protest is received during the procurement process between the Division requesting the service and the contractor/vendor that cannot be resolved, the purchaser/solicitor should immediately contact the Department Procurement Officer.

The Department Procurement Officer or a Department Procurement Specialist appointed by the Department Procurement Officer, will review each protest and make a written determination on acceptance or denial of the protest prior to continuing with the award of a contract under protest in accordance with AS 36.30.575 and AS 36.30.580

When the Department is responsible for holding a formal hearing on a small procurement protest under 2 AAC 12.695, the Commissioner, or the Commissioner's designee shall conduct the hearing on the protest consistent with the procedures contained in AS 36.30.670(b).

If the contractor/vendor appeal the decision of the procurement officer on a formal protest, the Department Procurement Officer will assist in coordinating arrangements with the Department of Law, and DOA consistent with the procedures outlined in AS 36.30.590 – 615.

1.16 Violations of Purchasing Policies and Procedures.

Anyone violating State or Department procurement procedures, or their delegation of authority may have their purchasing authority revoked. In addition, violators may be subject to disciplinary action, be held personally liable for purchase, or be subject to criminal charges for

violations of purchasing statutes. The **Alaska Administrative Manual 82.300 – 350** outline the procedures for reporting procurement violations.

A person who contracts for or purchases supplies, equipment for the State fleet, services, professional services, or construction in a manner the person know to be contrary to the requirements of AS 36.30 is liable for all costs and damages to the State arising out of the violation.

A person who intentionally or knowingly contracts for or purchases supplies, equipment for the State Equipment Fleet, services, professional services, or construction under a scheme or artifice to avoid the requirement of AS 36.30 is guilty of a Class C felony.

To avoid purchasing violations, all personnel involved in purchasing must be aware of current delegated limits and solicitation requirements. General guidelines to assist Division in this area are below:

- Plan ahead for all major purchases and contracts, especially those over \$50,000.00
- Issue written solicitations and advertise when required to allow maximum competition within the business community.
- All modifications to contract and requests for bids, and proposals must be in writing and approved by and authorized procurement officer.
- Be clear and concise in writing purchase requests for bids, requests for proposals, delivery order, purchase orders, and professional service contracts.
- Do not make purchases or negotiate contracts that are beyond your purchasing authority.
- Do not split orders to avoid procurement requirements.
- Do not use unnecessary restrictive specifications to limit competition.
- Call the Department Procurement Officer if you think you have made a purchasing violation or if you are in doubt about how to proceed in the purchasing situation.

1.17 Internal Reviews/Audits

Either the Department Procurement Officer or an outside agency such as the State of Alaska Chief Procurement Officer, State of Alaska Contracting Manager, or DMVA Commissioner, or a Division Director may conduct internal reviews/audits as needed or directed.

Reviews/audits will be as thorough as needed to ensure problems are identified and corrective actions taken. They may involve select procurements by an individual member, or review/audit of all or part of a Division's procurements within a specified timeframe.

All internal reviews/audits will be coordinated between the Director, Division of Administrative Services, and the respective Division Director.

Copies of the review/audit will be provided to both the Director of the Division of Administrative Services, and the respective Division Director. The Director of the Division of Administrative Services will control distribution of all internal review/audit reports within the DMVA.

2. Processing Documents.

The Department of Military and Veterans Affairs is fully committed to leveraging all IRIS capabilities to the maximum extent possible. The e-Procurement module is designed to assist us in making smarter and more strategic purchasing decisions. All DMVA Divisions are to use the IRIS e-Procurement module to generate solicitations documents, purchasing documents, and receiver documents for all supplies, solicitations, and contracts, whether for goods, professional services, non-professional services, or construction.

Some more commonly used forms inside and outside the IRIS e-Procurement module are:

- **Alaska Goods-Services Request (non-IRIS) form.** Used in lieu of the IRIS RQS (Standard Requisition) form to request purchases of commodities or services outside the Divisions purchasing authority. Will be used for all purchases conducted by DAS Procurement on behalf of a Division regardless of cost.
- **Delivery Order (DO) (IRIS Form).** Used to purchase supplies or services from State, Departmental, or Divisional Master Agreements.
- **Purchase Orders (PO) (IRIS Form).** Used for the one-time purchase of goods or services not on contract.
- **Request for Quotations (RFQ) (IRIS and Non-IRIS Form).** Used to seek written quotations when making procurements that will exceed \$50,000.00. Form may also be used for procurement costing less than \$50,000.00. Contact the DAS Procurement Section for details.
- **Invitation to Bid (ITB) (IRIS and Non-IRIS Form).** Used to solicit goods, professional services, and non-professional services purchase or contracts when the cost is estimated to exceed \$100,000.00, requirements can be described in finites and specific detail, competition is readily available, and there is sufficient time for the bidding process. Contact the DAS Procurement Section for details.
- **Informal Requests for Proposals (IRFP) (IRIS and Non-IRIS Form).** Used to solicit for professional and non-professional services when the contract costs exceed \$50,000.00, but do not exceed \$100,000.00. Contains information to the proposers,

background information for the project, description of services to be provided, and evaluation criteria. Contact the DAS Procurement Section for details.

- **Requests for Proposals (RFP) (IRIS form and Non-IRIS Form).** Used to solicit for professional and non-professional services with contract cost exceed \$100,000.00. Contains information to the proposers, background information on the project, description of services to be provided, and evaluation criteria. Contact the DAS Procurement Section for details.
- **Request for Alternate Procurement (RAP) (Non-IRIS Form).** Required when seeking to solicit a single source (AS 36.30.300/2 AAC 12.410), limited competition (AS 36.30.305/2 AAC 12.430), innovative (AS 36.30.308/2 AAC 12.575-577), emergency procurement (AS 36.30.310/2 AAC 12.440) or unanticipated amendment (2 AAC 12.485). Contact the DAS Procurement Section for details.
- **Negotiated Bid Abstract (Non-IRIS Form).** Used to document the solicitation process for procurements made within an individual's delegated authority.
- **Notice of Intent to Award (NOIA) and Notice of Award (NOA) (Non-IRIS Forms).** Used to inform all respondents to a formal solicitation (NOIA) and small procurements (NOA) of the intended recipient of a contract. Contact the DAS procurement Section for details.
- **Standard Agreement Form for Professional Services and Standard Contract for Non-Professional Services (Non-IRIS Forms).** Standard form used for all professional and non-professional services. Contract numbers are assigned within IRIS as either a Master Agreement (MA) or Contract (CT). Contact the DAS Procurement Section for details.
- **Master Agreement.** Created after a solicitation process, this contract has set prices, terms, and conditions from which goods/services are purchased from a vendor. Contact the DAS Procurement office for details.
- **Contract (CT).** Created after a solicitation process and includes information about the contract such as the applicable terms and conditions, the renewal period, vendor information, business type, commodity information, accounting information, sub-vendor information, special instructions, award details, surety/insurance, and any relevant electronic attachments. Contact the DAS Procurement Section for details

Construction Contract and Bidding Forms (Non-IRIS). Used to in the solicitation and award of construction contracts. These contracts require the contractor to submit additional forms not required in other types of contracting, bonds, Equal Employment Opportunities (EEO) certifications, Disadvantaged Business Enterprise (DBE) certifications, non-collusion affidavits, equipment summary reports, and subcontractor reports. Contact the Army National Guard Facilities Management Office for details.

3. Reviews and Approvals.

Purchases and agreements for which a Division has delegated purchasing authority do not have to be approved or reviewed by another agency prior to execution. However, when purchases or agreements are not entered in IRIS, audit copies must be submitted to the Division of Administrative Services (DAS) at the time the order is placed, or when invoices are submitted for payment in accordance with Section 3.3 of this SOP. In addition, to assist DAS in its responsibility for auditing purchasing and accounting practices and to keep the Commissioner's Office apprised of procurement activities, the following review and approval procedures apply to procurement activity outside a Division's purchasing authority.

3.1 General Guidelines.

All contracts and other documents requiring approval by another State agency and involve the direct expenditure of funds in excess of \$10,000 must be routed through the Division of Administrative Services for review and/or approval prior to being executed by the Department.

DAS Procurement will make all purchases for all Divisions when the requirement exceeds their delegated purchasing authority.

3.2 DAS Department Procurement Officer Reviews and Approvals.

The following documents require review and/or approval by the Department Procurement Officer unless specific authority has been delegated from the Commissioner, Deputy Commissioner, or Director of Division of Administrative Services to an employee to conduct these tasks for their Division.

- Solicitation documents for procurements estimated to cost more than \$10,000.
- Alaska Goods-Services Request Form for all procurement action to be accomplished by DAS procurement (solicitations, contracts, purchases, contract renewals, or contract amendments).
- All requests for single source, limited competition, unanticipated amendment, emergency, or alternate procurements greater than \$10,000.
- Any procurement that may be politically sensitive or otherwise controversial.
- Requests for telephone equipment and services.
- All professional services contracts that exceed \$10,000
- All amendments to professional services contracts
- Purchases for non-standard information technology equipment or services that require IT approval
- Purchase requests over \$10,000
- All State-funded grants greater than \$10,000
- All requests for new or renewal of DOA leased space
- Intergovernmental cooperative funding agreements involving direct expenditure of funds in excess of \$10,000, excluding RSAs.

All purchases of Information Technology (IT) equipment, software (to include renewals), or services must be reviewed and approved by OIT prior to making procurement requests or taking procurement actions.

In addition, the Division of Administrative Services, Department Procurement Officer, has the following responsibilities:

- Review and approve all procurement related documents to ensure they are within their delegation of purchasing authority.
- Make written determinations on bid/proposal protests on behalf of the Department in accordance with statutes and regulations.
- Approve all procurement documents for the Department in accordance with delegated authority from the Commissioner.

4. Files and File Retention.

All DMVA Divisions will maintain the record copies of formal procurement/contracting documents per guidance of the DMVA/DAS Records Retention schedule. Prior to disposing of or transferring of files to the archive, approval must be obtained from the Department Records Retention Officer.

Alaska Air National Guard/Army National Guard Facilities Management Offices will maintain the record copies of documents for construction contract they enter into. Prior to disposing of or transferring of files to the archive, approval must be obtained from the Department Records Retention Officer.

5. Solicitations and Public Notice Requirements.

All bids, proposals, and grants will be solicited according to State statute, Department of Administration regulations, and Department of Military and Veterans Affairs (DMVA) procedures. It is the policy of the DMVA that bidders and proposers be given a fair opportunity to compete for DMVA contracts. Requests for single source awards will be considered in an emergency or if no other source exists that could provide the supplies or services.

5.1 Small Procurements.

A small procurement is defined by AS 36.30.320 as, “A procurement for supplies, services, or professional services that does not exceed an aggregate dollar amount of \$100,000, construction that does not exceed an aggregate dollar amount of \$200,000, or lease of space that does not exceed 7,000 square feet shall be made under regulations adopted by the Commissioner for small procurements.”

Small procurements do not need to be made with competitive sealed bidding or proposals. They will be made with competition that is practicable under the circumstances. You may not fragment or artificially divide procurements to by-pass the source selection procedure of AS 36.30.110 – 36.30.270. Procurement officers will give sufficient public notice of the intent to make a purchase.

Reasonable and adequate procedures (AAM 81.210) may apply when conducting small procurements. However, this does not mean it is always acceptable to only contact one offeror. When determining if competition is reasonable and adequate, the procurement officer should consider the following:

- Price: The higher the price, the more competition should be sought.
- Mission Requirement: If the delay will hamper the mission, less competition is acceptable.
- Competition: The more vendors who can meet the need, the more competition you should seek.

Documentation should be retained to show there was reasonable and adequate procedures for the purchase of supplies, services, professional services, or construction that cost more than \$10,000. *2 AAC 12.400(b)*

At least three Alaskan vendors should be contacted for bids or proposals when the small procurement is estimated to cost greater than \$10,000.

Procurement methods will not be artificially divided or fragmented to constitute a purchase under this section or to circumvent the source selection procedures outline in AS 36.30.

Purchases made with credit cards may be made up to \$2,500 from a single source without soliciting multiple quotes.

Quote or proposals must be sought from Alaskan vendors prior to soliciting from non-Alaskan vendors unless a determination is made in writing the minimum number of quotes or proposals from Alaskan vendors is not practicable. Rotate the list of vendors to provide as many Alaska vendors as possible the opportunity to compete from State business. *AAM 81.220*

5.2 Competitive Sealed Proposals and Competitive Sealed Bids.

Except for small procurements, AS 36.30.130 and 2 AAC 12.130 require notice of procurement in excess of \$100,000 be given at least 21 days before the date of bid or proposal opening. At a minimum, the notice must be published on the Alaska Online Public Notice (OPN) website. The following additional methods may be used:

- Vender Self Service (VSS). Post to VSS through the Integrated Resource Information System (IRIS).
- Publication in a newspaper of general circulation, if practicable.
- Publication in a newspaper of local circulation in the area pertinent to the procurement, if practicable.
- Notice posted in public locations within the area where work is to be performed or material of supplies furnished.
- Communication in another appropriate media, including postings in electronic media, if practicable.

This policy is not meant to limit additional methods of the public notice that may be used by the Procurement Officer. Divisions should take whatever action necessary to ensure adequate competition.

5.3 Alternate Procurement Methods (AAM 81.500).

If you believe it is in the State’s best interest to use an alternate procurement method, you must obtain approval of the Request for Alternate Procurement (RAP). Each RAP must include findings of fact supporting the conclusion for use of an alternate procurement method. The evidence must consist of material facts sufficient for independent examination and verification as per AS 36.30.315. Evidence might consist of written documents, records, supporting data, affidavits from subject matter experts or other information proving the findings of fact as true and accurate.

An agency head may approve a single source or limited competition RAP for small procurements, if permitted under the Department’s delegation of procurement authority.

RAP Type	Value of Procurement	Delegation of Authority
Single Source	Below \$100,000	Commissioner or Commissioner’s designee
	\$100,000 or above	Chief Procurement Officer or, for construction or State Equipment Fleet, the Commissioner of DOT&PF. This authority cannot be delegated.
Limited Competition	Below \$100,000	Commissioner, Commissioner’s designee, or Chief Procurement Officer, as set out in delegation of procurement authority. This authority cannot be delegated further.
	\$100,000 or above	Chief Procurement Officer or, for services of legal counsel, the Attorney General. This authority may not be delegated further. No limited competition procurements may be conducted for construction valued over \$100,000.
Emergency*	All Values	A written determination must be completed by the Chief Procurement Officer. If there is insufficient time (less than

		72 hours) for the CPO to make the determination, this authority is delegated to the agency.
Unanticipated Amendment Exceptions	Values less than the lesser of 20% of the current term, or \$100,000	Amendments valued less than 20% of the current term or \$100,000, whichever is less, are not considered unanticipated amendments, and as such, may be made by written determination of the procurement officer. A procurement officer may amend a contract established under 2 AAC 12.400, so long as the amendment does not increase the contract beyond the small procurement limits established under AS 36.30.320
	Values more than the lessor of 20% of the current term, or \$100,000	Chief Procurement Officer, or for the State equipment fleet contracts, the Commissioner of DOT&PF, or for contracts for the services of legal counsel, the Attorney General.
Innovative	All values	Chief Procurement Officer or, for construction or State Equipment Fleet (SEF) contracts, the Commissioner of DOT&PF.

**An Emergency procurement is defined as less than 72 hours for action required as a result of a threat to public health, welfare, or safety to protect public or private property. Refer to the emergency procurement section of this manual for DMVA policies and procedures. For DMVA this includes emergency procurements made by the Division of Homeland Security and Emergency Management (DHS&EM) during emergencies. Emergency procurement will be made and reported in accordance with the requirements of AS 36.30.310, and AS 36.30.520.*

5.4 Written Determinations (AAM 81.140)

There are a number of written determinations throughout the procurement process. When statutes or regulations require a determination, a written determination must be prepared and kept in the procurement file. A list of the required determinations and the DGS Written Determination Form is available on the DGS web site. Written determinations are located in Purchasing Documents

and Forms, the DGS Written Determination form in under Quick Links. See example of links below.

 [Purchasing Documents and Forms](#)

[DGS Written Determination Form](#)

6. Competitive Bidding and Requests for Quotations

6.1 General Guidelines

Competitive bidding or requests for quotations are the preferred solicitation methods for procuring supplies and services. The term “competitive bid” often refers to solicitation of bids for supplies or services estimated to cost more than \$100,000.00 or construction estimated to cost more than \$200,000, while the term “request for quotes” is often used for purchases costing less than those amounts. A bid or request for quote must contain the following information:

- a. location, date and time quote or bid must be received.
- b. description of supplies or services to be purchased.
- c. description of applicable contract terms and conditions.

Requests for Quotations (RFQs) or Informal Requests for Proposals (IRFPs) for supplies and professional services, or construction estimated to cost less than \$100,000 may be solicited by requesting written or oral quotes. The more complex the requirements, the greater the need for providing vendors with a written request for quotes or bids.

All RFQs or IRFPs that exceed \$50,000, including construction, must be in writing and solicited in accordance with (IAW) 2 AAC 12.400

All Invitations to Bid (ITBs) that exceed \$100,000 for non-construction or \$200,000 for construction, and are within the Departments delegated authority, must be in writing and solicited IAW AS 36.30 (Article 2) and 2 AAC 12.120-210.

6.2 Requirements for Use and Exceptions.

Competitive solicitations should be issued for all supplies or services except as follows:

- Supplies and services can be purchased from a State contract award.
- Reasonable and adequate procedures when procuring supplies, services, professional services, or construction estimated to cost not more than \$10,000.
- Cost of goods or services not to exceed \$2,500, or the limit of the individual’s delegated authority, when using State purchasing card.
- Approved alternate procurement method.
- Supplies or services with fixed rates by law or ordinance.
- Supplies or services manufactured or provided by approved employment program.
- Purchase is exempt under AS 36.30.850 or AAM 82, appendix 1

- Supply or service is provided by another government entity through an RSA, cooperative agreement, or other form of intergovernmental agreement. *AS 36.30.730, AS 36.30.850(d)*

If you have questions on what may or may not be exempt, contact the Department Procurement Officer.

Limits. In accordance with the delegation of authority from Department of Administrative Services (DOA), the Department may solicit for procurements as needed, unless:

- This manual specifically outlines other limits or restrictions.
- Mandatory use contracts awarded by DOA for good or services requested.
- Delegation of authority from DOA is changed.

Note: Specific authority for soliciting competitive sealed bids for construction is subject to limits imposed by the delegation of authority form DOT&PF.

Awards. Awards must be based solely on the lowest responsive and responsible offeror, taking into consideration the Alaska bidder preferences and other applicable preferences, shown under AS 36.30, Article 5.

If the procurement involves the expenditure of federal money or requires Federal assistance and there is a conflict between State provisions and a Federal statute, regulation, policy, or requirement, the procurement officer shall comply with the Federal statute, regulation, policy, or requirement. *2 AAC 12.730, AS 36.30.40, AS 36.30.890*

7. Competitive Sealed Proposals (Request for Proposal - RFP) and Grants

7.1 General Guidelines *AAM 81.400*

Soliciting competitive sealed proposals (RFP) is the first alternative for soliciting for supplies or services if it is determined in writing competitive sealed bidding (RFQ or ITB) is not practicable or not advantageous to the State. Procurements of \$100,000 or less (\$200,000 or less for construction), solicit using the informal request for proposal (IRFP). Procurements greater than \$100,000 (\$200,000 for construction), solicit using a request for proposal (RFP).

Professional services, supplies and services for oil or hazardous waste cleanup, telephone systems and telephone system maintenance, concession contracts and leased office space may use the competitive sealed proposal procurement method without needing a written determination.

Competitive sealed proposals must include the following elements:

- Location, date, and time proposals are to be received.
- Description of applicable proposal requirements and contract terms and conditions
- Description of supplies or services needed.
- Indication of an acceptable proposal format

- Evaluation criteria used in weighing proposals, including a 10 percent Alaska preference (unless there will be an expenditure of Federal funds or Federal assistance. See AS 36.30.890 for further detail.)

Competitive proposals for less than \$10,000 for professional services may be solicited by requesting written or oral quotes or proposals. The more complex the requirements, the greater the need for providing vendors with a written IRFP.

All competitive proposals for professional services and concession contracts for small procurements between \$50,000 and \$100,000 or that exceed \$50,000 and are within the Department's delegated authority must be in writing and solicited in accordance with AS 36.30 Article 3 and 2 AAC 12.2, Article 4.

Limits: Current DMVA purchasing limits for negotiated contracts is unlimited. The limits of authority to solicit RFPs are subject to DMVA delegation of authority from DOA and DOT/PF and may change as delegated authority from these agencies' changes.

Solicitation: Professional services with estimated gross receipts of less than \$100,000 should be solicited from three or more Alaskan sources depending on the availability of the services and the complexity of the project. Those professional services estimated to have gross receipts of more than \$100,000 must be posted on-line and solicited by sealed competitive proposals.

Grants: Grants must be solicited in accordance with applicable statutes and regulations for the specific type of grant program (Section 6.3 of this manual).

Evaluation of Proposals: All proposals must be evaluated in accordance with the criteria established in the applicable IRFP/RFP. No other criteria may be used.

Awards: Awards must be based on the evaluation of proposals according to the criteria established in the IRFP/RFP and the ability to successfully negotiate an agreement with the respondent determined to be most qualified.

7.2 Professional Services Contract – AAM 81.420 - 450

Professional services are any professional, technical, or consultant services predominantly intellectual in character, result in the production of a report or the completion of a task, and include analysis, evaluation, prediction, planning, or recommendation. See AAM 81.450 for examples of ways to decide if you require professional services.

The minimum requirements for professional service contracts are:

- \$10,000 or less, the contract must be in writing, but the standard agreement form is not required
- Greater than \$10,000, use the Standard agreement form for Professional Services available on the SSoA/DGS/Purchasing website.

DMVA DAS Procurement will do all solicitations for professional services with an estimated cost exceeding \$10,000.

7.3 Grants and Grant Programs.

All DMVA grant programs will be awarded and administered in accordance with the statutory program guidelines, grant regulations, and Federal/Division requirements developed specifically for each program.

All potential grantees will receive a fair and formal evaluation of their proposal whenever there is competition for grant funds that are not allocated by a special formula or by some other process prescribed by law.

Designated recipient grants (AS 37.05.316) are designated in an appropriations bill as grants for a specific recipient and program. They may be budgeted at the request of the grantee or included in the budget as a legislative add-on.

The Division is required to make a determination that the designated recipient is, with due regard for any local expertise or experience among those making the proposal, the most qualified to fulfill the purpose of the grant. If it is determined that award to another party would best serve the public interest, the determination must be reviewed by the Office of Management and Budget prior to solicitation or negotiation of the agreement.

All designated recipient grants must use the DMVA standard grant agreement form and are subject to State single-audit requirements.

8. Contract Awards.

Contract awards for supplies and services are contracts for supplies or services solicited and awarded by SSoA/General Services on behalf of State agencies. These are located on the SSoA/General Services website under Purchasing, Contract Awards Manual, and the NASPO Value Point website (click on the State of Alaska). Contract awards are mandatory use contracts unless specifically designated otherwise. Items on mandatory contract may not be purchased from any other source. Purchases made for items covered by a contract award do not require prior approval or processing by SSoA/General Services, except as noted in the contract or this manual. DMVA may contact the vendor directly and purchase any item at the contract award price.

9. Employment and Youth Program Procurements.

A procurement of products manufactured, or services provided by an employment program of the State or an accredited youth education and employment program may be made without competitive sealed bidding or competitive sealed proposals, in accordance with regulations adopted by the Commissioner. *AS 36.30.311, 2 AAC 12.050, AAM 81.055.*

10. Purchase of Equipment or Supplies.

Generally, DMVA personnel will purchase equipment or supplies within the restrictions of their Delegated Purchasing Authority. Some specific equipment or supplies require approval, review or solicitation regardless of cost.

- **Information Technology.** The DMVA IT support staff must approve purchase of all Information Technology (IT) hardware, software, etc.
- **Telephone Systems, Equipment, and Services.** Requests for the purchase of telephone related equipment or services must be coordinated through the Department Procurement Officer, with possible coordination with Enterprise Technology Services (ETS) and DMVA IT. This includes moves and changers to existing systems costing over \$500.00 and not on contract award, purchase of new equipment or systems, and telephone maintenance contracts that exceed \$5,000.00 in one year. All telephone equipment purchases will be made according to ETS policies and procedures.
- **Telecommunications Equipment.** All requests for radios and other telecommunications equipment that will be part of the network will be reviewed and approved by DMVA IT support staff.
- **Office and Storage Space.** DMVA has no authority to modify, repair, or procure space or real estate for offices, storage, or any other type of facility, either State-owned or leased, other than those outlined in this manual.
 - Any request for renewal or for new leased space must be submitted through the Department Procurement Officer on an approved and coded Standard Requisition form. The Procurement Officer will submit a Lease Action Request Form (LARF) to SSoA/General Services Leasing for processing.
 - All request for renovations, remodeling, repair, or modification of existing leased space must be on an approved and coded Standard Requisition form, forwarded through the Department Procurement Officer. The Procurement Officer will submit the LARF to SSoA/General Services Leasing for approval.
 - Any renovations, remodeling, or repair requirements of State-owned space not specifically authorized by statute or a specific delegation of authority will be coordinated with the DOT&PF by SRA. These requests must be submitted through the Division of Administrative Services for review and coordination with DOT&PF and DOA.

11. Cooperative Purchasing Agreements *AAM 81.060, AS 36.30.700-730*

Competitive quotes, bids, or proposals are not required for goods or services required under AS 36.30.700-730. Agencies may participate in, sponsor, conduct, or administer a cooperative purchasing agreement with a qualifying entity after obtaining approval from the SSoA/General Services.

Divisions may enter into intergovernmental purchasing agreements with Federal or local government agencies for the mutual benefit of both parties. Agreements that involve the direct receipt or expenditure of funds greater than \$10,000 must be reviewed and approved by the appropriate Division manager and approved by the Commissioner or his/her designee in the

Division of Administrative Services. Not all agreements of this type involve the direct expenditure or receipt of funds.

Agreements should be signed by the Division Directors involved in the agreements and the Commissioner or his/her designee unless Divisions are specifically delegated authority to negotiate and enter into specific types of intergovernmental agreements. Only those agreements greater than \$5,000 require review by the Department Procurement Officer.

Some common Federal agreements are interagency personnel agreements used to hire Federal employees as State employees for a specified period of time and joint funding agreements used to cooperatively fund data collection or other shared projects. Two common formats for writing agreements with other government entities are the Memorandum of Understanding and the cooperative agreement.

Section B – DMVA Procurement Training/Certification Responsibilities

The goal of the DMVA Procurement Training Program is to ensure DMVA employees use purchasing practices that comply with State statutes, regulations, manuals, and Department procurement policies.

The Department of Administration/Shared Service of Alaska/General Services requires training and certification for individuals authorized to make purchases or conduct procurements using State funds. Certification is made in three levels based on a maximum dollar amount an individual authorized to obligate or spend.

A State One Card (Purchasing Card – Pcard) is a State issued credit card that may be used to make authorized purchases in accordance with State procurement policies, Department procurement policies, and for business travel expenses in accordance with State travel policies (AAM 60).

1. Responsibilities.

1.1 The Department Procurement Officer has a responsibility to:

- Manage and oversee procurement and property management training within the DMVA.
- Maintain and monitor procurement level certifications on DMVA employees with a written delegation.
- Communicate DOA/SSoA provided Procurement Certification Training available to all DMVA users.
- Monitor and communicate any new State procurement and property regulations, policies, or guideline as they pertain to agency SOP's to management.
- Ensure the DAS Procurement Specialists are available to provide all new DMVA employees with procurement and/or property management assistance.

1.2 The DAS Accounting Supervisor (Anchorage) will coordinate with the Department Procurement Officer to ensure all training and certifications have been met before issuing a PCard to a DMVA employee. The Accounting Supervisor will also notify the Department Procurement Officer of any employees who have had their PCard privileges revoked or have left the DMVA.

1.3 DMVA Employees who have been given the authority to make purchases or conduct procurements using State funds, including those issued a PCard, are responsible for completing the required DOA/SSoA, DOT/PF and/or DMVA training to obtain and maintain the appropriate level of certification needed to perform purchasing and procurement duties. New employees who will be given DMVA delegations of Purchasing Authority should contact and/or visit the DAS Procurement Section.

Section C – Property Management

This section identifies statues, regulations, and policies relating to property management within the Department. Maintaining accountability for the multi-billion-dollar inventory of State-owned and controlled property is an important responsibility.

1. General.

Definitions

Controlled Property: State owned property that must be tagged/marked and inventoried as outline the State's Property Control Manual.

Controlled property includes:

- Non-consumable property and equipment valued at \$5,000 or more, FOB final destination, regardless of the funding source or means of acquisition. This property must be inventoried and tagged/marked with a property control number.

- Sensitive items – Specific items which must be inventoried and tagged/marked with a property control number regardless of original acquisition cost, funding source, or means of acquisition.
- Lease purchase or installment purchased equipment or long-term rental equipment and supplies on loan for contractor or grantee use must be treated as control property.
- Non-consumable State Property, non-controlled (property not tracked in IRIS), regardless of acquisition cost, funding source, or means of acquisition.

Property items, that when installed, become an integral part of another unit of property or a building are not considered controlled property.

Department Property Officer: The Department Property Officer implements the Department’s property control program and is charged by State regulations with having full knowledge of all property transactions within the Department.

Division Property Custodians: Designated Property Custodians help the Department Property Officer to fulfill their property management responsibilities on a day-to-day basis. General duties include, but are not limited to:

- Initiating transactions when controlled property is purchased, loaned, borrowed, traded or transferred;
- Originating excess (surplus) property transactions;
- Originating documentation for lost, stolen, or damaged property;
- Originating documentation for property salvage or destruction; and
- Completing an annual inventory of all controlled property within their property account.

2. Responsibilities

All DMVA employees are responsible for the wise use and accountability of State Property. This specifically includes all sensitive and non-expendable property owned by or under the control of the State and required to be on record in the State's computerized inventory system. Employees who become aware of theft or intentional misuse of State Property by employees or others should report the activity immediately to their Supervisor, Division Director, or to the Department Property Officer for investigation and action.

- a. The **Department Property Officer’s** responsibilities and duties include, but are not limited to:
 - Establishing and maintaining Department procedures for inventory of State Property in accordance with SSoA/DGS guidelines.
 - Controlling, monitoring and maintaining the Department’s property information in IRIS.
 - Approving transfers between Divisions within DMVA or transfers to other State Departments.

- Approving and auditing surplus State Property.
 - Reviewing and approving lost, stolen, or damaged property reports and property salvage/destroy request for DMVA.
 - Providing data, technical assistance, and property/inventory management training to Division property custodians and other employees of the Department.
 - Distribute inventory form annually, or upon request.
 - Issue State and Federal property tags to Division property custodians.
 - Ensure physical inventories are conducted within Divisions
 - Upon request, assist Divisions in performing physical inventories.
 - Distribute annual vehicle inventory to Divisions, and forward a final completed inventory to DOT&PF/SEF
- b. **Each Division Director** is ultimately responsible for the care and accountability of equipment within their Division, and will designate, in writing, a Property Custodian to oversee and perform property management actions for their Division. Appointments will be made using the DMVA Property Custodian Appointment form (Attachment 2).
- c. **Property Custodians** duties vary depending on the Division. Below are the general duties of custodians.
- Initiate transaction when controlled property is purchased, leased, loaned, borrowed, traded, or transferred.
 - Originate excess property transactions.
 - Complete annual inventory.
 - Suspected theft, robbery, or vandalism of property should be reported immediately to the Department Property Officer. Follow guidelines in the State Property manual.
 - Coordinate property accountability as follows:
 - Forward documentation on new high value or sensitive property and equipment to the Department property custodian for IRIS input.
 - Notify Department property officer of all transfer of State Property between Divisions for IRIS Fixed Asset updates.
 - Obtain inventory report from Department property officer.
 - Work with Department property officer to reconcile annual inventories.
 - Complete necessary documentation for property transfer, lost, stolen, damaged and surplus property, and lost, stolen or destruction requests by using the Electronic Property Form located on the SSoA/General Services/Property website.
 - Process Fixed Asset transactions in IRIS to modify, transfer, record the disposition, or cancel a fixed asset document.
 - Transport or arrange with and outside vendor, for the transfer of property to State surplus or other disposal agencies.

All other State or non-State agencies within the DMVA in possession of controlled state property will appoint an individual as the property custodian for those items. These individuals will work directly with the Department property officer for all property management activities.

3. Physical Property Inventories.

Alaska Statute 37.05.160 direct State agencies to take a physical inventory annually of all property and at other times as directed by the Department. There are four important reasons why a physical inventory is conducted:

1. To verify or ascertain the physical count, condition, and location of controlled property within the Division to ensure accountability and that controlled property is properly documented.
2. To identify, document, and add controlled property items to the Division's inventory when items meet the definition of controlled property, but are not accurately shown on the Division's inventory.
3. To ensure lost, stolen, damage, transferred, or disposed of controlled property items are no longer on the Division's inventory.
4. To identify missing or damaged controlled property that need to be located, repaired, or replaced.

Physical inventories can be as required, cyclic, or annual. Annual inventories are mandatory. As required inventories are not usually scheduled and generally conducted in response to a given situation. Cyclic inventories are not in use within this Department at this time.

4. Disposal of State Property.

Divisions will notify the Department property officer when they have excess, salvageable property they would like to surplus. The property officer will notify other Divisional property custodians of the item(s) that are available. Salvageable property accepted by another Division will be transferred to their fixed asset account property officer. Items not accepted by other Divisions may be offered up for auction or transferred to State surplus. Division property custodians are responsible to completing the Electronic Property Form for items offered up for auction or transfer to surplus.

For State property deemed unsalvageable, property custodians will complete the Electronic Property Form requesting authorization to destruct/destroy items. Media items are also required to have a completed Media Disposal Assurance form, also located with the Electronic Property Form. Property is not to be disposed of until all approvals have been received. The property officer is responsible for processing the necessary IRIS transaction to reflect the disposal.

5. Property Identification.

Controlled property will have a State Property Control Number decal affixed when the value exceeds \$5,000, is identified as sensitive, or a leased purchase or installment purchase equipment or long-term rental equipment and supplies on loan for contractor or grantee use. The decal should be place in a location where it can be clearly identified as being State Property. When it is not practical to use a decal, a stencil with paint, etching needle, marking pen, or other permanent method may be used to mark the property. When one of these methods is used, the intended

decal must be destroyed. A list of sensitive items can be found on the SSoA/DGS/Property website.

For non-controlled property, a DMVA property decal without a control number or State Property Control number will be affixed to all State Property at the discretion of the Division property custodian or at the direction of the Department Property Officer. All property items that are tagged with a State Property Control number must be reported to the Department Property Officer for entry into the State Property Control inventory. The decal should be placed where it can be easily seen, and the item readily identified as a State asset.

Note: If you need State required tags, contact the Department Property Officer.

6. Control of State Property.

Division Property Custodians will use the Property Receipt Form 02-657 to document the location of property items on loan. When several have been loaned and only some have been returned, the Division Property Custodian must draw a line through the items returned, enter the date of return and initial the notation. The form may be destroyed once all property items have been returned. If items are on loan for more than six months, a permanent transfer must be requested.

7. Personal (Non-State Property).

The Department is responsible for providing all necessary tools, equipment, supplies, and transportation for employees to perform their jobs. If an employee chooses to use personal property in the course of performing their duties, the employee is completely responsible for any damage, loss, or theft to the property.

ATTACHMENT 1

DMVA Delegation of Purchasing Authority

(For current copy of this form contact the Department of Military and Veterans Affairs Procurement Officer.)

Name:	PCN:
Title:	Section:
Division:	Phone:
Location:	

This memorandum delegates you specific authority to execute procurement actions as identified below. This authority cannot be sub-delegated. You are expected to use sound judgment when obligating State funds, following all appropriate statutes, regulations, policies and procedures related to the exercise of this authority.

Procurement Certification and Training--

Individual purchasing authority is subject to obtaining training and maintaining certification per Department of Administration guidelines at one of the following levels for the procurement of goods and services. The employee is trained and certified at the following level: (Check one as appropriate)

Level 1 Training and Certification \$0 - \$10,000	Level 2 Training and Certification \$10,001 to \$100,000	Level 3 Training and Certification \$100,001 or more
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Purchasing Authority –

Unless specifically granted by statutes, regulations, or this delegation of authority, agreements for the expenditure of funds greater than \$10,000 must be routed through the Division of Administrative Services Procurement Section for solicitation, review, or approval in accordance with DMVA Policies and Procedures.

No purchases are to be made until the individual receives fully signed delegation form. This individual is hereby granted specific purchasing authority **less than or equal to the limits noted:**

- \$ _____ One Card/P-card transactions (not to exceed One Card/P-card transaction limit)
- \$ _____ Solicit and make purchases not to exceed \$50,000. Generally, will be limited to \$10,000 unless special circumstances exist. This includes exempt procurements. (NOTE: Procurement Section is exempt from the \$10,000 limit).
- \$ _____ Place orders from existing **Statewide MASTER AGREEMENTS** per contract terms (limit will be set by the division directors but will not exceed \$500,000)
- \$ _____ Place orders from existing **Department/Division MASTER AGREEMENTS** per contract terms.
- \$ _____ Make emergency purchases per AS 36.30, 2 AAC 12, and AAM 81 (limit as needed, not to exceed \$500,000. Procurement personnel are exempt from the not to exceed limit) (NOTE: Emergency procurements may be made when there is an existing threat to public health, welfare or safety and when procurement through competitive sealed bidding or competitive sealed proposals is impracticable or contrary to public interest or to protect public or private property. A written determination by the Chief Procurement Officer must be made prior to responding to the emergency, except for when action must be taken in less than 72 hours.)

Signatures

Director	Date	Employee	Date
_____	_____	_____	_____

Commissioner/DAS Director	Date
_____	_____

ATTACHMENT 2

DMVA PROPERTY CUSTODIAN APPOINTMENT
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Name:	Division:
Email:	Section:
Phone:	Title:

You have been designated as a property custodian for your division. It is your responsibility to assist the Department Property officer with the management of State property.

Duties of a Property Custodian include, but may not be limited to:

- Initiating property transactions, as outlined in the attached Property Control Manual, Physical Inventory Procedures Guide, and the DMVA Standard Operating Procedures for Procurement and Property for controlled property tracked in IRIS for Property Management Office review and approval/disapproval -Record any change concerning controlled property tracked in IRIS

- Initiating property transactions, as outlined in the Property Control manual, Physical Inventory Procedures Guide, and the DMVA Standard Operating Procedures for Procurement and Property for property not tracked in IRIS for Property Management Office review and approval/disapproval

- Conform to policies and procedures established for property transactions and property inventories as outlined in the Property Control Manual, the Physical Inventory Procedures Guide, and the DMVA Standard Operating Procedures for Procurement and Property.

- Complete an annual inventory (as required, cyclic, and annual) of all controlled property in their designated area per Statutes.

Appointee acknowledges they have the right to sign documents and act on behalf of their division relating to the inventory, transfer, and disposition of State property assigned to their control.

Supervisor Signature
Printed Name:
Title:

Date

Division Appointee Signature

Date

Return signed appointment letter to the DMVA/DAS Procurement Section, Attention Dept. Property Officer.