

## **6.11 Purchasing Regulations**

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### **POLICY:**

The Local Agency must adhere to the purchasing regulations outlined in order of priority:

- Federal regulations: USDA FNS Handbook 901, 7 CFR 3016.3 - 7 CFR 3016.36, and 2 CFR Part 200;
- State regulations: State of West Virginia Purchasing Division Procedures Handbook; and
- Parent Agency

Any purchase for the purpose of automated data processing (computers, software, printers, etc.) requires State Agency approval.

Any purchase above \$5,000.00 requires State Agency (SA) written approval. This applies to single items or similar items within the same budget line item (i.e. outreach supplies).

Multiple purchases from a single vendor cannot exceed \$5,000 in a 12-month period without a solicitation process (i.e. obtaining and comparing multiple vendor quotes). Procurements may not be split or fragmented into multiple smaller purchases to bypass a threshold amount that would trigger a more formal, competitive bidding requirement.

### **PROCEDURE:**

#### **A. Purchase NOT Requiring Prior State Agency Approval**

1. Purchases less than \$5,000 do not require SA approval.
2. Competitive bids are not required in this threshold but are encouraged when possible.

#### **B. Purchases Requiring Prior State Agency Approval**

1. Any purchase of \$5,000.01 to \$20,000.00 ~~or more~~ requires a minimum of three (3) informal written bids (i.e. email, website, quote on business letterhead, etc.). The number of items per request must be clarified.
  - a. A justification memo and informal bid information should be submitted to the SA Operations Division via email to [wicinvoices@wv.gov](mailto:wicinvoices@wv.gov).
    - i. The SA has 60 days to review and return a written response.
    - ii. The SA response should be included with the purchasing packet records for monitoring purposes.
2. Any purchase over \$20,000.01 requires a delegated solicitation. Please reference [Purchasing Division Handbook Section 3.2 and Section 5.2.12](#) prior to writing a requisition.
  - a. All Request for Proposals (RFP) must be written by the Local Agency,

## **6.11 Purchasing Regulations**

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- reviewed and approved by the SA Director or designee prior to release.
- b. RFPs should be emailed to SA Director and cc'd to [wicinvoices@wv.gov](mailto:wicinvoices@wv.gov). The SA has 60 days for review.
  - c. The LA has 30 days to respond to comments or suggested revisions.
4. It is suggested that all Request for Quotations (RFQ) be reviewed by the SA Operations Unit prior to release. RFQs for review should be emailed to [wicinvoices@wv.gov](mailto:wicinvoices@wv.gov).
  5. The Local Agency must write to the State Agency requesting to award the preferred bid in response to the already approved RFP or RFQ.
    - a. The request must be on agency letterhead, with a signature.
    - b. The request must describe the item(s) to be approved, the cost (winning bid), justification for awarding the bid, and proposed date of expenditure (i.e. project completion or contract award date).
    - c. All supporting documentation received as RFP or RFQ responses must be submitted with the written request.
    - d. The SA has 60 days to review and return a written response.
    - e. The SA response should be included with the purchasing packet records for monitoring purposes.

**Note:** *The State Agency will not approve any request received after June 30 of the grant year (Federal fiscal year) from which the purchase is to be made unless it is an emergency.*

### **C. Purchases Requiring Prior State Agency and USDA Approval**

1. Any purchase in excess of \$25,000.
2. Any purchase of automated data processing equipment in excess of \$99,999.

**Note:** *The State Agency will not submit the request to USDA after June 30 of the grant year (Federal fiscal year) from which the purchase is to be made unless it is an emergency repair.*

### **D. Method to Obtain USDA Approval of a Purchase**

The Local Agency must write to the State Agency requesting the State Agency to approve (outlined in Section B.5.) and then seek USDA approval on behalf of the Local Agency. The Local Agency must describe the item(s) to be approved, the cost, justification for the purchase and a **minimum** of three (3) obtained bids. A “no bid” is not considered an obtained bid. It is suggested that the Local Agency solicit five (5) or more bids in order to obtain the three (3) required bids. Hence, documentation must include the date of bid request to at least five (5) potential vendors, and date of response or lack of response from each potential vendor.

### **E. Capital Expenditures Requiring Prior State and USDA Approval**

## **6.11 Purchasing Regulations**

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1. Capital expenditures for land or buildings are unallowable as a direct cost **except** with the prior approval of the State Agency and USDA.
2. Capital expenditures for improvements to land, buildings, or equipment which materially increases value or useful life costing more than \$10,000 are unallowable as a direct cost **except** with the prior approval of the State Agency and USDA.

### **F. Method to Obtain USDA Approval of a Capital Expenditure**

A written narrative must be submitted by the Local Agency to the State Agency for any purchase or improvements to real property.

1. The worksheet(s) (see [Attachment #1 6.11](#) and/or [Attachment #2 6.11](#)) will provide guidance for these narratives.
2. All questions on the worksheet(s) must be answered in the body of the narrative in an essay format.
3. The worksheet(s) should be submitted via the email to SA Director and cc'd to [wicinvoices@wv.gov](mailto:wicinvoices@wv.gov), accompanied by required materials outlined in Section D above.

### **G. Method to Obtain State Agency Approval of Expenditures Related to Clinic Opening, Closure or Relocation**

Any infrastructure circumstances which may disrupt service provision by limiting participant access, or create ongoing or increased costs, must be shared and negotiated with the State Agency (SA). To initiate decision-making with and notification to the SA regarding:

- a relocation of a current WIC clinic,
- renovation or repair of a current WIC clinic;
- closure of a clinic; or
- addition of a new WIC clinic or ongoing operating site (satellite).

The SA retains decision making authority for any direct costs and expenditures utilizing USDA federal funding including, but not limited to, moving or adding network equipment, cabling, data lines or state contracted phone/internet services; 2) unplanned cost to the WIC Program (i.e. moving costs, increased operating costs, etc.) not available in the current grantee budget; and 3) approval of all capital expenditures.

If a WIC clinic needs to change locations, timelines will vary depending on the circumstances surrounding the need. Examples may include:

## 6.11 Purchasing Regulations

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- Destruction due to flooding or fire or other event that make the clinic uninhabitable
- Lease not renewed or terminated per agreement terms
- Clinic space no longer serves the needs of the program
- Budgetary constraints

**Points of Contact:** The LA Director and SA Director should discuss clinic infrastructure needs as well as potential clinic moves, closures or additions during quarterly agency touchpoint meetings for planning purposes.

The LA Director will send an email to the SA Director with cc to the SA Deputy Director, SA Operations Division ([wicinvoices@wv.gov](mailto:wicinvoices@wv.gov)) and SA Equipment Coordinator as notification of unplanned, sudden clinic relocations or closures. The notification should include the situation (what is currently happening), background information (history related to the current situation), assessment (data, all possible solutions, information to provide clarity) and recommendation/request.

For planned moves or infrastructure projects, the SA Director may allocate the role of SA project coordinator to the ONS Operations Support Specialist ~~a designee~~ to oversee the operation. Likewise, the LA Director may designate a LA project coordinator.

### **Resources and Materials:**

[Data Circuit TCR](#) ; [Voice Circuit TCR](#); [Office of Technology Office move Form](#); Current Inventory Forms; Surplus Forms([OT Surplus \(2nd form\)](#)) and [Non OT surplus](#)) , Blueprints for the new building, [OT Cable Installation Requirement Instructions](#)

### **Preferred Timelines**

The development of a clinic relocation plan should begin 30 to 90 days prior to the date of the move for emergency situations, and at least 6 to 12 months prior to the date of the move for clinic relocations, new builds or renovations.

### **Building Acquisition - Relocation of Current Site, New Build or Renovation of current site to meet needs of Local Clinic**

1. Prepare an approval packet for SA Director citing the need for the clinic move or additional site. Packet should include:
  - a. [Attachment #1](#) for purchases or [Attachment #2](#) for renovations or repairs
  - b. Policy 1.08 Attachments [Civil Rights Impact Analysis](#) and [504 Analysis](#)
  - c. Letter outlining need including all background, assessment, recommendations and cost concerning at least three of five avenues:
    - Renovation/repair of current site;
    - Co-location with cost sharing plan;

## **6.11 Purchasing Regulations**

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- Donated/in-kind space;
  - Purchase; and/or
  - Lease.
- d. Purchase and leasing recommendations with cost should include at least three potential sites.
  - e. If moving costs are projected to be over \$5,000, three bids must be submitted.
  - f. Capital expenditures (building purchase or renovation) over \$10,000 require USDA prior approval. USDA may take up to 90 days for review.
  - g. Ensure the new space selected has enough square footage to meet current needs but allow for future growth.
  - h. All locations must be ADA compliant, and accessible to WIC participants with adequate parking available.
2. If there are funding negotiations, the LA Director, SA Director, and parent agency administrative team should ensure consistent communication for decision making. Any party may request a monthly or weekly meeting until project plans are agreed upon.
  3. Once the LA Director, SA Director and parent agency administrative team are in agreement with an outlined plan, the State Agency will submit the packet outlined above in #1 to USDA for approval. The Local Agency may not sign or commit funding until USDA approval letter has been received.

### **At least 6 months before move:**

1. Once the SA Director provides approval of the LA plan and funding is confirmed, LA Project Coordinator will develop blueprints/floor plan in consultation with SA Project Coordinator. This may occur via site visit for walk through or via email with draft drawings.
2. SA Equipment Coordinator will meet with the LA Project Coordinator to outline all location needs (i.e. network drops, Segra phone installation, etc.).
  - a. For new construction, indicate on the blueprint where dataline drop locations should be installed considering computers, printers, VoIP phones, and faxes, as well as indicate where the server closet will be located.
  - b. For renovations or relocations to an existing structure, indicate on the blueprint of newly configured office space the location of current dataline drops, relocation of current drops, and/or location of additional new dataline drops as well as where the server closet is/will be located.
  - c. SA Equipment Coordinator will email blueprints to: [ERM@wv.gov](mailto:ERM@wv.gov) (West Virginia Office of Technology IRM Team), [wvotofficemoves@wv.gov](mailto:wvotofficemoves@wv.gov) (OT Move Committee) and [Thomas.A.Riddell@wv.gov](mailto:Thomas.A.Riddell@wv.gov) (MIS Relationship Manager)

## **6.11 Purchasing Regulations**

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- d. LA Project Coordinator will discuss with contractor or landlord willingness to run or relocate dateline cabling. If the owner will install the cabling, then SA Equipment Coordinator will place a ticket with OT by calling 304-558-9966 or emailing the service desk at [ServiceDesk@wv.gov](mailto:ServiceDesk@wv.gov) requesting activation after the cabling has been installed. If the owner is not willing or unable, SA Equipment Coordinator will place a ticket with the OT cabling team for installation.
3. LA Project Coordinator and SA Equipment Coordinator will outline the move timeline which is shared with SA Director and parent agency administrative team.

### **At least 4 months before move:**

1. Once new location address is known, SA Equipment Coordinator completes all necessary forms:
  - a. [Data Circuit TCR](#) which is submitted via email to [osamistcr@wv.gov](mailto:osamistcr@wv.gov), and cc: [David.P.Wendell@wv.gov](mailto:David.P.Wendell@wv.gov)
  - b. [Voice Circuit TCR](#) which is submitted via email to [osamistcr@wv.gov](mailto:osamistcr@wv.gov), and cc: [David.P.Wendell@wv.gov](mailto:David.P.Wendell@wv.gov) (If the office is moving to Segra phone service)
  - c. [Office of Technology Office move Form](#) which is submitted via email to [ERM@wv.gov](mailto:ERM@wv.gov) (West Virginia Office of Technology IRM Team), [wvotofficemoves@wv.gov](mailto:wvotofficemoves@wv.gov) (OTMove Committee) and [Thomas.A.Riddell@wv.gov](mailto:Thomas.A.Riddell@wv.gov) (OT Relationship Manager)
  - d. If new location will be using Segra phones:
    - i. New Segra VOIP - [setting up Segra VOIP](#)
    - ii. Transferring Segra VOIP - Create [Voice Circuit TCR](#) with the new office address and submit submitted via email to [osamistcr@wv.gov](mailto:osamistcr@wv.gov), and cc: [David.P.Wendell@wv.gov](mailto:David.P.Wendell@wv.gov)
  - e. If the new location has a regular phone system, it is the responsibility of the LAD to contact their current phone provider and request the location change. Along with transiting the FAX line from old location to new location.
2. LA Project Coordinator will:
  - a. Check the inventory of the current location,
  - b. Create a list of [inventory](#) to be moved to new location,
  - c. Create a list of inventory that is available for transfer to another WIC Grantee or state government organization, and
  - d. Surplus broken or items unclaimed as designated in 2.c.

### **At least 2 months before move:**

1. SA Equipment Coordinator will coordinate a meeting with LA Project Coordinator and OT Move Group to outline the moving date to have techs on site to help with the move and reconnect networking equipment.

## **6.11 Purchasing Regulations**

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2. LA Project Coordinator will prepare participant notification of clinic move and submit to SA Project Coordinator for approval.

### **At least 2 weeks before move:**

1. SA Equipment Coordinator obtains an update from OT Relationship Manager ([Thomas.A.Riddell@wv.gov](mailto:Thomas.A.Riddell@wv.gov))/OT Move Group ([wvotofficemoves@wv.gov](mailto:wvotofficemoves@wv.gov)) on the status of the data or voice TCR, cabling installation and Data Circuit Verification.
2. LA Project Coordinator will notify [wichelpdesk@wv.gov](mailto:wichelpdesk@wv.gov) of new clinic address and operating hours.
3. SA Project Coordinator will schedule One Call Now messages for all participants, and LA Project Coordinator will post on LA social media platforms.

### **Moving Day:**

1. SA Equipment Coordinator will complete the [TCR for disconnection](#) of the previous clinic data circuit and submit via email to [osamistcr@wv.gov](mailto:osamistcr@wv.gov), and cc: [David.P.Wendell@wv.gov](mailto:David.P.Wendell@wv.gov).
2. SA Equipment Coordinator will notify via email [Timothy.M.Waas@wv.gov](mailto:Timothy.M.Waas@wv.gov) (DHHR Assets) of the new location address.
3. OT responsibilities for Moving day:
  - a. OT Techs will unplug the desktop equipment - but it is the responsibility of the staff to move their own equipment.
  - b. OT Tech will then connect everything after it is moved to the new location
  - c. OT Tech - will disconnect the routers, switches, UPS and move those to the new location. Then they will reconnect them at the new location.
4. SA Helpdesk will facilitate updates to Crossroads, website, One Call Now, and request SA Vendor Management Unit update WICShopper clinic locator.
5. LA Project Coordinator or LA Outreach Liaison will facilitate updates to SignUpWIC.com ([campaign@nwica.org](mailto:campaign@nwica.org) or via [WIC Share Portal](#)) and [wv211](#).

### **REFERENCES:**

1. WIC Policy Memorandum 813-1 (formerly SFP 93-126), WIC Program - Allowable Costs - Real Property
2. WIC Policy Memorandum 2007-4 (formerly SFP 07-043), WIC Advance Planning Document (APD) Policy Changes
3. WIC Policy Memorandum 98-3 (formerly SFP 98-041), Non-computer Equipment Purchases Less Than \$25,000
4. Informational Communication Memorandum, November 1, 2023 (replaced SFP #10-017)

## **6.11** Purchasing Regulations

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5. FNS Handbook 901 V2 January 2025
6. West Virginia Policy and Procedure 1.08 Section I
7. [Purchasing Division Handbook](#)

### **ATTACHMENTS:**

1. Worksheet for Requests to Purchase Real Property
2. Worksheet for Requests to Renovate or Repair Real Property