



PURCHASING MANUAL

**NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF PURCHASE AND SERVICES
PURCHASE AND CONTRACT SECTION**

This document is intended to be for general informational purposes to guide and assist divisions/programs in the operation of their purchasing program. It is not intended to play any role in any protest or legal proceeding. All protests and other legal proceedings relating to purchasing matters are governed by the appropriate sections of the General Statutes and the North Carolina Administrative Code.

<http://www.pandc.nc.gov/admcode.htm>. (If this site will not open by clicking on it, you must copy and paste it into your internet browser to search for it.)

Portions of this purchasing manual contain excerpts from the Department of Administration, Division of Purchase and Contract Purchasing Manual. Grateful appreciation is acknowledged to the Department of Administration, Division of Purchase and Contract for permission to reprint material.

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INTRODUCTION

The purpose of this manual is to be both informative and instructive to those individuals responsible for acquiring commodities and services for the numerous divisions/programs within the Department of Environment and Natural Resources (DENR). We have attempted to compile a document that provides the reader with some background information about the evolution of purchasing in North Carolina State Government and various programs/services offered through the Department of Administration, Division of Purchase and Contract (DOA P&C). Several examples of instructional "how to" information are included in this manual, as well as pertinent legal information, such as General Statutes. Also, URL links are used throughout this document in order to condense this manual without omitting important information.

It is the general policy of this Division (1) to solicit competitive prices for commodities, (2) to purchase commodities at the best price, (3) obtain the quality needed, (4) procure items in a timely manner, (5) conduct on-going training for users, and (6) conduct periodic quality assurance reviews. It is imperative that Historically Underutilized Businesses (HUB) is given an opportunity to bid on commodities and services. It is also the responsibility of this Division to ensure that purchases comply with Statutes, Administrative Code and all other applicable directives.

DOA P&C is responsible for issuing bids on our behalf for all open-market/non- term contract commodities, which are projected to exceed DENR's current purchasing delegation.

Purchasing procedures are supplemental to Chapter 143 of the North Carolina General Statutes, Part I-VII of the North Carolina Administrative Code. The North Carolina General Statutes related to purchasing are primarily found in Chapter 143, Article 3 and 3C. The North Carolina Administrative Code, Title 1, Chapter 5, (<http://www.pandc.nc.gov/admcode.htm>) sets forth the primary operating rules for purchasing.

This tool will provide a valuable source of information for reference. Most of all, we encourage you to give us a call or email us if you have any questions or comments.

ETHICS

Ethics and ethical practices are a major concern in the realm of public purchasing today. Statutes, administrative law, rules and regulations mesh to provide a mechanism for public purchasing; however, only people can make it work. In purchasing, as in all professions, there are values of pride and worth, standards and ideals, specifics of conduct and performance. Impediments to the process must be detected early and safeguards provided at all levels. This applies both to purchasing personnel and the vendor community, as well as, the end-user.

It is **imperative** that all public purchasing personnel be entirely cognizant of the statutory guidelines for ethical behavior. It takes only the slightest hint of impropriety to cast doubt on behavior. Sometimes, it may be even more a "perception" than an actual event. NC General Statute 133-32 outlines basically the same provisions for any contractor, subcontractor or supplier or for any officer or employee of a governmental agency. See:

(http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_133/GS_133-32.html) for more information.

INTEGRITY

Fairness and impartiality in all phases of the procurement process are the essential ingredients in public purchasing. Transactions with vendors, divisions/programs and peers must always be open, honest and objective.

HISTORY OF GENERAL STATUTES

The 1931 North Carolina General Assembly made into law “An Act to create in the Governor’s Office a Division of Purchase and Contract and to prescribe the Powers and Duties Thereof” (P.L. 1931, Chapter 261). It is highly probable that the serious economic depression of the time gave impetus to the passage of this Act. The language of the Act was prepared by the Brookings Institution, a private economic research organization. The law wisely provided for the conduct of the State’s purchasing affairs in accordance with the best established business practices. The merits of this statute through the years have been recognized by its use as a model for similar laws passed by other state legislatures. The Purchasing Act is continuously being revised to update its provisions to accommodate today's marketplace and the concepts of modern business management practices.

COMPETITIVE BIDDING

Competition is the cornerstone around which public contracting is built. In its best form, it is a mirror of a free and open economy. North Carolina’s purchasing program is built on the principle of competitive bidding. When it is not sought or obtained, the reason must be valid and documented.

The importance of seeking competition exists at all levels of expenditure not just in those solicitations above the \$25,000.00 benchmark for DENR. Below the \$25,000.00 benchmark, the competitive element is just as important and can be sought through some form of informal bidding or quotation. All public purchasing personnel must maintain an awareness of the need for and value of competition in every procurement action.

Price alone should not be considered as the sole criteria for evaluation of competition. The lowest responsive and responsible bid prices are the benchmark in North Carolina's purchasing program. The lowest responsive and responsible price allows consideration of many factors, such as compliance with terms and conditions, delivery schedules, specification compliance, types and degrees of service required, inspection and testing procedures, transportation costs, market conditions, warranties and guarantees required, etc. The purchaser's responsibility is to evaluate all the factors to determine the lowest responsive price from all quotes received.

ANTI-TRUST

<http://www.ncleg.net/homePage.pl>

In the General Statute citations, G.S. 75-1 and 75-2 dealing with anti-trust violations are cited. G.S. 133-24 also states that any person who shall engage in any conspiracy or other act in restraint of trade or commerce declared to be unlawful under the provisions of G.S. 75-1 and 75-2 shall be guilty of a felony.

Some anti-trust violations most likely to arise in a procurement context are commonly known as “price fixing” or “bid rigging” and are also referred to as “collusion”. Price fixing among competitors can take many forms. For example, competitors may take turns being the low bidder on a series of contracts or they may

agree among themselves to adhere to published list prices. Any indication or hint that such action is taking place should be reported immediately to the appropriate **law enforcement authorities**.

HISTORICALLY UNDERUTILIZED BUSINESS PROGRAM

[\(http://www.doa.state.nc.us/hub/\)](http://www.doa.state.nc.us/hub/)

As a result of Executive Order 150, issued by the Governor, the Office for Historically Underutilized Businesses was established to encourage increased participation by the Minority, Women and Disabled Business Enterprises in the State's procurement process. The program name changed from Small Business Program to HISTORICALLY UNDERUTILIZED BUSINESS PROGRAM (HUB) to better reflect the intent of this statewide program. All subdivisions and agencies of the State authorized to use the services of DOA in the purchase of materials, supplies and equipment are required to report the amount of purchases made through these identified HUB's (women, minority and disabled businesses) to the DOA Office for Historically Underutilized Businesses. All purchases must be made in accordance with applicable General Statutes.

CORRECTION ENTERPRISES

[\(http://correctionenterprises.com/\)](http://correctionenterprises.com/)

Toll Free: 800-241-0124; Raleigh, 919-716-3600; Fax, 919-716-3975

North Carolina has a preference statute (G.S. 148-134) that controls the sale of prison industry products and prohibits their sale to the private sector.

In accordance with G.S. 148-134, all departments, institutions, and agencies of this State shall give preference to Division of Adult Correction of the Department of Public Safety products in purchasing articles, products, and commodities which these departments, institutions, and agencies require and which are manufactured or produced within the State Prison System and offered for sale to them by Correction Enterprises.

A generic list of products available from Correction Enterprises can be found on the Correction Enterprises webpage. Products available from the private sector, including those of term contracts, shall be purchased only when it is determined by the Division of Purchase and Services (DPS) that the Correction Enterprises product will not satisfy the requirement or will not be delivered within the time frame required. Correction Enterprises is required to keep the price of products substantially in accord with that paid by governmental agencies for similar products of equivalent quality.

AGENCY/VENDOR COMPLAINT SERVICE

<http://www.pandc.nc.gov/divforms.htm>

FOR TERM CONTRACT AND PURCHASES \$25,000.00 AND ABOVE - A centralized agency complaint service has been set up within the DOA P&C, to handle problems that arise between agencies and vendors. When a problem arises with a vendor, whether it is late delivery or incorrect commodities shipped, etc., the first step is to contact the vendor directly in an effort to resolve the problem. If the problem is not resolved satisfactorily within a reasonable time period or it becomes a recurring problem, then this problem will be reported by DPS to the DOA P&C for their involvement for resolution.

The Complaint to Vendor Form is the proper vehicle for reporting complaints against vendors. Copies of this three-part form may be obtained from the DOA P&C at the URL address provided above. The form is sent to DPS. DPS prepares a file and forwards the original copy to DOA P&C. Once this information is received by the DOA P&C, it will be logged into the system and directed to the appropriate purchasing group. A purchaser will then work with the vendor and the agency to resolve the complaint. DOA P&C will be in contact with the purchaser at the local agency for additional information or to report progress in resolving the complaint.

For complaints on purchases handled by DPS contact DPS purchaser that handled the purchase.

OUTREACH AND EDUCATION SECTION

<http://www.pandc.nc.gov/EO/index.asp>

The mission of the Outreach and Education Section is to act as liaison between state agencies, local school authorities, universities, community colleges and vendors and the DOA P&C. The responsibilities of this section include, but are not limited to, the ongoing promotion of good relations between the agencies served by DOA P&C, compliance reviews and agency purchasing training, including workshops when appropriate.

The quality assurance representatives' primary function is to perform quality assurance inspections. They are assigned to designated areas for the state and conduct acceptance inspections as required on a scheduled basis. Their duties include recommending release of payment to contractors following acceptance of the project or item, and re-inspection if necessary whenever a project is not in complete compliance at the time of the acceptance inspection.

COMMODITY SPECIFICATIONS

<http://www.pandc.nc.gov/splist.asp> (Standard Specification)

<http://www.pandc.nc.gov/qplist.asp> (Qualified Products Listing)

The preparation of suitable specifications is constant and ongoing. For many types of requirements standard specifications and QPL's developed by DOA P&C are to be used unless it is determined by DPS that they are not useful to the needed commodity. Sources of information for this purpose are federal, state and other governmental purchasers, standards groups among various industries and manufacturer's associations and technical societies such as the American Society for Testing Materials (ASTM), the Society of Automotive Engineers (SAE), and Underwriter's Laboratories (URL) etc.

Specifications developed by the DOA P&C must determine and select from that which is available in the market and is acceptable. There are several types of specifications as indicated below:

Performance - where function and use of the product needed are the basic requirements.

Design - where particular dimensions and physical requirements of the product and their arrangement are the basic requirements.

Qualified Products List (QPL) - where actual products have been tested or examined and qualified prior to seeking prices.

Brand Name - where the bidding is limited to a single product and only that product will meet an intended need for certain reasons which must be justified and documented.

Brand Name or Equivalent - where one or more products have the characteristics of the item desired.

Generally speaking, performance type specifications are desirable. They tend to be less restrictive, encourage design and production ingenuity on the part of the manufacturer and play a value analysis role in relating cost to function.

By definition a specification can be construed as a restriction; that is, it both includes and eliminates by setting limits on what is acceptable. A specification, however, cannot be unduly restrictive. Usually more than one make, brand or model is satisfactory for a need. Therefore, in seeking competition on products which are designed and marketed by the sellers, the buyer must determine a level of suitability which establishes the minimums and maximums of acceptability. In this sense a specification is likely to be imperfect – an approximation – such that analyses and judgments as to best value have to be made after bids are received and the products and prices offered are compared. Too much detail, just as not enough detail, in purchase specifications can impair competition and result in incorrect conclusions. The particular product or service ultimately acquired and the supplier of it are a result of purchasing decisions made through the evaluation of competitive proposals and of compliance with specifications. Any user request for a Standard Specification or QPL for DOA P&C to develop is to be routed through DPS first.

RECIPROCAL PREFERENCE LAW

(<http://www.pandc.nc.gov/rplaw.htm>)

Session Law 2001-240 went into effect January 1, 2002, to discourage other states from applying in-state preferences against North Carolina's resident bidders. Accordingly, the Secretary of Administration has adopted rules pertaining to reciprocal preference.

The law requires that all agencies apply a reciprocal preference, when required (see North Carolina Administrative Code 1NCAC 5B.1522) on all contracts for equipment, materials, supplies, and services that exceed \$25,000.00 in value when that state has an in-state preference law. This shall be done for the purpose of determining the lowest bidder.

North Carolina General Statute 143-59(b), requires all departments, institutions, and agencies of the State to use this list when evaluating bids \$25,000.00 and more. For the purpose only of determining the low bidder on all contracts for equipment, materials, supplies, and services valued at over \$25,000.00, a percent of increase shall be added to a bid of a non-resident bidder that is equal to the percent of increase, if any, that the State in which the bidder is a resident adds to bids from bidders who do not reside in that State.

SUSTAINABILITY

(<http://www.p2pays.org/ref/03/02221.pdf>)

Executive Order #156, issued a challenge to State Government to set an example of environmental stewardship in the way we conduct our operations and our businesses. DENR employees should strive to minimize the environmental impacts by responsible purchasing. DENR should demonstrate leadership in buying recycled and environmentally preferable (EP) products. The following web sites are excellent resources for these items; we promote reuse, prevent waste, reduce toxicity or conserve energy.

(<http://www.p2pays.org/epp/>)

(<http://www.pandc.nc.gov/SustainabilityInformation.htm>)

SPECIAL DELEGATIONS

(<http://www.pandc.nc.gov>)

The DOA P&C may authorize agencies to obtain certain goods or services without limitation. These Special Delegations specific to the NC Department of Environment and Natural Resources are issued on a case by case. Special Delegations may be awarded when it has been determined that it serves no practical purpose to be handled by the DOA P&C. Please see Statewide and agency specific special delegations granted by DOA P&C and information regarding the use of these Special Delegations may be found in the DOA P&C Purchasing Manual (<http://www.pandc.nc.gov/documents/wholeapm.pdf>). Before proceeding with the purchase under the special delegation, contact DENR DPS for internal procedures.

EMERGENCY PURCHASES-COMMODITIES/SERVICES (NOT INCLUDING COMPUTER RELATED ITEMS OR SOFTWARE)

An emergency condition is a situation that creates a threat to public health, employees, property, equipment, etc. They may arise by reason of natural or man - made causes and can occur during or after normal business hours. (The department head or their appointee may determine if an emergency situation exists). When an emergency arises, **best practice methods** for procuring an item or service is to be used. This includes obtaining competitive pricing when and where feasible. The department head or appointees shall as soon as possible make determination and submit written documentation to DPS stating the basis of the emergency.

Depending on the amount of the expenditure and or the nature of the procurement of the commodity or service, it may have to be reported to the DOA P&C Board of Award as a matter or record.

EMERGENCY PURCHASES-DESKTOPS/LAPTOPS

Due to Senate Bill 991, this emergency provision excludes desktops, laptops, and printers.

For emergency desktop and laptop purchases outside the bulk order, you must:

- Have an approved RE if the total cost is over \$2,500.00
- Place "Emergency Purchase – not for Bulk Order" in the title of the requisition.
- Place a justification in the comment section of the requisition leaving the block unchecked.

- Submit to DPS for processing and routing to the Statewide IT Procurement Office for approval.
- Once the Statewide IT Procurement Office approval is given, DPS will process the requisition and cut the Purchase Order.

UNAUTHORIZED PURCHASES

(<http://portal.ncdenr.org/web/ps/contacts>)

Established purchasing rules and regulations ensure that General Statutes and NC Administrative code requirements are adhered to. In addition, a uniform procedure offers continuity of the purchasing process for all users. These issues, when compounded, offer the highest level of purchasing integrity available. From time to time DPS is audited for compliance by the Department of Administration; therefore, it is essential that all Divisions follow these rules and regulations. DPS will not backdate purchase orders to compensate for unauthorized purchases. We also understand that on occasion special circumstances (true emergencies) arise in which alternative methods might have to be employed; however, these are few and far between. If you have any questions on the procedures contact any DPS employee listed at the website above.

DIVISIONAL DELEGATION

You will notice a change in the delegation amounts under certain conditions for commodity purchases (for more information **see the Pcard Manual at:**

[http://www.enr.state.nc.us/purchase/pdf/Pcard%20Policy%20manual%202009%20\\$2500%20STL%203-12-10.pdf](http://www.enr.state.nc.us/purchase/pdf/Pcard%20Policy%20manual%202009%20$2500%20STL%203-12-10.pdf))

Generally, prices have increased over the years compounded with expanding needs of DENR, have contributed to increased delegations. Regularly scheduled Compliance/Quality Assurance Reviews by DPS personnel for all divisions will be conducted to ensure compliance with this manual. DPS reserves the right to adjust or completely eliminate the division's delegation amounts, either on a division case by case or departmental wide basis.

TRAINING

As rules and regulations change and divisional turnovers occur, DPS will provide training to those responsible for purchasing. Depending on the complexity of training needed, this may be combined with the Compliance/Quality Assurance Reviews.

COMPUTER BULK PURCHASE INSTRUCTIONS

The Statewide IT Procurement Office now conducts statewide computer bulk purchases due to a directive from the General Assembly in Senate Bill 991. It requires each Agency's Purchasing Office to submit their desktop and laptop needs to them via the North Carolina eProcurement System in order to consolidate the purchase of these commodities thereby achieving a maximum discount through the bid process. This is a mandatory directive; therefore, no desktops or laptops can be purchased with the Pcard or through Direct Pay methods. The Statewide IT Procurement Office lists the configurations and bulk purchase schedule on their website: http://www.scio.state.nc.us/sit_Initiative_ITVolumePurchasing.asp. If DENR decides to participate in the computer bulk purchase, DPS will release information (including detailed instructions) to the divisions.

PRINTER BULK ORDER PURCHASE

Printer purchases also fall under Senate Bill 991, although DENR Division of Purchase and Services procedures are relatively the same as they have always been with a few exceptions:

- You may **not** purchase printers with your Pcard or by Direct Pay Methods.
- You **must** submit your requisitions through the **North Carolina eProcurement System**, not IBEAM.
- You do not have to “hold” your requisitions until the next scheduled Statewide IT Procurement Office printer bulk order. Please submit them via the North Carolina eProcurement System as you need them.
- If the printer purchase is not an emergency, you may receive your printer within a month and a half to three months, depending on the date that you submitted your requisition as it corresponds with the Statewide IT Procurement Office Printer Bulk Order Purchase schedule.
- Once DPS receives your requisition, it will be consolidated into one request and sent over to the Statewide IT Procurement Office for processing. When the Statewide IT Procurement Office approval is given, DPS will process each requisition and cut the Purchase Order.

FOR EMERGENCY PURCHASES

- If you have an **emergency purchase**, please place “Emergency Purchase – not for Bulk order” in the title of the requisition. Place your justification for any emergency purchases in the comment section with the block unchecked. If the total price is over \$2,500.00, you must have an approved RE on file.

If you have any questions regarding this process, please contact DENR DPS at (919)707-8525.

SAFETY REVIEW OF CERTAIN ITEMS FOR PURCHASE

<http://www.enr.state.nc.us/safety/index.html>

<http://www.osp.state.nc.us/emprsk/safety/handbook/table.htm>

This section is to ensure that certain items purchased by DENR are reviewed for safety requirements that are consistent with the State's Workplace Safety Requirements Manual; Specifically as it applies to the Purchase Approval Requirement for Safety & Health, and as noted in Chapter 2, B (6) and section B (6) of each division/office/program chapter of the DENR Written Safety Manual.

The New Equipment Safety Review Subcommittee for each division/program is to conduct an equipment safety review and assessment for equipment (new or used) machinery, chemicals and biological agents; as well as requests for new or renovations to equipment/maintenance facilities. The review and assessment ensures that specifications note applicable safety design features and that safety issues relevant to the location, use and operation are considered, assessed and provided where necessary. The division/office/program's New Equipment Safety Review Subcommittee Chairperson certifies that a safety review has occurred prior to submission for the purchase.

New or used equipment includes, but is not limited to, any item having a speedometer, odometer, or hour meter. Powered instruments, most power tools and certain high-risk office and laboratory equipment. (i.e. Electric paper shredder, hydraulic and power press, centrifuges) are other examples that need an initial review by your subcommittee.

Upon written documentation that a safety review has occurred, purchase approval will be done at the division level via the North Carolina eProcurement System process. In addition, at the time of receipt of the item a supervisor having control over the equipment's use shall document that the item was inspected for safety issues prior to its intended use.

REQUEST FOR EXCEPTION (RE) FOR PURCHASING COMPUTER HARDWARE

Due to Senate Bill 991, all purchases of computer hardware must be routed through the Statewide IT Procurement Office for a final approval before a purchase of desktops and laptops and printers can be made. If an emergency arises and the purchase of desktops, laptops and or printers are needed outside the bulk order purchase, then a RE is required. The Statewide IT Procurement Office does a printer bid every two months, therefore, depending upon when you send your requisition to DPS; you may get your printer within one and a half to three months.

You may no longer use your Pcard or direct pay methods to purchase any of the above items. The Statewide IT Procurement Office is monitoring the reconciliation of our Pcard records; therefore, it is very important to follow this rule carefully. If you have an urgent need, please note it on the RE form and requisition so that it is clearly identified.

RE's are also needed for software (see procedures below), servers, GPS units, mobile ruggedized computers, handheld computers or tablet computers. Purchases must not be split among two or more RE's. The Pcard may only be used for transactions less than **\$2,500.00**, unless otherwise noted herein.

RE process for obtaining signatures:

- 1) Print and complete the RE form that is located on the DPS web site:
(<http://www.enr.state.nc.us/purchase/pdf/Request%20for%20Exception%20to%20Purchase.doc>)
- 2) Have your Division Director sign and date it.
- 3) Send to DPS and keep a copy for your files.
- 4) DPS will sign and forward to DENR ITS.
- 5) DENR ITS will forward to the Division of Budget, Planning and Analysis (BPA) for approval and BPA will forward it (approved or disapproved) to the Division of Purchase and Services.
- 6) A copy will be faxed to the using division.

All purchases of software regardless of the cost, must be routed through DENR's ITS office for approval and should be faxed directly to DENR's IT representative at (919) 715-0327. Note that software maintenance agreements do not need a RE unless they are over \$2,500.00. The Pcard may be used for any software purchase under \$2,500.00. Please note that if the item is available on state term contract, you must purchase from a vendor on that contract.

**THE DOLLAR AMOUNTS NOTED HEREIN ARE FOR THE TOTAL PURCHASE.
DO NOT SEPARATE PURCHASES IN ORDER TO CIRCUMVENT THE PROCESS.**

ITEM	IS RE NEEDED?	IBEAM?	CAN USE Pcard?
DESKTOPS	YES, IF OVER \$2,500.00 UNLESS PART OF THE BULK ORDER, THEN "NO"	YES	NO
LAPTOPS	YES, IF OVER \$2,500.00 UNLESS PART OF THE BULK ORDER, THEN "NO"	YES	NO
PRINTERS	YES, IF OVER \$2,500.00	NO	NO
SERVERS	YES, IF OVER \$2,500.00	NO	YES, IF UNDER \$2,500.00
GPS UNITS	YES, IF OVER \$2,500.00	NO	YES, IF UNDER \$2,500.00
Mobile Ruggedized Computers	YES, IF OVER \$2,500.00	NO	YES, IF UNDER \$2,500.00
Handheld Computers	YES, IF OVER \$2,500.00	NO	YES, IF UNDER \$2,500.00
Tablet Computers	YES, IF OVER \$2,500.00	NO	YES, IF UNDER \$2,500.00
FAX ALL ABOVE REs TO P&S at (919) 715-0720			
ANY SOFTWARE	YES, NO MATTER THE COST (FAX DIRECTLY TO ITS AT 919-715-0711)	NO	YES, IF UNDER \$2,500.00

REQUEST FOR EXCEPTION GUIDELINES – NON-COMPUTER PURCHASES

Due to the budget constraints facing state government, Governor Perdue has required that all state agencies revert a percentage of funds until further notice. To enact this requirement, DENR now requires that all Division's prepare and have approved by (BPA) a Request for Exception to Purchase for all items that cost \$25,000.00 or more. See the following guidelines:

Purchase of Goods and Services

- The Department will immediately begin requiring the submittal of an "approved Request for Exception" form for all proposed purchase orders and contracts that will have an estimated dollar value greater than \$25,000.00.
- Routing process for the "Request for Exception" are as follows:
The division will obtain appropriate signatures as listed on the form.
The division will send the "Request for Exception" to BPA.
BPA will route the Request for Exception to the Secretary's Office for approval.
"Request for Exception" documents (including those approved and denied) will then be routed to the requesting division.
- Divisions will then submit their purchase requests/contract requests to DPS for processing, with a copy of the "approved Request for Exception".
- All divisions will comply with the same "Request of Exception" requirements.

ALL ITS PURCHASES REQUIRE AN APPROVED REQUEST FOR EXCEPTION (RE)

PURCHASING DEFINITIONS – CONTRACTUAL SERVICES

Agency Specific Term Contract: A contract administered by the Department of the Environment and Natural Resources that enables the end user to purchase commodities at a set price for a pre-determined period of time. An Agency Specific Term Contract results from a contract awarded on the basis of the competitive bidding process. Most Agency Specific

Contracts are for a 12-month period but can be awarded for longer or shorter periods of time. If the contract value exceeds \$25,000.00, it must be approved and may be advertised by the DOA P&C.

Blanket Purchase Agreements: Blankets have a very limited use. They are for a period of one year or less and are limited by quantity or dollar value whichever is reached first.

(Examples of some blankets are safety shoes, janitorial supplies, oil)

Consultant Contract refers to a contract to have work or task(s) performed by state employees or independent contractors possessing specialized knowledge, experience, expertise and professional qualifications to investigate assigned problems or projects and to provide counsel, review, analysis or advice in formulating or implementing improvements in programs or services. This may include (by way of illustration, not limitation) the organization, planning, directing, control, evaluation and operation of a program or agency. Consultant contracts must be approved by the Governor's Office.

Contract Administrator (CA) refers to the contract manager or person knowledgeable about the technical aspects of the contract (i.e., requirements/deliverables/timetable/additional work required, etc.)

Contract Amendment refers to any modification or alteration to the terms and conditions of a fully executed contract, Memorandum of Agreement or Memorandum of Understanding.

Examples of a modification or alteration include (by way of illustration, not limitation) no-cost time extensions, increases in services, increases or decreases in the contract amount. Once a contract's expiration date has passed, the contract cannot be amended because a contract no longer exists.

Convenience Contract refers to an agreement used by state agencies to acquire computer systems support and services and is administered by the Statewide IT Procurement Office.

Department refers to the Department of Environment and Natural Resources.

Direct Purchase Contracts: There are no Direct Purchase Contracts. There is a direct payment process for one-time services of \$2,500.00 or less, where the service may be acquired and invoiced and the invoice is handled as a direct payment. There is also a direct payment for commodities through the use of the State Pcard for the over the counter purchase of certain approved commodities less than \$2,500.00.

Division of Purchase and Contract refers to a Division of the Department of Administration responsible for administering the State's procurement program for acquisition of goods and services.

Effective Dates of Contract refers to the date services being contracted for are to begin (the date the contractor is to begin work) and the date the work is to be finished. The total time period of a contract may

not exceed three (3) years without prior approval (before the contract is entered into by DENR) from DOA P&C. A contractor must not begin work until a fully executed contract is in place.

Emergency or Pressing Need Contract: Contracts issued for the purchases of commodities, printing or services in the open market in cases of emergency or pressing need. For this purpose, a pressing need is one arising from unforeseen causes including, but not limited to, delay by contractors, delay in transportation, breakdown in machinery, or unanticipated volume of work while emergencies are defined as situations which endanger lives, property or the continuation of a vital program and which can be rectified only by immediate, on-the-spot purchases or rental of commodities, printing or services.

Grant Contract refers to a contract issued as a result of an award of a Request for Proposal conducted by the DENR Division who has been awarded the grant funds and was given grant making authority by the funding source.

Grant Request for Proposals refers to a solicitation document issued by a DENR Division to applicable entities as defined by the funding source (i.e. government, non-profit, local government, university, for profit, etc.) requesting proposals to address specific environmental issues required to meet the specifications of a grant.

Information Technology Contracts: A contract for goods or services related to information technology. Goods are defined as any information technology commodities including equipment, materials, or supplies. Services is defined as any process of providing services requiring specialized knowledge, experience, expertise, professional qualifications, or similar capabilities for any aspect of information technology including, but not limited to, work or task performance, review, analysis, and advice in formulating or implementing improvements in programs or services. All contract exceeding \$25,000.00 are forwarded to the State IT Procurement Office for processing.

Maintenance Contract refers to arrangements for routine servicing of machinery such as office equipment, telephone systems, etc.

Memorandum of Agreement or Memorandum of Understanding refers to instruments negotiated between the Department and other agencies of state, federal and local governments and private non-profit entities to provide for an exchange of services or to describe the conditions under which one agency will provide services for another. These agreements do not provide for payment for services rendered. MOAs or MOUs are signed by the parties to the agreement.

Open Market Contracts: Any contract where the requirement is openly advertised and whose award is based upon the competitive bidding process where offers are solicited, received, evaluated and awarded the lowest responsive and responsible bidder.

Personal Service Contract refers to a contract to secure a professional service on a temporary or occasional basis, including (by way of illustration, not limitation) those provided by a doctor, dentist, attorney, scientist or performer of the fine arts and similar profession. A Personal Service contract is issued to an individual only; individual cannot be a current state employee or an employee reduced in force (RIF) within the past 12-months.

Purchase and Contract Section refers to a Section of the Division of Purchase and Services, Department of Environment and Natural Resources, responsible for administering the Department's procurement programs for acquisition of goods and services.

Service Request for Quotation (RFQ-S) refers to the departmentally approved solicitation document utilized by DENR to solicit competitive bids from vendors for non-complex services estimated to cost less than \$10,000.00. The Scope of Work defines the exact task(s) or service(s) to be provided, when, where, how often, etc. (e.g., non-complex lawn maintenance; non-complex janitorial services; etc.). Award is based on low offer meeting RFQ-S specifications.

NOTE: At no time should there be any discussions between the requesting Division and any of the vendors who have furnished quotes until after the procurement process has been completed.

Service Request for Proposals (1-step - Cost Offer only) refers to a sealed solicitation document issued by the Division of Purchase and Services seeking competitive bids for a more complex service(s) required to be provided to a Division. The Scope of Work defines the exact task(s) or service(s) to be provided, where, when, how often, etc. (e.g., complicated lawn maintenance, complicated janitorial services). Award is based on low offer meeting RFP specifications.

NOTE: At no time should there be any discussions between the requesting Division and any of the vendors who have furnished Request for Proposals responses until after the procurement process has been completed.

Service Request for Proposals (2-step - Technical proposal and Cost offer) refers to a sealed solicitation document issued by the Division of Purchase and Services seeking competitive bids for a service(s) required to be provided to a Division. The Scope of Work outlines the exact task(s) or service(s) to be provided, where, when, how often, etc OR THE OUTCOME EXPECTED BY THE REQUESTING DIVISION.

A technical proposal, in a "sealed envelope", is submitted by the offeror, detailing how or what method the offeror will utilize to provide the required service. A cost proposal in a "sealed envelope" is submitted by the offeror indicating the cost to provide the required service(s). Technical proposals are reviewed before Cost Proposals are opened. Once the Division has reviewed the Technical Proposals, they will notify the Division of Purchase and Services, via memorandum, as to which proposals met the specifications and which did not. The memorandum must be specific with regards to why those not meeting specifications failed to do so. The Division of Purchase and Services will then give the offeror(s) whose bids were deemed technically acceptable a three day notification of the "Cost Proposal" opening date/time. Then at the appointed date/time the "Cost Proposals" will be opened and tabulated. Award is based on low offer of acceptable technical proposals.

NOTE: At no time should there be any discussions between the requesting Division and any of the vendors who have furnished Request for Proposals responses until after the procurement process has been completed.

Service Contract refers to a contract for work to be performed by an independent contractor requiring specialized knowledge, experience, expertise or similar capabilities wherein the service rendered does not consist primarily of acquisition by the Department of equipment and materials. The services may include (by way of illustration, not limitation) janitorial services, patient care, film production, keypunching data entry, employee training, etc.

Sole Source Contract refers to a contract with the only provider of the particular service. Generally, a sole source contractor possesses some unique qualifications not available elsewhere. Sole source requests must be strongly documented. Contract requests for Sole Source where the total value of the contract payable exceeds \$10,000.00 will have to be approved by DOA P&C prior to contract issuance.

Secretary refers to the Secretary of the Department of Environment and Natural Resources.

Third-Party Financing Contracts: These are contracts solicited by an Invitation for Bids for the financing of large dollar values items. Items financed typically include trucks, heavy equipment, aircraft, etc. These contracts are processed and awarded by DOA P&C as they typically exceed this agency's delegation

Waiver of Competition refers to a process by which contracts are issued without seeking competition based on justification submitted by the Requesting Division to the Division of Purchase and Services and approved by the Division of Purchase and Services (if the total contract amount payable is less than \$10,000) or DOA P&C (if the total contract amount payable exceeds \$10,000.00).

PURCHASING DEFINITIONS - COMMODITY PURCHASING

1. **Blanket Purchase Order** – Blankets have a very limited use. They are for a period of one year or less and are limited by quantity or dollar value whichever is reached first. This enables the customer to purchase a commodity (ies) at a set price for a predetermined period of time. (Examples are; safety shoes, janitorial supplies, etc.)
2. **Bulk Order Purchasing** – Orders for a particular item are combined together and bid out to several vendors in order to obtain discount prices.
3. **Board of Award** – Rotating Subcommittee of the Advisory Budget Commission comprised of legislative members/private citizens designated for the purpose of canvassing bids and recommending the award of contracts to the Secretary of Administration. The Board of Award normally meets on a weekly (usually on Thursday) basis. The Board of Award also serves as a check and balance to the proper expenditure of appropriated funds.
4. **Brand Specific Justification** – A detailed explanation stating reason(s) your particular commodity (ies) must be produced by a particular manufacturer. The explanation should give specific examples of why an equivalent commodity meeting the same specification will not meet your needs.
5. **Budget Code Breakdown** – Accounting Code at the bottom of the Purchase Requisition designating the appropriate charging information.
6. **Catalog** – A term contract item which has been loaded into the North Carolina eProcurement System.
7. **Certification Number** – Term contract number assigned by the DOA P&C or the Statewide IT Procurement Office.
8. **Change Order** – North Carolina eProcurement System generated form used to change quantity, commodity and/or price on a purchase order.
9. **Commodity** - Any equipment, materials, or supplies. Also referred to separately in this manual as a good and item(s).
10. **Commodity Number** – Pre-assigned numbers used to identify an item within a particular class/group.
11. **Complaint to Vendor** – Form completed by the customer detailing problems encountered (quality, delivery, service, etc.) with items noted on specific purchase orders.
12. **Contract Certification** – Document used by the DOA P&C and the Statewide IT Procurement Office, to inform a vendor and DENR that a bid has been awarded. A purchase order is issued when this contract certification document is received in the DPS, Purchase and Contract Section.
13. **Delegations:**
 - a. General Delegation: The authority granted by the SPO for an agency to handle purchases made under a certain dollar amount, in accordance with the guidelines in this manual.

- b. **Special Delegation:** The authority granted by the SPO for an agency to handle a specific or special purchase, where it would serve no practical purpose for the purchase to be handled by DOA P&C.
14. **Emergency Purchases** – An emergency can be defined generally as a situation that endangers lives, property or the continuation of a vital program.
15. **E-mail** - When practical users should submit information via the email system. This will expedite the communication process and reduce paperwork.
16. **E-Procurement** - Electronic procurement of goods and/or services. North Carolina eProcurement System combines the use of internet technology with procurement best practices to streamline the purchasing processes and reduces costs.
17. **Equote** – Equote is a tool within the North Carolina eProcurement System that can be used to solicit and review quotes from multiple suppliers for a good or service. The tool is to be used for small, open market purchases.
18. **Requisition**- An internal electronic document by which a using State agency sends details of supplies, services, or materials that they are requesting to be purchased. It may contain requests for goods/services from multiple suppliers.
19. **Executive Order 50 (EO50)** - The North Carolina Business Preference is a price matching option for North Carolina businesses bidding on state contracts. This preference provides an opportunity for North Carolina businesses (if the business requests the preference) who are not the lowest bidder to match the out-of state bidder's response if the North Carolina business is within 5% or \$10,000.00 (whichever is lower) of the lowest out- of-state bidder's response.
20. **FOB Destination** – Term used to indicate freight charges are included in the vendor's quoted price to your location.
21. **Historically Underutilized Business** – A business owned/or with majority control (51% or greater) by minorities, women and persons with disabilities.
22. **Interactive Purchasing System (IPS)** – Area on the Division of Purchase and Contract's, Department of Administration's home page where solicitation documents are posted on the Internet.
23. **Justification** – A well-defined explanation by the requesting division/customer stating the need for a particular commodity or service.
24. **NC @ Your Service** – The NC @ Your Service Project Office has been established to fulfill the goals of North Carolina's E-Government Initiatives;
- Determine a consistent approach for citizens and businesses to transact business with the State
 - Develop a shared vision among all agencies for e-government, including common business models and a shared technical infrastructure
 - Create a standards-based approach for implementing e-government applications

25. **Non-catalog** – A non-catalog item is either a noncontract (open market) commodity or a term contract item which has not been loaded into the North Carolina eProcurement System.
26. **Noncontract** – Commodities available in the open-market arena that are not covered by an existing term contract.
27. **Performance/Functional Specifications** – Detailed specifications indicating exactly what the equipment function is to be once the equipment is purchased, installed and operational.
28. **Prepay and Add** - Term used to indicate the vendor **has not** included freight charges in their quoted price.
29. **Procurement Card (Pcard)** - A credit card issued to an individual in a division which enables the user to purchase goods and services without the issuance of a purchase order and without using the direct payment process.
30. **Purchase and Contract, Division of (DOA, P&C)** – A Division of the Department of Administration responsible for administering the state’s program for the acquisition and management of goods and services in excess of DENR’s current delegation of \$25,000.00 for open-market commodities and contractual services.
31. **Purchase and Contract Section**– A section of DPS, responsible for administering the Department’s policies for acquisitions of goods and services. DENR Purchase and Contract Section currently purchases open-market/non-contract commodities up to \$25,000.00 for open market commodities and contractual services.
32. **Purchase Order** – Form issued from the information submitted on the Purchase Requisition requesting certain commodities. The Purchase Order is sent electronically through the North Carolina eProcurement System to the vendor supplying the commodities and authorizes shipment.
33. **Qualified Products List (QPL)** – A list DOA P&C develops so that they may examine and pre-qualify brands and models of products on the basis of samples and tests.
34. **Request for Quotation for Commodities (RFQ-C)**– Form used to obtain written prices from vendors for commodities
35. **Request for Quotation for Services (RFQ-S)** – Form used to obtain written quotes from vendors for services.
36. **Requisition** – An online request from a division indicating the commodity (ies) which need to be purchased.
37. **Reciprocal Preference** - A percentage of increase added to a bid of a nonresident bidder that is equal to the percentage of increase, if any, that the State in which the bidder is a resident adds to bids from bidders who do not reside in that State.
38. **Safety Review** - Process to ensure that certain items purchased by DENR are reviewed for safety issues consistent with the requirements of the State's Workplace Safety Requirements Manual. The review and assessment ensures that specifications note applicable safety design features and that

safety issues relevant to the location, use and operation are considered, assessed and provided where necessary.

39. **Sole Source**– The commodity (ies) requested is (are) available from only one vendor. Competitive quotations cannot be obtained. If an item is sole source the agency must provide a signed, detailed explanation giving reasons this commodity is available from only one supplier.
40. **Specifications** – A detailed list indicating all technical data (dimensions, weight, color, etc.) for a particular commodity.
41. **Standard Specifications (DOA P&C)** –Specifications are located on DOA P&C’s website in order to inform the end user of the expectations that the state has for a particular product/item.
42. **Sustainability** - The process of meeting the needs of the present without compromising the ability of future generations to meet their needs.
43. **Term Contract** – A contract administered by the DOA P&C or the Statewide IT Procurement Office. A term contract results from bids advertised by the DOA P&C or the Statewide IT Procurement Office and covers commodities used most frequently by all departments of State government. While most term contracts cover a period of 12 months some may be issued for different periods of time.
44. **Vendor** - One who sells goods or services; a supplier.
45. **Vendor Link** - A free online vendor registration system which enables registered vendors to receive next day e-mail notification of procurement opportunities for products and services in the areas they have selected.
46. **Vendor Number (Federal ID)** – A nine digit number assigned to a vendor by the Federal Government. The vendor number is noted on numerous forms such as Request for Quotation for Commodities form (RFQ-C), Request for Quotation for Services form (RFQ-S) and Telephone Quote form.
47. **Waiver of Competition** - Waiver of competition is allowed under certain conditions. These conditions allowed are outlined under the North Carolina Administrative Code, Section 5, Subchapter 5B, item .1400.
(<http://www.pandc.nc.gov/admcode.htm>)
48. **Written Quotation** – Prices obtained from vendors utilizing the Request for Quotation for Commodities form (RFQ-C) and the Request for Quotation for Services form (RFQ-S).

PURCHASING FLOW CHARTS-COMMODITIES

PURCHASING FLOW CHART – PART I - CORRECTION ENTERPRISES PURCHASES

1. Can the item be obtained from Correction Enterprises? (<http://correctionenterprises.com/>)
2. If you are unsure an item is available from Correction Enterprises, consult with the Division of Purchase and Services/Purchase and Contract Section or with the Sales team with Correction Enterprises.
3. Online purchase requisition entered into the North Carolina eProcurement System for processing. (<http://eprocurement.nc.gov/>)
4. Purchase requisition routed through respective internal division approval path for review/approval and signature. Does the item require safety review and approval?
5. Purchase requisition is received in DPS online through the North Carolina eProcurement System.
6. Purchase requisition is reviewed for compliance/accuracy and processed into a purchase order by appropriate DPS staff.
7. Purchase order is forwarded electronically to the vendor. A file copy with supporting documentation is maintained in DPS' Purchasing file. The requestor will receive an e-mail notification from the North Carolina eProcurement System once the requisition has been fully approved.
8. Purchased item(s) received by division (customer). Division must enter online receipt as appropriate and forward required documentation to the Office of the Controller for payment to be made to the vendor.
9. Closure of purchasing process.

PURCHASING FLOW CHART – PART II - TERM CONTRACT COMMODITIES

1. Can the item be obtained from Correction Enterprises (<http://correctionenterprises.com/>)? If you are unsure an item is available from Correction Enterprises, consult with DPS/Purchase and Contract Section or with the Sales team with Correction Enterprises.
2. Is item on state term contract (<http://www.pandc.nc.gov/StateWideContracts.htm>)? If unsure consult division purchasing personnel DPS/Purchasing staff.
3. Purchase requisition routed through respective internal division approval path for review/approval and signatures.
4. Purchase requisition is received in DPS online through North Carolina eProcurement System.
5. Purchase requisition reviewed for term contract compliance/accuracy and processed into a purchase order by appropriate DPS staff.
6. Purchase order is forwarded electronically to the vendor. A file copy with supporting documentation is maintained in DPS' Purchasing file. The requestor will receive an e-mail notification from the North Carolina eProcurement System once the requisition has been fully approved.

7. Purchased item(s) received by division (customer). Division must enter online receipt as appropriate and forward required documentation to the Office of the Controller for payment to be made to the vendor.
8. Closure of purchasing process.

(NEW) PURCHASING FLOW CHART – PART III - OPEN-MARKET COMMODITIES UP TO \$2,500.00 (DIRECT PAYMENT)-NON CORRECTION ENTERPRISES OR TERM CONTRACT PURCHASES

DIRECT PAYMENTS

Does the item require safety review and approval?

Direct pay authorization limit for open-market/noncontract purchases is up to \$1,500.00 (including freight charges). Documentation is not required however, divisions/regional offices should establish (if not already existing) internal review processes.

Competitive telephone quotes for open-market/noncontract purchases valued between \$1,500.01 - \$2,500.00 are processed as direct payments. A minimum of three telephone quotes are to be obtained using the DPF-7 form. Include this completed form with the direct pay request.

(NEW) PURCHASING FLOW CHART – PART IV - OPEN-MARKET COMMODITIES \$2,500.01-\$10,000.00

1. Can the item be obtained from Correction Enterprises (<http://correctionenterprises.com/>)? If you are unsure an item is available from Correction Enterprises, consult with DPS/Purchasing and Contract Section or with the Sales team with Correction Enterprises.
2. Is item on state term contract (<http://www.pandc.nc.gov/StateWideContracts.htm>)? If unsure consult division purchasing personnel DPS/Purchasing staff.
3. Does the item require safety review and approval?
4. Obtain Request for Exception (RE) form approval if needed.
5. Online purchase requisition entered into the North Carolina eProcurement System for processing. (<http://eprocurement.nc.gov/>)
6. Purchase requisition routed through respective internal division approval path for review/approval and signatures.
7. Purchase requisition is received in DPS online through the North Carolina eProcurement System.
8. Purchase order issued by appropriate DPS staff if all supporting documentation is valid.
9. If written quotations (obtained on the Departmental approved form with the State's Terms and Conditions attached) or **eQuotes** (3 required when totals are in excess of \$2,500.00) are not valid or have not been obtained by the requesting division, quotations will be obtained by a DPS purchaser.
10. Vendor quotation responses are sent to using division for review and recommendation. The Division's written recommendation is returned to DPS.

11. DPS reviews recommendation package leading to issuance of purchase order through the North Carolina eProcurement System.
12. Purchase orders are forwarded electronically to the vendor. If it is determined by DPS staff that a hard copy file is needed, a file copy with supporting documentation is maintained in DPS; otherwise, all documentation will be scanned into the North Carolina eProcurement System and become a part of the electronic file only. The requestor will receive an e-mail notification from the North Carolina eProcurement System once the requisition has been fully approved.
13. Purchased item(s) received by division they must enter online receipt as appropriate and forward required documentation to the Office of the Controller for payment to be made to the vendor.
14. Closure of purchasing process.

PURCHASING FLOW CHART – PART V - OPEN-MARKET COMMODITIES-\$10,000.00 - \$25,000.00

All open-market requisitions totaling \$10,000.00 up to \$25,000.00 (all inclusive price), must be posted on the Interactive Purchasing System (IPS) by the Division of Purchase and Services. The end user is required to submit all pertinent specifications and approvals for the bid to be created and posted on the IPS. A bid opening date is specified and once opened and tabulated on the IPS; the bid package is forwarded to the division for review and recommendation. The complete package including a letter of recommendation is forwarded back to DPS and an award is made to the lowest acceptable bidder, which met specifications unless the award is made under Executive Order 50 criteria.

1. Can the item be obtained from Correction Enterprises (<http://correctionenterprises.com/>)? If you are unsure an item is available from Correction Enterprises, consult with DPS Purchase and Contract Section or with the Sales team with Correction Enterprises.
2. Is item on state term contract (<http://www.pandc.nc.gov/StateWideContracts.htm>)? If unsure consult division purchasing personnel or DPS/Purchasing staff.
3. Does the item require safety review and approval?
4. Obtain an approved RE if required based on current RE rules.
5. Online purchase requisition entered into the North Carolina eProcurement System for processing. (<http://eprocurement.nc.gov/>)
6. Purchase requisition routed through respective internal division approval path for review/approval and signatures.
7. Purchase requisition is received in DPS online through the North Carolina eProcurement System.
8. Please note: Vendor Lists are not used when the RFQ-C is posted on IPS. DPS will post the RFQ-S to the IPS.
9. Vendor quotations are received in DPS. The responses are tabulated and entered on IPS.
10. Responses are routed to the division for review and recommendation.

11. DPS reviews recommendation package from the division leading to issuance of purchase order through the North Carolina eProcurement System.
12. Award information is posted on IPS.
13. Purchase order is issued and forwarded electronically to the vendor. A file copy with supporting documentation is maintained in the DPS Purchasing file. The requestor will receive an e-mail notification from the NC E-Procurement System once the requisition has been fully approved.
14. Purchased item(s) received by division (customer). Division must enter online receipt as appropriate and forward required documentation to the Office of the Controller for payment to be made to the vendor.
15. Closure of purchasing process.

PURCHASING FLOW CHART – PART VI - OPEN-MARKET COMMODITIES GREATER THAN \$25,000.00

All requisitions totaling more than \$25,000.00 with all pertinent specifications and approvals are forwarded to DOA P&C by DPS. The DOA P&C State Procurement Specialists are responsible for creating an open-market Invitation for Bid and posting that bid on the IPS. On the specified bid opening date, the bids are opened and tabulated on the IPS. The bid package is forwarded back to the DENR DPS, where the Department Purchasing Agent reviews the package and forwards the package back to the Division for review and recommendation. Note: If other than low bidder(s) is recommended the division must explain "thoroughly" why the low bidder(s) is not recommended for award of the bid.

1. Can the item be obtained from Correction Enterprises (<http://correctionenterprises.com/>)? If you are unsure an item is available from Correction Enterprises, consult with DPS/Purchase and Contract Section or with the Sales team with Correction Enterprises.
2. Is item on state term contract (<http://www.pandc.nc.gov/StateWideContracts.htm>)? If unsure consult division purchasing personnel or DPS/Purchasing staff.
3. Does the item require safety review and approval?
4. Obtain an approved RE if required based on current RE rules.
5. Online purchase requisition entered into the North Carolina eProcurement System for processing (<http://eprocurement.nc.gov/>).
6. Purchase requisition routed through respective internal division approval path for review/approval and signatures.
7. Purchase requisition is received in DPS online through the North Carolina eProcurement System.
8. Specifications are reviewed DPS staff.
9. DPS submits Requisition to our oversight agency, DOA P&C or the Statewide IT Procurement Office (whichever is appropriate), for review and bid process.

10. The oversight agency handles the bid process through IPS and forwards all bid responses/packages to DPS for review by end user.
11. Bid responses/packages forwarded to requesting division/program for review and recommendation. Lowest responsible/responsive bid meeting specifications should be recommended unless the award is made under Executive Order 50 criteria. If other than low bid is recommended, a detailed explanation must be included indicating what specifications the low bid did not meet.
12. The division (customer) sends the bid package(s) with proposed vendor recommendation letter to DPS. DPS routes bid responses/package to the Purchase and Contract for evaluation and presentation to the Board of Award.
13. The oversight agency authorizes in writing, a contract certification or contract award letter to DPS leading to issuance of purchase order through the North Carolina eProcurement System.
14. Purchase orders are forwarded electronically to the vendor. A file copy with supporting documentation is maintained in DPS/Purchasing file. The requestor will receive an e-mail notification from the North Carolina eProcurement System once the requisition has been fully approved.
15. Purchased item(s) received by division (customer). Division must enter online receipt as appropriate and forward required documentation to the Office of the Controller for payment to be made to the vendor.
16. Closure of purchasing process.

****Note: It is important to note for planning purposes, customers should incorporate a 4 – 6 week processing interval AFTER receipt of purchase requisition in the DOA P&C.**

COMPLIANCE/QUALITY ASSURANCE REVIEWS.

Periodically a DPS team will conduct Administrative Reviews with Division customers to assess compliance with Departmental purchasing regulations and purchasing laws / rules noted in North Carolina General Statute / North Carolina Administrative Code.

<http://ncrules.state.nc.us/ncadministrativ /title15aenviron /default.htm> It is extremely important to note that the abuse of the purchasing policies will result in appropriate disciplinary action, including revocation of purchasing delegations and/or purchasing privileges.

SURPLUS PROPERTY

(<http://www.doa.state.nc.us/ssp/>)

The Department of Administration is responsible for administering the sale and disposal of surplus equipment, materials and supplies for agencies. The administration of this program has been delegated by the Secretary to the SPO (State Purchasing Officer). There are two agencies within the Department of Administration that administer this surplus property program. The State Surplus Property Office is responsible for State surplus property. The Federal Surplus Property Office is responsible for disposal of Federal surplus property.

The State Surplus Property Office shall determine the means for disposal or transfer of all State owned property. The disposal of computer monitors and televisions with cathode ray tubes (CRTs) is prohibited. CRTs may not be put into dumpsters or taken to disposal facilities by state agencies.

All State agencies and universities must also consult with the Division of Surplus Property before pursuing any recycling option other than the State Surplus system. For information, call (919) 854-2160.

State agencies needing further guidance on the disposal of computer monitors and cathode ray tubes (CRTs) may contact the State Surplus Property Computer Center at (919)733-2885.

Specific process for Non-Correction Enterprises System and Non-Term Contract purchases

TYPE PURCHASE	PROCEDURE
DIRECT PAY PURCHASES Up to -\$2,500.00	Using agency obtains pricing by telephone using DPF-7 form-See Part III for more details
OPEN MARKET \$2,500.01-\$10,000.00	Three written quotes (using the DENR approved RFQ-C eQuotes are obtained by DPS or using agency
OPEN MARKET \$10,000.01-\$25,000.00	RFQ posted to IPS by DPS
OPEN MARKET Greater than \$25,000.00	Bid posted to IPS by DOA Purchase and Contract
REPAIRS- (*internal repair-no quotes are required)	Direct pay up to \$2,500.00 *\$2,500.01-\$10,000.00-3 written quotes (using the DENR approved RFQ-C) are obtained by using agency
Pcards	\$2,500.00 per purchase-see other restrictions

PURCHASING INSTRUCTIONS

ONLINE REQUISITIONS

CREATING / APPROVING / CHANGING / RECEIVING / AN ON LINE REQUISITION

Online purchase requisitions are created through the North Carolina eProcurement System (<http://eprocurement.nc.gov/>). Instructions on creating, approving, changing, or receiving an online requisition are available by clicking on the "Help" button.

REQUEST FOR QUOTATION (COMMODITIES)

REQUEST FOR QUOTATION GUIDELINES

Request for Quotation Forms with the correct State of North Carolina Terms and Conditions can be found on the DPS webpage at the following address: (http://www.enr.state.nc.us/purchase/html/forms_and_instructions.html). Instructions for completing the RFQ-C can also be found at this webpage.

It is important to note that there are several RFQ forms listed on the webpage. Please choose the one for commodity purchases.

1. All written RFQ-Cs sent out by agencies must include standard State of North Carolina terms and conditions, including the North Carolina eProcurement System language, applicable to the requirement. All RFQ-Cs must contain, **as a minimum**, the contents of these terms and conditions.
2. Quotes received that include conflicting or unacceptable terms and conditions must be rejected. The State of North Carolina terms and conditions shall supersede the vendor's terms and conditions.
3. All written RFQs provide space for a signature of an authorized company representative to certify that the quote was submitted competitively and without collusion.
4. Allow at least fourteen (14) calendar days for the return of written quotes using US Mail, 7 calendar days if using facsimile. In certain cases this requirement may be waived if justified.
5. All purchasing files regardless of dollar value must be retained for a period of five (5) years after expiration. This includes purchase orders, quotes (verbal and written), and waiver and emergency purchases. All supporting documentation must be kept in the file during this retention period. (Examples: all quotes received, justification for going with other than low quote or with sole source(s), a waiver or emergency purchase, copy of purchase order and any pertinent material or correspondence).
6. Please be advised that all divisions/programs are required to use the Departmental RFQ-C form when seeking written quotation. The RFQ must legibly include your division/program name and FOB destination address, **(this must be the city, state and zip code where delivery is required)**, a clear description of the item(s) needed, the "return by" date, the State of North Carolina's terms and conditions, a signature section for the company to complete, a space for delivery time to be offered and all other specific requirements applicable to the purchase.

7. When mailing a RFQ, a copy of the appropriate State of North Carolina's Terms and Conditions is required to be mailed to each vendor.

NOTE: Request for Quotation Forms (RFQ) with the correct State of North Carolina Terms and Conditions can be found on the DENR DPS homepage at http://www.enr.state.nc.us/purchase/html/forms_and_instructions.html

It is important to note there are several RFQ forms listed on the webpage. Please choose the Request for Quotation for commodities.

INFORMATION FOR COMMODITY PURCHASES

ROLE OF THE DIVISION PURCHASING CONTACT INDIVIDUAL:

- must have knowledge about Departmental purchasing policies/procedures to be followed by staff when the purchase of a commodity is necessary
- must be able to locate NC General Statutes, NC Administrative Code, NC Purchasing Manual, and DENR purchasing manual when needed, via the Internet
- must be able to navigate the term contracts (using the DOA P&C webpage and the North Carolina eProcurement System catalog search function) to determine if items requested by end users are covered by existing term contract
- must be able to interpret terms, conditions and instructions for using term contracts, standard specifications and qualified products list
- assist end users with procedures on how to use the term contract information found on the Internet
- must know the policies/procedures for making direct purchases and Pcard purchases
- must know what is considered a valid quotation package and how to obtain valid Request for Quotations
- is to advise end users when sole source justification/brand specific justification letters and Request for Exceptions are required
- Is to know all preferences for purchasing (i.e. Division of Adult Correction of the Department of Public Safety preference, Historically Underutilized Businesses, etc.)
- must verify all necessary back up documentation has been forwarded to the DPS for requisitions entered into the North Carolina eProcurement System
- is the liaison between their division personnel and DPS
- is responsible for follow up regarding delivery of merchandise ordered or handling problems which occur with delivery of incorrectness of order. If the purchasing contact feels they are not making progress in the resolution of the program, they are responsible for contacting the DPS.

- is responsible for communicating all purchasing issues/updates with appropriate division staff including bulk order purchasing
- is responsible for obtaining eQuotes for your division personnel, or training your division personnel to obtain eQuotes after approval has been given by DPS.

PROCUREMENT CARD (Pcard) PURCHASES

The State of North Carolina has contracted with a credit card contractor to provide State agencies with a VISA Purchasing Card program for authorized purchases. This program was established in order to provide a more rapid turnaround of requisitions for low dollar value products, and to reduce paperwork and handling costs. By using the Pcard, the traditional requisition - pricing inquiry - order placement - delivery of products - invoice - voucher review - payment cycle is greatly reduced. Those divisions who have been issued Pcards may now initiate transactions in-person, by telephone or by the Internet, within the limits of Purchasing Card Policy and Procedure. Payments to vendors are made via the VISA settlement system, normally within 48 to 72 hours. Our various accounts payable units in DENR will create invoices to make monthly payments to the contractor. There is no extra fee for use of the Pcard. Refer to the DENR Purchasing Card Policy and Procedure located at the URL address of:

([http://www.enr.state.nc.us/purchase/pdf/Pcard%20Policy%20manual%202009%20\\$2500%20STL%203-12-10.pdf](http://www.enr.state.nc.us/purchase/pdf/Pcard%20Policy%20manual%202009%20$2500%20STL%203-12-10.pdf)) to learn more about obtaining a Pcard and the proper use of the Pcard.

****NOTE: DESKTOPS, LAPTOPS AND PRINTERS MAY NOT BE PURCHASED WITH THEPCARD.**

PURCHASING CARD POLICY-SUMMARY:

In compliance with the Purchasing Card Policy, use of the Pcard shall be limited to the following conditions:

1. The total value of a transaction shall not exceed a cardholder's single purchase limit - \$2,500.00 for open market and State Term Contract purchases. A purchase **MUST NOT** be split for multiple transactions to stay within the single purchase limit.
2. The items that may be procured by using the Pcard are limited by Departmental standards and an agreed upon list between the Division and the Director of Purchase and Services.
3. A list of items approved for procurement by the Pcard along with additional information can be viewed at:
([http://www.enr.state.nc.us/purchase/pdf/Pcard%20Policy%20manual%202009%20\\$2500%20STL%203-12-10.pdf](http://www.enr.state.nc.us/purchase/pdf/Pcard%20Policy%20manual%202009%20$2500%20STL%203-12-10.pdf))

OFFICE SUPPLIES

Office supplies can be ordered in one of two ways. These are:

1. Use of a Purchase Order - Office supplies covered by State Term Contract 615A must be purchased from the noted contract vendor(s). Currently, the minimum order requirement is \$100.00 for transportation charges to be paid by the vendor.

The division may still elect to use the State Term Contract 615A for orders less than \$100.00, however; it will be the responsibility of the division for the payment of all transportation charges.

2. Use of the Pcard - Office supplies may be purchased with the use of Pcard. State Term Contract 615A vendors must be used. Transportation charges will be included in all Procurement Orders totaling \$100.00 to a maximum of \$2,500.00.

EMERGENCY PURCHASES:

If during normal business hours an emergency situation occurs (as outlined on page 9), contact DPS at (919) 707-8525 for further information. Be prepared to explain the circumstances of the emergency, and if competition was or was not obtained.

If after normal business hours:

- 1) Obtain the goods or services at the best price determined by competitive pricing and take into consideration delivery terms.
- 2) Report to DPS as soon as possible with a written explanation of the circumstances of the emergency and why that particular vendor was chosen.
- 3) A confirming purchase order will be approved by DPS if appropriate purchasing procedures were made.
- 4) Make sure that the vendor is aware that the North Carolina eProcurement fee of 1.75% will apply to purchases of goods (service charges are currently exempt from the fee)

THE EMERGENCY PURCHASE PROVISION DOES NOT INCLUDE THE PURCHASE OF DESKTOPS, LAPTOPS AND PRINTERS. PLEASE REFER TO THE SECTION ON COMPUTER AND PRINTER BULK ORDER PURCHASES FOR GUIDELINES.

REPAIRS

Direct payment authorization for routine repairs up to \$2,500.00. DPS always encourages the use of HUB vendors when obtaining competitive pricing. <http://www.doa.state.nc.us/hub/> .

DIRECT PAY PURCHASES \$0.00-\$ 2,500.00- Using agency obtains pricing by telephone using DPF-7.
DIRECT PAY PURCHASES \$ 2,500.01-\$ 10,000.00- Using agency obtains at least 3 written quotes using the DENR approved Request for Quotation Form.
A minimum of three (3) preferably more, written quotes (using the DENR approved Request for Quotation Form) must be solicited for repairs in excess of \$2,500.01 up to a maximum of \$10,000. 00. Submit written quotations with your on-line requisition for issuance of a purchase order. Competitive pricing should always include the use of HUB vendors.
The requirement of three (3) written quotes is waived if the repairs are internal and pricing cannot be quoted by a vendor without dismantling the equipment. An internal repair will always be handled as a confirming order. Prior to a vendor beginning an internal repair, they must be made aware of the North Carolina eProcurement terms and conditions. A copy of the invoice and documentation of the approval given for the repair to be done must be submitted to DPS as back up. Prior to a confirming order being processed, the vendor must be registered in the North Carolina eProcurement System.

If during normal working hours an emergency arises, the Chief of Purchasing in DPS is to be contacted via email at the email indicated on the DPS Website (<http://portal.ncdenr.org/web/ps/contacts>). If after hours, refer to the emergency purchase procedure.

1. Verbal approval to proceed with the repairs will be given and/or direction will be given on how to handle the emergency / pressing need. If a confirming order is required, DPS will require a copy of all back up work and confirmation of verbal approval authorization.

Note: A repair ends with the exact piece of equipment that you began with, only repaired, "no new parts are added to the existing equipment".

A replacement involves removing / replacing old parts with new parts. If replacement parts are involved a list of expected replacement parts must be bid out to the vendor community which should include a minimum of three (3) vendors.

If the repair is an internal repair, which will include replacement parts, the requirement to bid out replacement parts is waived.

2. A statement must be submitted with repair invoices (\$2,500.01 or over) if only one source of repair / replacement part(s) is available from the vendor community. If the repair is not "internal" and replacement parts are required, a written quote or eQuote is required on the replacement part(s).
3. Vendors are to be made aware of the 1.75% E-procurement fee when purchasing parts.

EMPLOYEE DIRECT PURCHASE REIMBURSEMENT

Be advised that departmental policy does not permit reimbursement to employees for direct purchases, except in cases where an employee had to purchase safety boots. This is the only exception to this policy. Please contact the Office of the Controller at (919) 707-8550 concerning any inquiries of this policy.

DISBURSEMENTS ACCOUNTING CODE SHEET (JNL40)

Please provide a brief, legible product description in the "Remarks" section of this form. At times during the review/approval process sufficient information cannot be gleaned from the invoice to determine what type of product was purchased. An example would be when only part numbers appear on the invoice without a description. In addition, fiscal policy states that all invoices must be signed and dated noting receipt of product(s).

PRINTING PROCEDURES

This procedure pertains to all printed material including printing of promotional type items, which displays the Departmental logo or name, as well as emblems for uniforms.

Written approval on the ENR Publication Review Form

(http://portal.ncdenr.org/c/document_library/get_file?uuid=cf6b23b7-a878-4094-a338-bf2f6ce4460d&groupId=21953)

from Environmental Education and Public Affairs must be obtained and submitted to DPS before any material can be printed. Contact Environmental Education and Public Affairs for further details.

<http://portal.ncdenr.org/group/opa/home>

Correction Enterprises' Nash Printing Plant has upgraded to a 5 color press and can now handle 4/4 color processing and other complex color printing needs. If you are unsure of their capabilities, please contact Correction Enterprises at (919) 716-3623 for an estimate and further instructions on submitting files and other job documents.

1. Correction Enterprises is DENR's primary source for printing. (G.S. 148.134 Statement of Preferential Procurement from Enterprise and Exemption from Competitive Bidding). Can the item be obtained from Correction Enterprises (<http://correctionenterprises.com/>)? If you are unsure an item is available from North Carolina Correction Enterprises consult with DPS/Purchase and Contract Section at (919) 707-8525 or with the Sales Team with Correction Enterprises at (919) 716-3616.
2. If Correction Enterprises can provide printing for less than \$1,500.00 a requisition is **not** required by Correction Enterprises in the North Carolina eProcurement System. End-user can use the Pcard. Do not pay for printing in advance but after the job has been proofed and ready to be picked up. Contact Correction Enterprises at (919) 716-3623 for an estimate and further instructions on submitting files and other job documents.
3. If Correction Enterprises cannot perform the printing, an Exemption Waiver must be obtained regardless of dollar amount. All printing needs exceeding \$1,500.00 must be submitted to DPS for processing and the issuance of a purchase order including Correction Enterprises request. The end user must supply detailed specifications, artwork, Environmental Education and Public Affairs approval and an Exemption Waiver from Correction Enterprises when applicable.
4. Please note when obtaining information for any type of printing project your Request for Quotation should include detailed specifications and a sample when possible to ensure the vendor completely understands the scope of the print job.
5. Small print jobs less than \$1,500.00 can be purchased through Correction Enterprises or outside suppliers using the Pcard (Visa). Please note that Pcard transactions must be made after the job completion and acceptance by the end-user. Print jobs cannot be paid for prior to completion of the print job. An Exemption Waiver must be in file if Correction Enterprises is not the vendor used.
6. Print jobs in excess of \$1,500.00 must be submitted (E-Pro requisition) to the Division of Purchase and Services for processing and the issuance of a purchase order. The end user must supply detailed specifications, artwork, Environmental Education and Public Affairs approval and an exemption waiver from Correction Enterprises for open market bids.

It is extremely important you advise the printer(s) when they are quoting that all logos, decals, drawings, or artwork of any kind is and will remain the property of the State of North Carolina and shall not be copied in any way shape or form. A copy of the Environmental Education and Public Affairs ENR Review Form must accompany the invoice.

CONTRACTUAL PROCEDURES

The following outlines the procedures to be followed in securing contractual services:

DIRECT PAYMENT FOR SERVICES - \$2,500.00 OR LESS:

Services obtained on a one-time basis with a one-time payment of \$2,500.00 or less may be processed as direct payments. Examples of this type of service would be replacement of a broken exhibit glass, a locksmith service or a vendor conducting a one-day workshop (see Personal Service Contract rules).

The vendor or individual provides the service in a short time period and submits a bill.

One-time basis does not mean provide a service today, and then repeat the same service day(s) later!

Documentation of competition is not required; however, divisions and regional offices should establish (if not already in place) an internal review process to guard against abuse and to ensure that the dollar value received is commensurate with the dollar value expended.

Divisions are warned not to use this direct payment authorization in order to circumvent correct purchasing procedures for contracting for services. If misused, entire purchasing delegation may be withheld.

Divisions are cautioned to consider safety issues and the potential of placing the Department at risk if someone is injured on state property while providing services to the Department and no formal document exists in which the provider has agreed to provide independent insurance coverage for its employees.

PROCESS:

Requesting Division must submit a detailed invoice with a completed Contract Expenditure Report to Controller's Office, Accounts Payable Section for issuance of check. As there will be no contract number for this service, you will leave this information blank on the Contract Expenditure Report.

NORTH CAROLIN EPROCUREMENT SYSTEMS REQUISITIONS FOR SERVICES - \$2,500.00 OR LESS

PROCESS:

The requesting Division may submit through the North Carolina eProcurement System a requisition for a \$2,500.00 or less competitively bid service as follows:

1. Service period: 12 months at a cost of \$2,500.0 or less
2. Service period: 12 months at a cost of \$2,500.00 or less, with an option to renew for up to two additional 12-month periods under the same terms, conditions, and price(s). Examples: Janitorial services; Request for Quotation for Services (RFQ-S) with the Terms and Conditions are required to be obtained by the requesting Division.

The requesting Division must submit to DPS documentation of competition sought as well as the RFQ-S obtained from the selected vendor.

THE ABOVE \$2,500.00 OR LESS SERVICE PURCHASE ORDER PROCESS DOES NOT APPLY TO PERSONAL SERVICE CONTRACTS OF ANY TYPE.

SERVICE CONTRACTS

DPS Purchase and Contract Section is the only agency authorized to issue a contractual document in which DENR will be paying a contractor for services.

TYPES OF SERVICE CONTRACTS:

CONSULTANT CONTRACT

PROCESS:

Division:

1. Submit via Contract Process System
2. Proposal or Scope of Work Requirements:
 - a. Introduction/Background
 - b. Tasks to be provided
 - c. Milestones to be met with dates
 - d. Deliverables to be provided with dates
 - e. Detailed Budget
 - f. Environmental/Regulatory Constraints, state interfaces, etc. applicable for required service
 - g. Federal, State, Local stipulations regarding funds; i.e. the award document from the funding agency such as EPA, NOAA, etc.
 - h. Reporting Requirements
 - i. Federal Certifications (to include, but not limited to, Lobbying/Debarment/Drug-Free/Tobacco Smoke Free) (if federally funded service)
 - j. Other Attachments as necessary (i.e., IRS Non-Profit status [501(c)(3)] verification letter; Conflict of Interest)

Division of Purchase & Services:

1. Reviews Contract Process System information
2. Submits Consultant request to DOA P&C which seeks Governor's Office approval
3. Receives authorization to proceed from DOA P&C

GOVERNMENT AGENCY (federal/state/local) (no competition required)

PROCESS:

Division:

1. Submit via Contract Process System (CPS)
2. Proposal or Scope of Work Requirements:
 - a. Introduction/Background
 - b. Tasks to be provided
 - c. Milestones to be met with dates

- d. Deliverables to be provided with dates
- e. Detailed Budget
- f. Environmental/Regulatory Constraints, state interfaces, etc. applicable for required service
- g. Federal, State, Local stipulations regarding funds; i.e. the award document from the funding agency such as EPA, NOAA, etc.
- h. Reporting Requirements
- i. Federal Certifications (to include, but not limited to, Lobbying/Debarment/Drug-Free Workplace/Tobacco Smoke-Free) (if federally funded service)
- j. Other Attachments as necessary

Division of Purchase & Services:

- 1. Reviews CPS information for contract issuance

PERSONAL SERVICE (with an individual only)

PROCESS:

Division:

- 1. Submit via Contract Process System (CPS)
- 2. Scope of Work Requirements:
 - a. Introduction/Background
 - b. Tasks to be provided
 - c. Milestones to be met with dates
 - d. Deliverables to be provided with dates
 - e. Cost or Cost per deliverable
 - f. Environmental/Regulatory Constraints, state interfaces, etc. applicable for required service
 - g. Federal, State, Local stipulations regarding funds; i.e. the award document from the funding agency such as EPA, NOAA, etc.
 - h. Reporting Requirements
 - i. Federal Certifications (to include, but not limited to, Lobbying/Debarment/Drug-Free Workplace/Tobacco Smoke-Free) (if federally funded service)
 - j. Other Attachments as necessary
- 3. Completed Form 319 (use only the last 4 digits of the Social Security Number on this form.)
- 4. Resume or vitae (do not include the social security number on the resume or vitae.)
- 5. Justification statement of individual's unique qualifications to perform service.

Division of Purchase & Services:

- 1. Reviews CPS information for contract issuance

**PRIVATE FOR PROFIT SERVICE CONTRACT (Competition Required)
REQUEST FOR QUOTATION FOR SERVICES (NON-COMPLEX SPECIFICATIONS) -\$2,500.01 - \$9,999.00**

PROCESS 1 (Using Agency Obtains Written Quotations):

Division:

- 1. Develop Request for Quotation for Services (RFQ-S)
- 2. Scope of Work Requirements:

- a. Introduction/Background
 - b. Tasks to be provided
 - c. Milestones to be met with dates
 - d. Deliverables to be provided with dates
 - e. Payment Schedule
 - f. Pre-proposal Conference/Site Visit (if applicable)
 - g. Renewal Option (if applicable)
 - h. Environmental/Regulatory Constraints, state interfaces, etc. applicable for required service
 - i. Federal, State, Local stipulations regarding funds; i.e. the award document from the funding agency such as EPA, NOAA, etc.
 - j. Reporting Requirements
 - k. Federal Certifications (to include, but not limited to, Lobbying/Debarment/Drug-Free Workplace/Tobacco Smoke-Free) (if federally funded service)
 - l. Evaluation Criteria
 - m. Other Attachments as necessary
3. Send RFQ-S to a minimum of three (3) viable vendors
 4. Receive RFQ-S responses from vendors
 5. Review responses for award recommendation
 6. Submit via Contract Process System (CPS)
 7. Select: Request a New Contract
 8. Complete Contract Process System requirements

Division of Purchase & Services:

1. Review Contract Process System information for contract issuance

PROCESS 2 (DPS Obtains Written Quotations):

Division:

1. Submit via Contract Process System
2. Select: Request a New RFQ (Request for Quotation)
3. Scope of Work Requirements:
 - a. Introduction/Background
 - b. Tasks to be provided
 - c. Milestones to be met with dates
 - d. Deliverables to be provided with dates
 - e. Payment Schedule
 - f. Pre-proposal Conference/Site Visit (if applicable)
 - g. Renewal Option (if applicable)
 - h. Environmental/Regulatory Constraints, state interfaces, etc. applicable for required service
 - i. Federal, State, Local stipulations regarding funds; i.e. the award document from the funding agency such as EPA, NOAA, etc.
 - j. Reporting Requirements
 - k. Federal Certifications (to include, but not limited to, Lobbying/Debarment/Drug-Free Workplace/Tobacco Smoke-Free) (if federally funded service)
 - l. Evaluation Criteria

Division of Purchase & Services:

1. Review CPS information for RFQ-S issuance
2. Send to the Division via the CPS a draft of the RFQ-S to be issued.

Division:

1. Review the draft RFQ-S in CPS. If acceptable, advise the Division of Purchase and Services. If changes are needed, work with DPS.

Division of Purchase & Services:

1. Issue the approved RFQ-S
2. DPS receives Quotes from Vendors
3. DPS forwards quotes to Division for review and recommendation via CPS

Division:

1. Submit via Contract Process System recommendation to award (if recommendation is for other than low offer meeting specifications, recommendation must detail why other than low offer meeting specifications is recommended) via CPS

Division:

1. Submit via Contract Process System
2. Select: Request New Contract
3. Select: Based on previous RFQ Number
4. Complete CPS requirements

Division of Purchase & Services:

1. Review Contract Processing System information for contract issuance

REQUEST FOR PROPOSALS (1 STEP - COST) - \$10,000.00 AND OVER**PROCESS:****Division:**

1. Submit via Contract Process System
2. Select: Request a new RFP (Request for Proposals – 1 step, cost only)
3. Scope of Work Requirements:
 - a. Introduction/Background
 - b. Tasks to be provided
 - c. Milestones to be met with dates
 - d. Deliverables to be provided with dates
 - e. Payment Schedule
 - f. Pre-proposal Conference/Site Visit (if applicable)
 - g. Renewal Option (if applicable)
 - h. Environmental/Regulatory Constraints, state interfaces, etc. applicable for required service
 - i. Federal, State, Local stipulations regarding funds; i.e. the award document from the funding agency such as EPA, NOAA, etc.
 - j. Reporting Requirements
 - k. Federal Certifications (to include, but not limited to, Lobbying/Debarment/Drug-Free Workplace/Tobacco Smoke-Free) (if federally funded service)
 - l. Evaluation Criteria
 - m. Cost Proposal format (if other than one cost)

Division of Purchase & Services:

1. Reviews CPS information for issuance of RFP on Internet
2. Send to the Division via the CPS a draft of the RFP to be issued

Division:

1. Review the draft RFP in CPS. If acceptable, advise DPS. If changes are needed, work with DPS.

Division of Purchase & Services:

1. Posts RFP on the Internet utilizing the DOA P&C Interactive Purchasing System (IPS).
2. Receives offers from Vendors
3. Forwards responses to Division for review and recommendation via CPS

Division:

1. Via Contract Process System submit recommendation to award to DPS (if recommendation is for other than low offer meeting specifications, recommendation must detail why other than low offer meeting specifications is recommended)

Division:

Recommended award is less than \$25,000.00:

1. Submit via Contract Process System
2. Select: Request New Contract
3. Select: Based on previous RFP Number
4. Complete CPS requirements

Division of Purchase & Services:

1. Reviews Contract Process System information for contract issuance

Division:

Recommended award \$25,000.00 or more:

1. Submit via Contract Process system recommendation to award to DPS (if recommendation is for other than low offer meeting specifications, recommendation must detail why other than low offer meeting specifications is recommended)

Division of Purchase & Services:

1. Reviews Contract Process System information award recommendation
2. Submits award recommendation to DOA P&C or the Statewide IT Procurement Office for award authorization
3. Receives award authorization
4. Via Contract Process System notify Division of award authorization

Division:

1. Submit via Contract Process System
2. Select: Request New Contract
3. Select: Based on previous RFP Number
4. Complete Contract Process System requirements

Division of Purchase & Services:

1. Reviews Contract Processing System for contract issuance

REQUEST FOR PROPOSALS (2 STEP, TECH + COST) - \$10,000.00 AND OVER

PROCESS:

Division:

1. Submit via Contract Process System
2. Select: Request a new RFP (Request for Proposals – 2 step – Tech. + Cost)
3. Scope of Work Requirements:
 - a. Introduction/Background
 - b. Tasks to be provided
 - c. Milestones to be met with dates
 - d. Deliverables to be provided with dates
 - e. Payment Schedule
 - f. Pre-proposal Conference/Site Visit (if applicable)
 - g. Renewal Option (if applicable)
 - h. Environmental/Regulatory Constraints, state interfaces, etc. applicable for required service
 - i. Federal, State, Local stipulations regarding funds; i.e. the award document from the funding agency such as EPA, NOAA, etc.
 - j. Reporting Requirements
 - k. Federal Certifications (to include, but not limited to, Lobbying/Debarment/Drug-Free Workplace/Tobacco Smoke-Free) (if federally funded service)
 - l. Evaluation Criteria
 - m. Other Required Attachments
 - n. Cost Proposal format (if other than one cost)

Division of Purchase & Services:

1. Reviews Contract Process System information for RFP issuance
2. Send to the Division via the CPS a draft of the RFP to be issued.

Division:

1. Review the draft RFP in CPS. If acceptable, advise DPS. If changes are needed, work with DPS.

Division of Purchase & Services:

1. DPS posts RFP on the Internet utilizing the DOA P&C Interactive Purchasing System
2. DPS receives offers from Vendors
3. DPS opens Technical Proposals
4. DPS forwards Technical proposals to Division Contract Administrator for review and recommendation

Division:

1. Via Contract Process System submits memo documenting offers meeting technical specifications including those that do not and why

Division of Purchase & Services:

1. DPS notifies the offerors whose bids have been deemed technically acceptable of the Cost Proposal Date/time opening (minimum of 3 day notice required)
2. DPS opens Cost offers of technically acceptable offers
3. Via Contract Process System DPS submits to Division cost offers

Division:

Recommended award is less than \$25,000.00:

1. Submit via Contract Process System
2. Select: Request New Contract
3. Select: Based on previous RFP Number
4. Complete Contract Process system requirements

Division of Purchase & Services:

1. Reviews Contract Process System information for contract issuance

Division:

Recommended award is \$25,000.00 or more

Submit via Contract Process System recommendation for award (if recommendation is for other than low offer meeting specifications, recommendation must detail why other than low offer meeting specifications is recommended)

Division of Purchase & Services:

1. Reviews Contract Process System information for award recommendation
2. Submits award recommendation to DOA P&C or the Statewide IT Procurement Office for award authorization
3. Receives award authorization
4. Via Contract Process System notifies Division of award authorization

Division:

1. Submits via Contract Process System
2. Select: Request New Contract
3. Select: (Based on previous RFP Number)
4. Complete Contract Process System requirements

Division of Purchase & Services:

1. Reviews Contract Processing System for contract issuance

SOLE SOURCE (the only provider of service).

PROCESS:

Division:

1. Submit via Contract Process System
2. Justification Memo documenting sole source proof
3. Request for Quotation for Services (RFQ-S)
4. Scope of Work Requirements:
 - a. Introduction/Background
 - b. Tasks to be provided
 - c. Milestones to be met with dates
 - d. Deliverables to be provided with dates
 - e. Payment Schedule
 - f. Budget (cost per deliverable)
 - g. Environmental/Regulatory Constraints, state interfaces, etc. applicable for required service

- h. Federal, State, Local stipulations regarding funds; i.e. the award document from the funding agency such as EPA, NOAA, etc.
- i. Reporting Requirements
- j. Federal Certifications (to include, but not limited to, Lobbying/Debarment/Drug-Free Workplace/Tobacco Smoke-Free) (if federally funded service)
- k. Other Attachments as necessary

Division of Purchase & Services:

- 1. Review Contract Process System information for contract issuance

UNIVERSITY OF NORTH CAROLINA SYSTEM SERVICE CONTRACTS

PROCESS:

Division:

- 1. Submit via Contract Process System
- 2. Prepare UNC Task Order (**DO NOT OBTAIN ANY SIGNATURES**)
- 3. UNC Signed Proposal/Scope of Work Requirements
 - a. Introduction/Background
 - b. Tasks to be provided
 - c. Milestones to be met with dates
 - d. Deliverables to be provided with dates
 - e. Payment Schedule
 - f. Detailed Budget
 - g. Environmental/Regulatory Constraints, state interfaces, etc. applicable for required service
 - h. Federal, State, Local stipulations regarding funds; i.e. the award document from the funding agency such as EPA, NOAA, etc.
 - i. Reporting Requirements
 - j. Federal Certifications (to include, but not limited to, Lobbying/Debarment/Drug-Free Workplace/Tobacco Smoke-Free) (if federally funded service)
 - k. Other Attachments as necessary

Division of Purchase & Services:

- 1. Reviews Contract Process System information for contract issuance

GRANT CONTRACTS (Grants Awarded by DENR)

Division MUST provide Division of Purchasing & Services with written document that gives the Division "grant-making authority". Include this documentation as an Attachment in the Contract Processing System.

PROCESS:

Division:

- 1. Develop Request for Proposals or Application for Grant Awarded by DENR
- 2. Introduction
- 3. Background
- 4. Purpose of Grant Program
- 5. Evaluation Process
- 6. Environmental or Regulatory Constraints, State Interfaces, etc. Applicable for Required Service

7. Federal, State, Local Stipulations Regarding the Grant Funds (to include Federal Grant Award Letter to DENR which includes Administrative & Programmatic Conditions and all amendments to the Grant Award)
8. Match Requirements
9. Required Reporting
10. Required Monitoring
11. DENR Contract Period
12. Requirements for Applicant's Response to Request for Proposal or Application for Grant Awarded by DENR
 - a. Awarded Narrative Description of project and how it relates to the purpose of the funding being awarded
 - b. Task(s) to be performed
 - c. Milestone(s) to be met and a date indicating when milestone(s) must be met
 - d. Product(s) and/or Deliverable(s) to be provided and when will be provided
 - e. Project Budget
 - (1) Amount of DENR funds requested and awarded
 - (2) Amount of Grantee Funds committed to the project (in-kind and/or cash, etc.)
 - (3) Other Funds committed to project (type and provided by)
 - (4) Direct Costs breakdown & justification
 - (a) Detailed Line item Project Budget
 - (b) Justification, including method of calculation of line item budget; must include position title, salary, fringes and percentage of time for all personnel to be charged to the project from any funding source.
 - (5) Indirect Costs (cannot exceed 15%)
 - (6) Total Project Costs
 - f. Project Time Period (after execution of contract by both parties)
 - g. Project and Payment Schedule (must agree with deliverables received and accepted by Contract Administrator)
 - h. Certification of No Overdue Tax Debts
 - i. Federal Funds
 - (1) Federal Department's Certifications:
 - (2) Lobbying
 - (3) Suspension & Debarment
 - (4) Drug-Free Workplace
 - (5) Environmental Tobacco Smoke (in-door project with potential for tobacco smoke exposure to children)
 - j. IRS Federal Tax Exempt Letter or 501(C) (3) Verification Form
 - k. Conflict of Interest Statement Certified/Approved by Board for 501(C) (3) Non-Profit Grantees
13. Receive Applicant's Responses to RFP or Application
14. Review and Select Projects
15. Obtain from Applicant a revised Proposal or Application for the actual project selected for award (**NOTE:** if only part of a project is selected, the Division must have the Applicant submit a complete, revised Proposal or Application for the portion of the project being funded).
16. Prepare Award Letter for Selected Project and Obtain Secretary's signature (**Note:** award letter must include statement that project cannot begin until a fully executed grant contract has been received by the Grantee from the Director of DPS and the Grantee will not receive DENR grant funds for work conducted prior to the Grant Contract start date.).
17. Submit via Contract Process System
18. Select Request a New Contract

19. Select Contract Type: Grant Contract
20. Complete Contract Process System requirements

Division of Purchase and Services:

1. Review Contract Process System information for Grant Contract issuance

CONTRACT AMENDMENTS

A contract amendment is any modification or alternation to the terms and conditions of a fully executed contract, MOA or MOU. Examples: No-cost time extension, increase in services, increase or decrease in contract amount.

Contracts **cannot** be amended after the current expiration date passes. There is **NO** contract after the expiration date.

The Division Contract Administrator is notified via e-mail by DPS Purchase and Contract Section every 90/60/30 days that a contract issued prior to the implementation of CPS is scheduled to end. The Contract Administrator will be notified if the contract was issued through CPS. It is the responsibility of the Contract Administrator to notify DPS Purchase and Contract Section if further action is required on a contract.

Requests for Contract Amendments must be submitted to DPS at least 30 days (45 days if a DOA P&C contract award) before contract ending date.

CHECKLIST

Requesting Division submits the following to DPS Purchase and Contract Section:

1. No-cost time extension requirements:
 - a) Contract Transmittal Form 6100, signed by Division Director & Budget Officer;
 - b) Memo to DPS Purchase and Contract Section Chief explaining why the extension is required;
 - c) Letter from Contractor explaining why work was not completed as specified in the original contract;
 - d) The "new" requested ending date;
 - e) A revised Scope of Work or Proposal which contains a new time line for contract accomplishments.

2. Increase in Contract Dollar Amount requirements:
 - a) Contract Transmittal Form 6100 signed by Division Director & Division Budget Officer;
 - b) Memo to DPS Purchase and Contract Section Chief explaining why the original contract amount needs to be increased;
 - c) Revised Scope of Work/Proposal for the additional services to be added to the contract.
 - d) Approved Request for Exception under current DENR guidelines

3. Increase in Scope of Work requirements:
 - a) Contract Transmittal Form 6100 signed by Division Director & Budget Officer;
 - b) Memo to DPS Purchase and Contract Section Chief explaining why the Contract Scope of Work/Proposal must be changed;
 - c) Revised Scope of Work or Proposal providing the additional services to be included in the contract, i.e., tasks, schedule, deliverables, milestones, payment schedule, etc.

4. Decrease in Contract Amount requirements:
 - a) Contract Transmittal Form 6100 signed by the Division Director or Budget Officer;
 - b) Memo to DPS Purchase and Contract Section Chief explaining why the contract amount is to be decreased.

Note: If the contract is still active (has not ended) and you are decreasing the contract amount payable, a revised Scope of Work/Proposal also will be needed.

5. Never send a Form 6100 directly to the Controller's Office – this form must always come to DPS Purchase and Contract Section for processing.
6. Unencumbrance for Completed Contract requirements:
 - a) Contract Transmittal Form 6100 sent to DPS to un-encumber any remaining balance on a contract for which all the work has been completed satisfactorily and was completed under the budget amount.
 - b) A copy of the Contract Close-out or Completion letter sent to Contractor/Grantee;
 - c) DO NOT SUBMIT UNENCUMBRANCES UNTIL ALL INVOICES HAVE BEEN PAID.

Equipment Maintenance

Maintenance service of all office equipment and communication systems (not copiers) requiring routine preventive service.

The following procedures are to be used for maintenance service of all office equipment except copiers maintained under the required three (3) year vendor coverage and any equipment still under warranty:

Divisions/Programs/Offices are permitted to continue maintenance agreements with the supplier, manufacturer or current vendor of office equipment and communication systems.

For services with a cost of \$10,000.00 or less for a 12-month period, Requesting Division submits an invoice that states the time period and coverage and an Accounting Code Cash Disbursement Sheet to the Controller's Office, Accounts Payable Section, for issuance of a check.

For services with a cost of more than \$10,000.00 for a 12-month period, the Requesting Division obtains written approval from the Controller's Office; sends Controller's approval, invoice and statement of need for the service in memo format to DPS Purchase and Contract Section. DPS will obtain appropriate approval. When approval is obtained, DPS will return approved package to the Requesting Division. The Requesting Division will then send the approved documents and an accounting code sheet to the Controller's Office, Accounts Payable Section for issuance of a check.

Division/Programs/Offices are encouraged to seek competition in securing maintenance requirements. DPS Purchase and Contract Section will assist in securing quotes upon request.

It is the responsibility of the Division/Program/Office to insure that adequate funds are properly budgeted to cover the requested payment. When there is an insufficient amount budgeted, the documents will be returned to the Requesting Division.

NOTE: REQUESTING DIVISION MUST NOT SIGN VENDOR AGREEMENTS. If a vendor requests signature, send the agreement to DPS Purchase and Contract Section for disposition.

ROLE OF THE CONTRACT ADMINISTRATOR

CONTRACT ADMINISTRATOR is the contract manager or person knowledgeable about the technical aspects of the contract (i.e., requirements/deliverables/timetable/additional work required, etc.)

Contract Administrator (CA) should develop/provide the necessary documentation for issuance of a contract by the Division of Purchase and Services. The contract request must be entered into the CPS as described earlier in this manual. CA should ensure that funds are budgeted internally prior to request for contract. Include unexpended balance in year-end "carry forward" request, as appropriate.

CA attends prebid conferences, preselection interviews and evaluation sessions for contractor recommendation.

CA must be familiar with the contract document - terms and conditions, scope of services, all expected deliverables, significant dates (particularly the contract termination date) and payment terms.

CA is responsible for approving the INVOICE OR 2481 CONTRACT EXPENDITURE REPORT (INVOICE OR 2481 MUST INCLUDE THE CONTRACT NUMBER) and ensuring the payment requested is commensurate with work performed. Payments for contract work must be paid against the contract number and must be paid only by DENR's Controller's Office Contract Section. No Direct Pays Or Payments By The Using Division Are Permitted For Contracts.

CA is responsible for reviewing and approving draft reports/time driven deliverables from contractor.

CA is responsible for submitting to DPS AT LEAST 30 days (45 days for DOA awards) prior to contract ending date, all requests for contract amendments (request should include, when applicable, a "no cost time extension request; a revised Form 6100 for any change in funds, AND/OR a Revised Scope of Work if additional services are being requested).

CA MUST NOT promise the contractor extensions without approval from DPS (DOA P&C approval is necessary if over DENR dollar delegation; allow at least two/three weeks for DOA P&C internal review; DOA P&C approval is requested only by the DPS Purchase and Contract Section)

CA is responsible for dealing with the contractor on any problems that arise and should notify DPS when an impasse is reached.

CA should document (in a timely manner) any performance problems encountered and utilize in preparing final evaluation.

CA should prepare a final evaluation of the contractor once the contract has been closed out and submit to DPS.

RENTALS/LEASES:

Contracts for the rental or lease of commodities shall be handled under the same Rules applying to the outright purchase of commodities. As defined, a "rental" or "lease" shall not include an option or obligation to purchase the item in the rental or lease agreement.

LEASE-PURCHASE/INSTALLMENT PURCHASE CONTRACTS:

Lease Purchase Contract:

Term used when outright ownership is uncertain or when it is the intent to delay ownership. Contract must provide for an option or obligation to purchase. Third party financing is not used. Ownership transfers only if and when the option to purchase is exercised, or when the time for the obligation to purchase is reached. The contract may include an option to upgrade the item during the lease period, which may be exercised without rebidding the contract. The same Rules applying to outright purchases shall be applied for lease-purchase contracts.

Installment Purchase Contract: Term used only when ownership of commodity at time of possession is intended. Third party financing is used in most cases. Creates in the property purchased a security interest to secure payment of the purchase price to the seller or to an individual or entity advancing moneys or supplying financing for the purchase transaction. If the commodity is on a term contract and third party financing is being utilized, then the commodity is to be purchased from that contract. If the commodity is on a term contract, but third party financing is not being utilized, then the commodity would not be considered on the contract since some form of financing would be necessary; the purchase of the commodity would be handled by the agency under their delegation or by DOA P&C if over their delegation. When third party financing is involved and the commodity is not on a term contract, the contract for the commodity is handled first and must include a provision that award of contract is contingent upon obtaining satisfactory financing. All agencies, except the local school administrative units and community colleges, shall handle the financing part of the procurement in the same manner as a contractual service contract is handled under the Rules in this manual. The financing contract should also include an option for early payment without penalty. Feel free to contact someone on Purchasing Group IV in DOA P&C if you need assistance in soliciting proposals for finance contracts.

DENR SUSTAINABILITY TEAM MISSION STATEMENT

To raise employee awareness of the consequences of our actions and make DENR a model of sustainability by promoting the implementation of positive environmental stewardship initiatives in the Department and by encouraging employee involvement and recognition consistent with the State Government Sustainability Plan.

DENR SUSTAINABILITY DEFINITION

Environmental Sustainability "...meeting the needs of the present without compromising the ability of future generations to meet their own needs." -Environmental sustainability is the act of working toward minimizing the unwanted environmental impacts of daily activities and projects. State Government and individual employees have many opportunities to implement sustainable practices, both at home and at work, that encourage wise use of resources and that reduce or eliminate pollution.

DENR SUSTAINABILITY POLICY

The Department of Environment and Natural Resources and its Divisions are expected to take real and permanent steps to reduce unwanted environmental impacts in their daily activities and projects. All DENR Divisions should implement their own sustainability projects and make sure that employees have access to environmental education resources and materials. (Effective December 1, 2001)

IMPORTANT WEB SITES

Purchasing Policies and Procedures are constantly changing. For more accurate updates and more general information, please go to the websites below N.C. Administrative N.C. Code Title 1 Chapter 5:<http://www.pandc.nc.gov/admcode.htm>

DOA P&C Purchasing Manual: <http://www.pandc.nc.gov/PnCInformation.htm>

ITS Procurement: <http://www.its.state.nc.us/ITProcurement>

NC General Statues: <http://www.ncleg.net/gascripts/Statutes/StatutesTOC.pl>

FORMS AND CONTACT INFORMATION

Please go to the following web site for a copy of the forms used in Purchasing and for a list of Administration Contacts.

<http://portal.ncdenr.org/web/ps/forms>