



# Procurement Manual

## *Procurement Policies and Procedures*

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## **SECTION 1.0 INTRODUCTION**

As with all procurement responsibilities, Procurement Specialists, Contract Specialists, Approvers, and Requisitioners are expected to make purchases using good judgment, and acting in accordance with all rules, policies, procedures, Administrative Codes, and North Carolina General Statutes that govern public procurement practices. Procurement Specialists, Contract Specialists, Approvers, and Requisitioners will be held accountable for unauthorized purchases and improper procurement practices.

The purpose of this manual is to provide information and instruction to those individuals responsible for acquiring goods and/or services for the numerous Divisions and Programs within the North Carolina Department of Environmental Quality (DEQ). It applies to the acquisition of all equipment, materials, supplies, printing, hardware, software, maintenance, and services, through outright purchase, rental, lease, lease-purchase, or installment purchase.

This manual is not all-encompassing of the laws, rules, and policies on procurement. In addition to this manual, both the Division of Purchase and Contract (P&C) in the Department of Administration, the Statewide IT Procurement Office (Statewide IT) in the Department of Information Technology, and the State Construction Office provide additional resources on their websites. A Purchaser may need to ensure compliance with procurement requirements in conducting their day-to-day procurement activities. The DEQ Procurement Division is committed to utilizing the Department of Administration North Carolina Procurement Manual and the Statewide IT Procurement Manual, where applicable.

It is the general policy of the DEQ Procurement Division:

- 1.1. To use Correction Enterprises and State Term Contracts whenever possible.
- 1.2. To solicit competitive prices for goods and/or services.
- 1.3. To purchase goods and/or services at the best price.
- 1.4. Obtain the quantity and quality needed at the most favorable terms,
- 1.5. Procure goods and/or services in a timely manner.
- 1.6. Conduct procurement training for users.
- 1.7. Conduct periodic quality assurance reviews.
- 1.8. To ensure that procurements comply with North Carolina General Statutes, North Carolina Administrative Codes, the Department of Environmental Quality Policy and Procedures, and all other applicable directives.

Non-IT Goods and Services must be purchased in accordance with [Article 3 of Chapter 143](#) of the North Carolina General Statutes and the rules [01 NCAC 05A](#) adopted by the Department of Administration.

IT Goods and Services must be purchased in accordance with [Article 15 of Chapter 143B](#) of the North Carolina General Statutes and the rules [09 NCAC 06A](#) adopted by the Department of Information Technology Services D(IT).

## **SECTION 2.0 DEFINITIONS**

**ADDENDUM:** Form used to make changes or corrections to an open bid solicitation or answer vendor questions submitted prior to the closing date of the bid solicitation.

**AGENCY SPECIFIC TERM CONTRACT:** A term contract for use by a specific agency. Depending on the dollar value of the contract, it may be handled by P&C, Statewide IT, or the

Agency.

**ARIBA SOURCING TOOL (AST):** Area on the Division of Purchase and Contracts, Department of Administration's home pagewhere solicitation documents, addendums, vendor responses, and awards are done via the Internet. As of January 1, 2022, the Ariba Sourcing Tool (AST) and the Electronic Vendor Portal (eVP), replaced the Interactive Purchasing System (IPS) for all State Agencies.

**BEST AND FINAL OFFER (BAFO):** A formal document that is used to finalize negotiations with a vendor. Negotiations can be used in single-source bids, brand-specific bids, or with the best value trade-off method of procurement.

**BEST VALUE PROCUREMENT:** The terminology used in [N.C.G.S. 143-135.9](#) to identify the method required for procurement of information technology goods and/or services.

**BRAND SPECIFIC JUSTIFICATION:** A detailed explanation stating why a particular item 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 the required needs.

**BULK ORDER PROCUREMENT:** Orders for a particular item are combined and bid out to several vendors to obtain discount prices.

**CATALOG:** A term contract item that has been loaded into the North Carolina eProcurement System.

**CHANGE ORDER:** A revised purchase order generated within e-procurement used to change quantity, commodity, price, or date. All Change Orders are the result of an Amendment to the original contract.

**COMMODITY:** Any equipment, materials, or supplies; also known as Goods.

**COMMODITY NUMBER (OR CODE):** Established numbers assigned to Goods and/or Services. The State of North Carolina uses the United Nations Standard Products and Services Code (UNSPSC), which is managed by the GS1 US for the UN Development Programme (UNDP), and is an open, global, multi-sector standard for efficient, accurate classification of goods and services.

**COMPETITION:** The fair and open solicitation of offers from more than one source; the receipt of offers from more than one source. It must be reasonable and adequate for the expenditure and the specific requirement.

**CONSULTANT SERVICE:** Work or task 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 includes, but is not limited to, the organization, planning, directing, control, evaluation and operation of a program, agency, or department.

**CONTRACT ADMINISTRATOR:** 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, change, or alteration to the terms and conditions of a fully executed contract. Examples of a modification or alteration include (by way of illustration, not limitation), exercising renewal options, no-cost time extensions, increases or decreases in services, increases or decreases in the contract items, or contract amount.

**NOTE:** Once a contract's expiration date has passed, the contract cannot be amended because a contract no longer exists.

**CONTRACTUAL SERVICE:** When an independent contractor performs services requiring specialized knowledge, experience, expertise or similar capabilities for a state agency for compensation from agency funds. The services may include (by way of illustration, not limitation) services such as, maintenance of buildings or equipment, auditing, film production, employee training and food service, provided that the service is not primarily for review, analysis or advice in formulating or implementing improvements in programs or services (in which case rules relating to Consultant Contracts shall be applicable).

**CONVENIENCE CONTRACT:** Refers to a contract or an agreement used by State Agencies to acquire goods and services and is administered by the Statewide IT or P&C. State Agencies are not required to use a convenience contract.

**DELEGATIONS:** 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.

**NOTE:** DEQ's general delegation (for purchases are not covered by Statewide Term Contracts) is \$25,000 or less for IT purchases and \$100,000 or less for non-IT purchases.

**EFFECTIVE DATES OF CONTRACT:** Refers to the date services being contracted for are to begin (the date the contractor/vendor is to begin work) and the date the work is to be finished. A contractor must not begin work until a fully executed contract is in place.

**ELECTRONIC VENDOR PORTAL (eVP):** Area on the Division of Purchase and Contract's, Department of Administration's home page where Vendors can see solicitation documents, addendums, and awards are done by State entities via a Dashboard. As of January 1, 2022, the Ariba Sourcing Tool (AST) and the Electronic Vendor Portal (eVP), replaced the Interactive Purchasing System (IPS) for all State Entities.

**EMERGENCY:** A situation which endangers lives or property, and which can be rectified only by the immediate on-the-spot purchase (or rental) of goods and/or services.

**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 procurement processes and reduce costs.

**FOB DESTINATION (FREE ON-BOARD DESTINATION):** Term used to indicate freight charges are included in the vendor's quoted price to your location. This is the preferred / default shipping designation for the State of North Carolina.

**GRANT CONTRACT:** Refers to a contract issued as a result of an award of a Request for Proposal conducted by a DEQ Division that has been awarded the grant funds and was given grant-making authority by the funding source.

**HISTORICALLY UNDERUTILIZED BUSINESS (HUB):** Any one of the following minority-owned businesses: Black, Hispanic, Asian American, American Indian, Female, Disabled, Disadvantaged ([N.C.G.S. 143-128.4](#))

**INFORMATION TECHNOLOGY (IT):** Electronic data processing goods and services and telecommunications goods and services, microprocessors, software, information processing, office systems, any services related to the foregoing, and consulting or other services for design or redesign of information technology supporting business processes.

**INSTALLMENT PURCHASE:** A contract in which the agency's established periodic payments are applied to fulfill the payment obligations for ownership of the commodity. Used when ownership of commodity at time of possession is intended.

**INTERACTIVE PROCUREMENT SYSTEM (IPS):** As of January 1, 2022, this system has been replaced by the Ariba Sourcing Tool (AST) and the Electronic Vendor Portal (eVP). eVP is used to notify the public of a solicitation on the Ariba Sourcing Tool.

**INVITATION FOR BIDS (IFB):** A formal solicitation document used to seek competition for easily defined goods and simple services. This document or the RFP is required to be used for competitive procurements (Non-IT over \$29,000 and IT over \$10,000).

**ITEM:** For the purposes of this DEQ Procurement Manual, ITEM shall represent a generic term for any and all Goods and / or Services.

**JUSTIFICATION:** A well-defined explanation stating the need for goods and/or services by the requesting Division or End User.

**LEASE:** A contract conveying from one to another use of a goods for a designated period of time in return for established periodic payments. The lease may or may not contain an option to purchase the goods at the end of the lease. Used when outright ownership is uncertain or when it is the intent to delay ownership.

**MANDATORY CONTRACT:** Refers to a contract or an agreement used by State Agencies to acquire goods and services and is administered by the Statewide IT or P&C. These contracts are required to be used by all State Agencies.

**MEMORANDUM OF UNDERSTANDING (MOU):** A legally binding document negotiated between DEQ and other agencies of state, federal and local governments, and private non-profit entities to provide an exchange of services or to describe the conditions under which one entity will provide services for another entity in return for payment. MOUs are signed by the parties to the agreement.

**NEGOTIATION:** A strategic discussion between DEQ and vendors that resolves an issue in a way that both parties find acceptable. Normally this is done when establishing a contract for goods and/or services.

**OFFER:** This term may refer to a bid, proposal or offer submitted in response to an Invitation for Bids, Request for Proposals, Grants, MOUs, Negotiation, or Request for Quotes.

**OFFEROR:** Company, firm, corporation, partnership, individual, etc., submitting a response to a solicitation document or in response to a negotiation.

**OPEN MARKET CONTRACT:** A contract for the purchase of a commodity or contractual service not covered by a State Term Contract, usually for a definite quantity on a single order.

**PERSONAL SERVICE CONTRACT:** Services provided by a professional individual (person) on a temporary or occasional basis, including (by way of illustration, not limitation) those provided by a doctor, dentist, scientist, or performer of the fine arts and similar professions; the exemption applies only if the individual is using his/her professional skills to perform a professional task; a personal service may also be a consultant service, in which case consultant contracting procedures shall be followed.

**PRESSING NEED:** A need arising from unforeseen causes including, but not limited to, breakdown of vital or necessary systems, delay by contractors, delay in transportation, or breakdown in machinery which can be rectified only by immediate on-the-spot purchase (or rental) of goods and/or services.

**PROCUREMENT CARD (P-CARD):** A credit card issued to an individual in a division which enables the user to purchase goods and/or services without the issuance of a purchase order and without using the direct payment process.

**PURCHASE:** The solicitation of, and acceptance of, an offer to (1) provide goods and/or services, or (2) lease or rent a commodity, or (3) sell a commodity outright, or (4) sell a commodity through a lease purchase or installment purchase contract.

**PURCHASE ORDER:** Form issued from the information submitted on a Requisition requesting goods and/or services. The Purchase Order is sent electronically through the North Carolina eProcurement System to the vendor supplying the goods and/or services and authorizes shipment.

**RENTAL:** A contract for the right to use a commodity or product for a period of time, usually with payments made at intervals over the period of use, and normally providing for short notice of cancellation.

**REQUEST FOR INFORMATION (RFI):** The RFI is an informal document used to request information from vendors about products or services when the Agency does not have enough information readily available to write an adequate solicitation document. The RFI should provide as much information as possible to define the type of information that is being sought. While information gathered from vendors' responses to the RFI may be used to enhance the agency's future procurement, the RFI must state that it is not a request for offer and that no award will result. Since the RFI is not a solicitation for procurement nor ever result in an award, the State's terms and conditions should not be included in the document.

NOTE: RFI's will never result in an award to a vendor.

**REQUEST FOR PROPOSALS (RFP):** A formal solicitation document used for seeking competition and obtaining offers for more complex services or a combination of goods and services used for competitive procurements.

**REQUEST FOR QUOTE (RFQ):** A solicitation document used for non-advertised non-competitive (i.e., sole source) procurements.

**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.

**RESPONSIVE OFFEROR:** An offeror who has submitted a signed offer which substantially conforms in all material respects to the solicitation document.

**SMALL PURCHASE:** The purchase of Goods and Services not covered by a Term Contract where the expenditure of Public Funds including Extensions and Renewals is equal to or less than the Small Purchase Benchmark amount, pursuant to [01 N.C.A.C. 05B .0301](#).

**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 P&C or Statewide IT Procurement.

**SOLE SOURCE:** When an item or service is available from only one source of supply worldwide. This requires market research to confirm and documentation for the file.

**SOLICITATION DOCUMENT:** A written Request for Quotes, Request for Proposals, Invitation for Bids, or a Request for Information.

**STATEWIDE TERM CONTRACT:** A contract created and handled by DOA'S Purchase and Contract Division, or by NCDIT's Statewide IT Procurement Office for all State Agencies, Universities, Community Colleges, and Local Governments, unless exempted by statute, rule, or special term and condition specific to that contract.

**TASK ORDER:** A format used by DEQ and the University of North Carolina (UNC) under the guidelines of a Master Agreement that sets out the elements deemed generally appropriate to establish meaningful and prudent contractual relationships which collectively constitute an obligation for DEQ to pay up to the amounts described therein and for UNC to perform the work defined.

**TERM CONTRACT:** A binding agreement between purchaser and seller to buy and sell certain Goods or Services at certain prices, for an agreed Contract Term, and under specific terms and conditions.

**TERM CONTRACT – AGENCY SPECIFIC:** Agencies may handle agency specific term contracts for use by their agency if the expenditure over the term of the contract is under their benchmark or delegation, and the commodity, printing, or service is not covered by a statewide term contract.

**VENDOR:** A contractor, supplier, bidder, company, independent contractor, firm, corporation, partnership, individual, or other entity submitting a response to a Solicitation.

**VENDOR NUMBER:** Also known as a Federal ID number or Tax ID number, it is a nine-digit number assigned to a vendor by the Federal Government.

**WAIVER OF COMPETITION:** Refers to a process by which contracts are issued without seeking competition based on justification submitted to and approved by the DEQ Procurement Division.

### **SECTION 3.0 ABBREVIATIONS:**



|       |  |
|-------|--|
| AST   | Ariba Sourcing Tool                      |
| DEQ   | Department of Environmental Quality      |
| DOA   | Department of Administration             |
| HUB   | Historically Underutilized Business      |
| eVP   | Electronic Vendor Portal                 |
| IFB   | Invitation for Bids                      |
| IPS   | Interactive Purchasing System            |
| IT    | Information Technology                   |
| NCAS  | North Carolina Accounting System         |
| NCDIT | Department of Information Technology     |
| NCFS  | North Carolina Financial System          |
| MOU   | Memorandum of Understanding              |
| P&C   | Department of Purchase and Contract      |
| RFI   | Request for Information                  |
| RFP   | Request for Proposal                     |
| RFQ   | Request for Quote                        |
| SCIO  | State Chief Information Officer at NCDIT |
| SCO   | State Construction Office                |
| SPO   | State Purchasing Officer at P&C          |

## **SECTION 4.0 ETHICS**

[North Carolina General Statute 14-234](#) states, in part “No public officer or employee may solicit or receive any gift, favor, reward, service or promise of reward including a promise of future employment in exchange for recommending, influencing, or attempting to influence the award of a contract by the public agency he or she serves.” In addition, [North Carolina General Statute 133-32](#) states “It shall also be unlawful for any officer or employee of a governmental agency who is charged with the duty of: (1) Preparing plans, specifications, or estimates for public contracts; or (2) Awarding or administering public contracts; or (3) Inspecting or supervising construction willfully to receive or accept any such gift or favor.”

## **SECTION 5.0 CONFLICT OF INTEREST**

No employee of DEQ may participate in the evaluation, selection, award, or administration of a contract, including contracts funded by state or federal grant dollars, if they have actual or apparent conflict of interest.

A conflict of interest may result when an employee's private interest conflicts or raises a reasonable question of conflict with the employee's public duties and responsibilities.

To help prevent conflicts of interest, DEQ shall follow these guidelines:

- 5.1. Review programs, policies, and activities of the department to identify and report any potential, real, or perceived conflicts of interest.
- 5.2. Employees shall report in writing, through appropriate management, when a conflict of interest is identified.
- 5.3. A determination will be made whether to excuse the employee from participation in the matter when a conflict of interest is identified.
- 5.4. No DEQ employee will draft, negotiate, evaluate, administer, accept, or approve any contract or subcontract or procurement of any type on behalf of the state if they or their immediate family has, directly or indirectly, any financial interest in such a contract or

- subcontract, including federal contracts.
- 5.5. No DEQ employee or member of their immediate family may use the employee's position to profit from, directly or indirectly, an interest in real or personal property; and
  - 5.6. No DEQ employee or member of their immediate family may accept any business or professional opportunity when such person knows, or reasonably should know, that the opportunity is being afforded to them with the intent to influence the performance of official duties.

## **SECTION 6.0 COMPETITIVE BIDDING**

North Carolina's default procurement process is to competitively bid all procurements. The basis is that DEQ is using taxpayer money, and it is our responsibility to procure goods and services at the best prices with the best terms and conditions in order to provide the best use of the taxpayer's money. When competition is not sought or obtained, a waiver must be submitted that provides justification and documentation for this decision, using Form 1887 (See DEQ Sourcing Library).

## **SECTION 7.0 METHODS OF PAYMENT FOR PROCUREMENTS:**

Payment of goods and services for DEQ are done by three (3) methods:

- 7.1. Purchase Order - A Purchase Order is the written legal document issued by DEQ that serves as the instrument to obtain goods and services from authorized supply sources. The Purchase Order stipulates shipment of goods, at a specific quantity and price to the Division requesting them.
- 7.2. Procurement Cards - The P-Card may be used by the cardholder to make purchases as necessary for items within their authorized limits. The P-Card does not supersede State P&C rules that are already in place. Items on State Term Contracts must still be purchased from the contract vendor. Under no circumstances shall a purchase be separated into smaller parts to circumvent the cardholders' authorized limits. See Section 27.0 for further information.
- 7.3. Direct Payment Purchase - A direct purchase can be defined as a purchase made without using a purchase order or the procurement card. This should only be used when absolutely necessary and requires prior written approval from the end user's Division Director and the DEQ Chief Financial Officer (CFO) prior to payment being made.

## **SECTION 8.0 GENERAL DELEGATION**

DEQ's general delegation for small purchases, not available from Correction Enterprises or covered under a Statewide Term Contract are:

- 8.1. For Non-IT Purchases, \$99,999.99 or less.
- 8.2. For IT Purchases: \$24,999.99 or less.

## **SECTION 9.0 SPECIAL DELEGATION**

P&C and Statewide IT may authorize, by special delegation, DEQ to purchase specific goods and/or services, printing, or contractual services without limitation as to the expenditure. Such delegation is normally confined, but not limited to, items and quantities or services which by their nature or circumstance (i.e., perishable, transportation costs, market volatility, local conditions, or local availability), would serve no practical purpose to be handled by them.

Any official DEQ special delegations are kept on file by DEQ Procurement. Division purchasing

departments should verify with DEQ Procurement of any special delegations that apply to their Division.

## **SECTION 10.0 UNAUTHORIZED PURCHASES**

Established purchasing rules and regulations ensure that NC General Statutes and NC Administrative Code requirements are adhered to. In addition, a uniform procedure offers continuity of the Procurement process for all users. It is understood that on occasion special circumstances (i.e., emergencies) arise in which alternative methods might have to be employed (See Section 21.0).

DEQ personnel involved in the procurement process can be held accountable for unauthorized purchases and improper procurement practices.

Any procurement transactions, including executing contracts, which are not in accordance with state procurement laws or rules shall be void and of no effect. Further, the DEQ Secretary and involved DEQ employees shall be personally liable for the costs of any such contract.

## **SECTION 11.0 BULK PURCHASES**

The SCIO has implemented a volume purchase initiative, as authorized by Senate Bill 991, to achieve cost savings and procurement efficiencies. To help accomplish this goal, a workgroup of Agency CIOs representing various agencies has established standard configurations for desktop and laptop personal computers. These configurations assist in planning for volume purchases that take place throughout the year. The CIO workgroup reviews and updates the standard configurations one (1) month prior to the volume purchase based on input from Agency CIOs.

### **11.1 Laptops and Desktops**

- 11.1.1. Requisitions for desktop and laptop personal computers must be submitted via the e-Procurement System.
- 11.1.2. Emergency or exception requisitions to be processed before the volume purchase date must be sent with justification attached.
- 11.1.3. Requisitions must include the quantity and Standard Configuration being requested. NCDIT will consolidate the requests and issue a competitive solicitation. Award will be made in accordance with “best value” procurement rules, as defined in [N.C.G.S. 143-135.9](#) and [09 N.C.A.C. 06B .0302](#).

### **11.2 Printers and Multi-Function Devices**

- 11.2.1. Requisitions for printers must be submitted via the e-Procurement System.
- 11.2.2. Procedures for printer requests follow the same procedures as the desktop and laptop requisitions. There are no standards for printers at this time. Divisions may establish their own printer standards and place their orders accordingly. Requisition line items should be entered from the e-Procurement catalogs to ensure accuracy and up to date part numbers, descriptions, and State Term Contract pricing.

## **SECTION 12.0 HISTORICALLY UNDERUTILIZED BUSINESS (HUB)**

The North Carolina Department of Administration’s Office for Historically Underutilized Business (HUB Office) is committed to striving to reduce barriers to Historically Underutilized Business

(HUB) participation in contracts for goods and services acquired by state agencies, community colleges, municipalities, institutions, public schools, and universities. The Office for Historically Underutilized Business certifies firms under [N.C.G.S. 143-128.4](#).

It is the mission of the HUB Office to promote economic opportunities for Historically Underutilized Business in State government contracting and procurement that will foster their growth and profitability.

Whenever possible, DEQ will utilize HUB vendors in all procurements, in accordance with Agency procurement policies and procedures. This website (<https://ncadmin.nc.gov/businesses/hub>) provides access to the HUB vendor/firm database.

## **SECTION 13.0 CORRECTION ENTERPRISES**

[NC General Statute 148-134](#) states that all State departments, institutions, and agencies shall give preference to Correction Enterprises products. The statute also exempts Correction Enterprises from the competitive bidding process.

A list of products available from Correction Enterprises can be found on the Correction Enterprises webpage (<https://www.correctionenterprises.com/>). Any item or service that is available from Correction Enterprises should be ordered from them.

### **13.1 Ordering from Correction Enterprises**

- 13.1.1. Division identifies their need for goods and/or services (item).
- 13.1.2. Division makes the determination if the needed item can be obtained from Correction Enterprises (<http://correctionenterprises.com>). If the Division has any questions, please send an email to the Correction Enterprises customer service mailbox: [eporders.orders@dac.nc.gov](mailto:eporders.orders@dac.nc.gov).
  - 13.1.2.1. To order Catalog items, the Division would access the Correction Enterprise punchout catalog on their website at: (<http://correctionenterprises.com>).
  - 13.1.2.2. To order Non-Catalog or Custom items, the Division would request a quote from the Correction Enterprise customer service staff at [eporders.orders@dac.nc.gov](mailto:eporders.orders@dac.nc.gov) and include the quote with your purchase requisition.
- 13.1.3. Division completes Form 6100.
- 13.1.4. Division enters purchase requisition into the North Carolina eProcurement System for processing (<http://eprocurement.nc.gov>) and attaches their quote(s), if provided, related documentation, and completed Form 6100. Alternately, P-Cards can be used for payment to Correction Enterprises within allowances of the DEQ P-Card Policy.
- 13.1.5. Purchase requisition routed through respective internal DEQ approval path for review and approval.
- 13.1.6. Purchase requisition is received in DEQ Procurement online through the North Carolina eProcurement System.
- 13.1.7. Purchase requisition is reviewed for compliance/accuracy and processed into a purchase order by appropriate DEQ Procurement staff.
- 13.1.8. Purchase order is forwarded electronically to the Correction Enterprises. The Requestor will receive an e-mail notification from the North Carolina eProcurement System once the requisition has been fully approved.
- 13.1.9. Purchased item(s) are received by the Division. The Requestor enters online

receipt(s) as appropriate, and forwards required documentation to Accounts Payable (AP) payment to the vendor.

### 13.2 Exceptions to Ordering from Correction Enterprises

- 13.2.1. If Correction Enterprises cannot honor the Division's request within the delivery time needed, or the requisition cannot be fulfilled because of an insufficient supply of the articles or commodities required, then the Division must obtain a written Waiver from Correction Enterprises to not purchase the item.
- 13.2.2. If Correction Enterprise offers the needed item and the Division determines it does not meet DEQ's standard specifications and reasonable requirements, the Division must obtain a written Waiver from Correction Enterprises to not purchase the item.
- 13.2.3. Requests for Correction Enterprise waivers are sent to the following mailbox: [eporders.orders@dac.nc.gov](mailto:eporders.orders@dac.nc.gov). The Division's waiver request must include a justification why the item doesn't meet DEQ standards, requirements, and/or needs. If the justification is approved, the procurement is to be handled following the procurement procedures in this Procurement Manual. The approved waiver must be attached to the Division's request.

## **SECTION 14.0 STATE TERM CONTRACTS (NON-IT AND IT GOODS OR SERVICES)**

A State Term Contract (STC) is a contract intended to cover normal and recurring requests for goods and services for the Agency and the State of North Carolina. STCs are established by P&C and Statewide IT through a competitive bid process.

STCs cover non-IT and IT goods and services. Each STC is designated as a Mandatory or Convenience contract. Mandatory STCs mean that State Agencies must use this contract if they need that contract's goods/services. Convenience STCs mean that State Agencies may use the contract but can choose not to; an Agency would then follow their Procurement Policy and Procedures.

Every STC has different ordering instructions and rules specific to that contract that must be followed.

### **READ EACH STATE TERM CONTRACT SUMMARY CAREFULLY PRIOR TO ORDERING.**

Most of the STCs have a section regarding an Abnormal Quantity amount (in units or in dollars) that require additional steps. Orders below the abnormal quantity amount shall be obtained in accordance with the procedures below. Orders over the abnormal quantity amount must be forwarded to P&C or Statewide IT as instructed in the contract summary and in accordance with the procedures below.

- 14.1. Division identifies need for product.
- 14.2. Division makes a determination if the needed product can be obtained from North Carolina Correction Enterprise (See Section 13.0). If the item cannot be obtained from Corrections Enterprises, go to the next step.
- 14.3. Division makes a determination that the needed product can be obtained from an STC.
  - 14.3.1. Non-IT State Term Contract Listing: <https://ncadmin.nc.gov/statewide-term-contracts>.
  - 14.3.2. IT State Term Contract Listing: <https://it.nc.gov/resources/statewide-it-procurement/statewide-it-contracts>.

- 14.3.3. If the item cannot be obtained from an STC, then see Sections 17.0, 18.0, and 19.0.
- 14.4. Division follows the instructions on the State Term Contract and obtains Quote(s) from contract Vendor(s).
- 14.5. Division completes Form 6100.
- 14.6. Division enters requisition into the North Carolina eProcurement System for processing and attaches their quote(s), related documentation, and completed Form 6100.
- 14.7. Requisition is routed through DEQ's internal approval flow for review and approvals.
- 14.8. Requisition is received at the DEQ Procurement.
- 14.9. Requisition documentation and quote(s) are reviewed for compliance/accuracy and processed into a purchase order by DEQ Procurement staff.
- 14.10. Purchase order is sent electronically to the Vendor. The Requestor will receive an e-mail notification from the North Carolina eProcurement System once the requisition has been fully approved.
- 14.11. Purchased item(s) are received by the Division. The Requestor enters online receipt(s) as appropriate, and forwards required documentation to Accounts Payable (A/P) for payment to be made to the vendor.

## **SECTION 15.0 PRINTED MATERIALS POLICY AND PROCEDURES**

Before any printed material requests are made, a Publication Review Form from Environmental Education and Public Affairs must be completed and sent to the Director of Creative Services for review. This process serves to ensure effective and consistent communication from DEQ. Upon the Director's written authorization, the request for printing and quotes shall be submitted to DEQ Purchasing via an e-procurement requisition.

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

- 15.1. Correction Enterprises is DEQ's primary source for printing, reference 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 Correction Enterprises contact them.
- 15.2. Contact Correction Enterprises for an estimate and further instructions on submitting files and other job documents.
- 15.3. If Correction Enterprises cannot perform the printing, an exemption is to be obtained. The end user is to supply detailed specifications, artwork, Environmental Education and Public Affairs approval and an exemption from Correction Enterprises when applicable.
- 15.4. 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.
- 15.5. P-Cards can be used for payment to Correction Enterprises within allowances of the DEQ P-Card Policy.

## **SECTION 16.0 GRANT / FINANCIAL ASSISTANCE CONTRACTS**

DEQ provides grant funding or financial assistance to entities to obtain or to provide a variety of specific activities. A general definition of a grant is an award of funding or financial assistance provided by a governmental spending unit, to a recipient to carry out a specific public purpose.

Grants and Financial Assistance contracts are generally subject to more government oversight, review, and government regulatory guidance than normal procurements.

- 16.1 Grant and Financial Assistance Requests:
- 16.1.1 Division determines the Grant requirements and develops a grant application.
  - 16.1.2 Division advertises the Grant and grant application via electronic means.
  - 16.1.3 Responses will be electronically received and opened by the Division and sent to the Division evaluation team.
    - 16.1.3.1 Division evaluation team must have a minimum of three (3) voting members.
    - 16.1.3.2 Division evaluates the applications, determines the Grantee(s) and/or SubGrantee(s) finalist(s), and make a written Final Grant Award Recommendation (See DEQ Sourcing Library).
    - 16.1.3.3 The evaluation team will evaluate the grant responses, negotiate with finalists, and provide a written Final Grant Award Recommendation (See DEQ Sourcing Library).
    - 16.1.3.4 Division will send their Final Grant Award Recommendation to the Division purchasing department for review.
    - 16.1.3.5 Division purchasing department will affirm/verify the Grantee(s) and or SubGrantee(s) standing (See Section 24.0).
  - 16.1.4 The Division must complete Form 2000 (See DEQ Sourcing Library).
  - 16.1.5 If the grant contract term exceeds three (3) years, then the Division must complete Form 1887 (See DEQ Sourcing Library).
  - 16.1.6 The Division purchasing department will gather the necessary attachments (as listed in the draft grant agreement template).
  - 16.1.7 Division enters a requisition into the North Carolina eProcurement System and attaches the draft grant agreement, related grant attachments, the completed Form 2000, and all relevant documentation.
    - 16.1.7.1 If this request can't be entered into eProcurement, then the Division would send their request via email to [SVC\\_DEQ.Send2Procurement@deq.nc.gov](mailto:SVC_DEQ.Send2Procurement@deq.nc.gov) and attach the Vendor(s) quote(s), the completed Form 6100, and all relevant documentation.
    - 16.1.7.2 If the documentation can't be uploaded to the eProcurement requisition or uploaded to the email to [SVC\\_DEQ.Send2Procurement@deq.nc.gov](mailto:SVC_DEQ.Send2Procurement@deq.nc.gov), then the Division should use the Ariba Sourcing Tool (AST), create a Contract Workspace (CW) and upload the documents there. The CW number must be referenced in the request.
  - 16.1.8 DEQ Procurement will create a draft grant agreement using the current grant templates and grant attachments (See DEQ Sourcing Library). DEQ Procurement will work with the Division purchasing department if there are any additions/changes/edits or additional documentation needed to the draft grant agreement. After DEQ Procurement approval,
    - 16.1.8.1 DEQ Procurement will send the grant agreement to the Division for review and approval.
    - 16.1.8.2 After Division approval, DEQ Procurement send the grant to the Grantee(s) or Subgrantee(s) for review and signature via DocuSign.
    - 16.1.8.3 After the contract has been executed, the Division purchasing department will send DEQ Procurement a copy of the executed grant agreement.
  - 16.1.9 Requisition is edited to match the executed grant agreement for compliance and accuracy by the DEQ Procurement
  - 16.1.10 DEQ Procurement will issue the Purchase Order from the eProcurement System.

- 16.1.11 Purchase order is sent electronically to the Vendor. The Requestor will receive an e-mail notification from the North Carolina eProcurement System once the requisition has been fully approved.
  - 16.1.12 Purchased item(s) are received by the Division. The Requestor enters online receipt(s) as appropriate, and forwards required documentation and invoice to Accounts Payable (A/P) for payment to be made to the vendor.
- 16.2 Memorandums of Understanding (MOU) and Task Orders:
- 16.2.1 Division determines the requirements of a Statement of Work and develops a draft MOU or Task Order.
  - 16.2.2 The Division purchasing department will create a draft MOU or Task Order agreement using the current MOU or Task Order templates (See DEQ Sourcing Library). The Division purchasing department will work with the Division end users to create the MOU or Task Order.
  - 16.2.3 The Division will provide the original executed contracts and related documentation related to the MOU or Task Order.
  - 16.2.4 If the MOU or Task Order contract term exceeds three (3) years, then the Division must complete Form 1887 (See DEQ Sourcing Library).
  - 16.2.5 Division enters a requisition into the North Carolina eProcurement System and attaches the MOU or Task Order and all relevant documentation.
    - 16.2.5.1 If this request can't be entered into eProcurement, then the Division would send their request via email to [SVC\\_DEQ.Send2Procurement@deq.nc.gov](mailto:SVC_DEQ.Send2Procurement@deq.nc.gov) and attach the MOU or Task Order and all relevant documentation.
    - 16.2.5.2 If the documentation can't be uploaded to the eProcurement requisition or uploaded to the email to [SVC\\_DEQ.Send2Procurement@deq.nc.gov](mailto:SVC_DEQ.Send2Procurement@deq.nc.gov), then the Division should use the Ariba Sourcing Tool (AST), create a Contract Workspace (CW) and upload the documents there. The CW number must be referenced in the request.
  - 16.2.6 DEQ Procurement will review the MOU or Task Order. DEQ Procurement will work with the Division purchasing department if there are any additions/changes/edits or additional documentation needed to the MOU or Task Order. After DEQ Procurement approval,
    - 16.2.6.1 DEQ Procurement will send the MOU or Task Order to the Division for review and approval.
    - 16.2.6.2 After Division approval, the Division send the MOU or Task Order to the Entities for review and signature via DocuSign.
    - 16.2.6.3 After the MOU or Task Order has been executed, the Division purchasing department will send DEQ Procurement a copy of the executed agreement.
  - 16.2.7 Requisition is edited to match the executed grant agreement for compliance and accuracy by the DEQ Procurement
  - 16.2.8 DEQ Procurement will issue the Purchase Order from the eProcurement System.
  - 16.2.9 Purchase order is sent electronically to the Vendor. The Requestor will receive an e-mail notification from the North Carolina eProcurement System once the requisition has been fully approved.
  - 16.2.10 Purchased item(s) are received by the Division. The Requestor enters online receipt(s) as appropriate, and forwards required documentation and invoice to Accounts Payable (A/P) for payment to be made to the vendor



## **SECTION 17.0 SMALL PURCHASES**

A DEQ Small Purchase is defined as the purchase of any non-IT goods and/or services, not covered by a term contract, involving an expenditure of funds less than \$29,000.00 or any IT goods and/or services, not covered by a term contract, involving an expenditure of funds less than \$10,000.00

### **17.1 For Requests (Non-IT and IT) that are \$0.00, Zero Cost, For Testing, or For Evaluation:**

- 17.1.1. Division obtains a written document from the vendor(s) with the zero-dollar cost, the start date of the evaluation, the end date of the evaluation, instructions on how to return the items, and the vendor actions that will occur if the item(s) are not returned by the end date.
- 17.1.2. Written approval by the Division's Director and the DEQ Chief Financial Officer (CFO must be provided with the request.
- 17.1.3. Division enters requisition into the North Carolina eProcurement System for processing, and attached the vendor quote, vendor instructions, and the written approvals.
- 17.1.4. Division purchasing department will affirm/verify the vendor's standing (See Section 24.0).
- 17.1.5. Requisition routed through respective internal division approval path for review and approval.
- 17.1.6. Requisition is received in the Procurement Division queue in the eProcurement System.
- 17.1.7. Requisition is reviewed for compliance/accuracy and processed into a purchase order by Procurement staff.
- 17.1.8. Purchase order is sent electronically to the Vendor. The Requestor will receive an e-mail notification from the North Carolina eProcurement System once the requisition has been fully approved.
- 17.1.9. Item(s) are received by the Division. The Requestor enters online receipt(s) as appropriate.
- 17.1.10. Item(s) is returned to the vendor by the established end date.

### **17.2 For Requests (Non-IT and IT) between \$0.01 and \$9,999.99:**

- 17.2.1. Division identifies their need for goods and/or services (item).
- 17.2.2. Division makes the determination if the needed item can be obtained from Correction Enterprises (See Section 13.0). If not, go to the next step.
- 17.2.3. Division makes the determination if the needed item can be obtained from a State Term Contract (See Section 14.0). If not, go to the next step.
- 17.2.4. Division makes the determination if DEQ has an existing contract for the needed item. If unsure, consult with your Division purchasing department. If there is no existing contract, go to the next step.
- 17.2.5. Division obtains a minimum of one (1) written quote or email from the vendor(s). The Division must attach all the quote(s) received to the requisition for verification of pricing and terms.
- 17.2.6. Division purchasing department will affirm/verify the vendor's standing (See Section 24.0).
- 17.2.7. If the Division is asking for a Waiver of Competition (i.e., a Sole Source or Brand Specific) the Division must complete Form 1887 (See DEQ Sourcing Library).
- 17.2.8. If this request is for an IT item, the Division sends an email with their request to

- the DEQ Project Manager to determine if the request is an IT Project or not. This decision must be in writing and included with your documentation.
- 17.2.8.1 If the DEQ Project Manager determines the request is not an IT Project, then continue to 17.2.9;
  - 17.2.8.2 If the DEQ Project Manager determines the request is an IT Project, then the Division will work with the Project Manager to enter their request into the EPMO Touchdown Tool before proceeding to 17.2.9.
  - 17.2.8.3 Current DEQ IT Project Manager is: Mikele Stephens (mikele.stephens@deq.nc.gov).
- 17.2.9. Division enters a requisition into the North Carolina eProcurement System and attaches the Vendor(s) quote(s), and all relevant documentation.
- 17.2.9.1 If this request can't be entered into eProcurement, then the Division would send their request via email to [SVC\\_DEQ.Send2Procurement@deq.nc.gov](mailto:SVC_DEQ.Send2Procurement@deq.nc.gov) and attach the Vendor(s) quote(s), a completed Form 6100, and all relevant documentation. The current version of Form 6100 is located in the Ariba Sourcing Tool under the DEQ Sourcing Library.
  - 17.2.9.2 If this request is for an IT item, the Division must attach the vendor's license, terms, and/or conditions, if any. This may include, but is not limited to, Software Licenses, Master License Agreement, Master Services Agreement, Software as a Service Terms and Conditions, or other similar documents.
  - 17.2.9.3 If this request is for an IT item, the Division must add the DEQ Security Liaison to the requisition Approval Flow or attach the DEQ Security Liaison's written approval for the IT item.
  - 17.2.9.4 Current DEQ Security Liaison is: Chris Bawden (christopher.bawden@deq.nc.gov).
- 17.2.10. Requisition is routed through the Approval Flow as established by DEQ for review and approval.
  - 17.2.11. Requisition is received in the DEQ Procurement queue in the eProcurement System.
  - 17.2.12. Requisition is received into the DEQ Procurement queue and reviewed for compliance/accuracy.
  - 17.2.13. If the requisition is approved, it will be approved into a purchase order by DEQ Procurement.
  - 17.2.14. Purchase order is sent electronically to the Vendor. The Requestor will receive an e-mail notification from the North Carolina eProcurement System once the requisition has been fully approved.
  - 17.2.15. Purchased item(s) are received by the Division. The Requestor enters online receipt(s) as appropriate, and forwards required documentation and invoice to Accounts Payable (A/P) for payment to be made to the vendor.
- 17.3 For Non-IT Requests between \$10,000.00 and \$28,999.99:
- 17.3.1. Division identifies their need for goods and/or services (item).
  - 17.3.2. Division makes the determination if the needed item can be obtained from Correction Enterprises (See Section 13.0). If not, go to the next step.
  - 17.3.3. Division makes the determination if the needed item can be obtained from a State Term Contract (See Section 14.0). If not, go to the next step.
  - 17.3.4. Division makes the determination if DEQ has an existing contract for the needed item. If unsure, consult with your purchasing department. If there is no existing contract, go to the next step.

- 17.3.5. Division obtains a minimum of three (3) written quote(s) or email(s) from the vendor(s). One (1) written quote must be from a HUB vendor. If a HUB vendor quote is unavailable, Division must provide written documentation of their efforts. The Division must attach all the quotes received to the requisition for verification of pricing and terms.
  - 17.3.6. Division purchasing department will affirm/verify the recommended vendor's standing (See Section 24.0).
  - 17.3.7. If the Division is asking for a Waiver of Competition (i.e., a Sole Source or Brand Specific) the Division must complete Form 1887 (See DEQ Sourcing Library).
  - 17.3.8. Division enters a requisition into the North Carolina eProcurement System and attaches the Vendor(s) quote(s), and all relevant documentation.
    - a. If this request can't be entered into eProcurement, then the Division would send their request via email to [SVC\\_DEQ.Send2Procurement@deq.nc.gov](mailto:SVC_DEQ.Send2Procurement@deq.nc.gov) and attach the Vendor(s) quote(s), a completed Form 6100, and all relevant documentation. The current version of Form 6100 is located in the Ariba Sourcing Tool under the DEQ Sourcing Library.
  - 17.3.9. Requisition is routed through the Approval Flow as established by DEQ for review and approval.
  - 17.3.10. Requisition is received into the DEQ Procurement queue and reviewed for compliance/accuracy.
  - 17.3.11. If the requisition is approved, it will be approved into a purchase order by DEQ Procurement.
  - 17.3.12. Purchase order is sent electronically to the Vendor. The Requestor will receive an e-mail notification from the North Carolina eProcurement System once the requisition has been fully approved.
  - 17.3.13. Purchased item(s) are received by the Division. The Requestor enters online receipt(s) as appropriate, and forwards required documentation and invoice to Accounts Payable (A/P) for payment to be made to the vendor.
- 17.4 For IT Requests between \$10,000.00 and \$24,999.99:
- 17.4.1 Division identifies their need for goods and/or services (item).
  - 17.4.2 Division makes the determination if the needed item can be obtained from Correction Enterprises (See Section 13.0). If not, go to the next step.
  - 17.4.3 Division makes the determination if the needed item can be obtained from a State Term Contract (See Section 14.0). If not, go to the next step.
  - 17.4.4 Division makes the determination if DEQ has an existing contract for the needed item. If unsure, consult with your purchasing department. If there is no existing contract, go to the next step.
  - 17.4.5 If the Division is asking for a Waiver of Competition (i.e., a Sole Source or Brand Specific) the Division must complete Form 1887 (See DEQ Sourcing Library).
  - 17.4.6 The Division sends an email with their request to the DEQ Project Manager to determine if the request is an IT Project or not. This decision must be in writing and included with your documentation.
    - 17.4.6.1 If the DEQ Project Manager determines the request is not an IT Project, then continue to 17.4.7;
    - 17.4.6.2 If the DEQ Project Manager determines the request is an IT Project, then the Division will work with the Project Manager to enter their request into the EPMO Touchdown Tool before proceeding to 17.4.7.
    - 17.4.6.3 Current DEQ IT Project Manager is: Mikele Stephens (mikele.stephens@deq.nc.gov).
  - 17.4.7 The Division purchasing department will create a solicitation document using the

- current bid solicitation template (See DEQ Sourcing Library or AST Sourcing Library).
- 17.4.8 The Division purchasing department will work with the Division end users to create a draft solicitation document.
  - 17.4.9 Division enters a requisition into the North Carolina eProcurement System and attaches the draft bid solicitation, the completed Form 6100, and all relevant documentation.
    - 17.4.9.1 If this request can't be entered into eProcurement, then the Division would send their request via email to [SVC\\_DEQ.Send2Procurement@deq.nc.gov](mailto:SVC_DEQ.Send2Procurement@deq.nc.gov) and attach the Vendor(s) quote(s), a completed Form 6100, and all relevant documentation. The current version of Form 6100 is located in the Ariba Sourcing Tool under the DEQ Sourcing Library.
  - 17.4.10 The Division must add the DEQ Security Liaison to the requisition Approval Flow or attach the DEQ Security Liaison's written approval for the IT item. Current DEQ Security Liaison is: Chris Bawden (christopher.bawden@deq.nc.gov).
  - 17.4.11 Division must attach the vendor's license, terms, and/or conditions, if any. This may include, but is not limited to, Software Licenses, Master License Agreement, Master Services Agreement, Software as a Service Terms and Conditions, or other similar documents.
  - 17.4.12 The Division provides their written requirements, specifications, statements of work, problem statements, business justifications, cost-benefit analysis, market research, and all other related documents (as appropriate to the request) and attach them to the eProcurement requisition.
  - 17.4.13 Requisition is routed through the Approval Flow as established by DEQ for review and approval.
  - 17.4.14 Requisition is received in the DEQ Procurement queue in the eProcurement System.
  - 17.4.15 Requisition is reviewed for compliance/accuracy and processed into a purchase order by Procurement staff.
  - 17.4.16 Requisition is received into the DEQ Procurement queue and reviewed for compliance/accuracy.
  - 17.4.17 DEQ Procurement will review the draft bid solicitation. DEQ Procurement will work with the Division purchasing department if there are any additions/changes/edits needed to finalize the bid solicitation. After DEQ Procurement approval,
    - 17.4.17.1 Division purchasing shall post the final draft bid solicitation in the Ariba Sourcing Tool (AST) for approval and posting.
    - 17.4.17.2 The Division must enter a dollar amount for the Contract Value. This value cannot be zero (\$0).
    - 17.4.17.3 Bids must be advertised for a minimum of ten (10) calendar days prior to the date designated for opening. If this is an RFQ, the response due date is determined by the Division.
    - 17.4.17.4 When the AST posts a bid, the bid is automatically posted to both the eVP website and the HUB website.
    - 17.4.17.5 Bids will be electronically opened by the Division purchasing department, evaluated for responsiveness, and sent to the Division evaluation team.
    - 17.4.17.6 Division evaluation team must have a minimum of three (3) voting members.
    - 17.4.17.7 The evaluation team will evaluate the bids, negotiate with finalists, and make a written Final Award Recommendation (See Forms and Templates). Note that Divisions may send a Draft Award Recommendation to the DEQ Procurement for review before sending



- research, and all other related documents (as appropriate to the request) and attach them to the eProcurement requisition.
- 17.5.10. Requisition is routed through the Approval Flow as established by DEQ for review and approval.
- 17.5.11. Requisition is received into the DEQ Procurement queue and reviewed for compliance/accuracy.
- 17.5.12. DEQ Procurement will review the draft bid solicitation. DEQ Procurement will work with the Division purchasing department if there are any additions/changes/edits needed to finalize the bid solicitation. After DEQ Procurement approval,
- 17.5.12.1 Division purchasing shall post the final draft bid solicitation in the Ariba Sourcing Tool (AST) for approval and posting.
- 17.5.12.2 The Division must enter a dollar amount for the Contract Value. This value cannot be zero (\$0).
- 17.5.12.3 Bids must be advertised for a minimum of ten (10) calendar days prior to the date designated for opening. If this is an RFQ, the response due date is determined by the Division.
- 17.5.12.4 When the AST posts a bid, the bid is automatically posted to both the eVP website and the HUB website.
- 17.5.12.5 Bids will be electronically opened by the Division purchasing department, evaluated for responsiveness, and sent to the Division evaluation team.
- 17.5.12.6 Division evaluation team must have a minimum of three (3) voting members.
- 17.5.12.7 The evaluation team will evaluate the bids, negotiate with finalists, and make a written Final Award Recommendation (See DEQ Sourcing Library). Note that Divisions may send a Draft Award Recommendation to the DEQ Procurement for review before sending their final Award Recommendation.
- 17.5.12.8 Division purchasing department will affirm/verify the recommended vendor's standing (See Section 24.0).
- 17.5.12.9 Division will send their Final Award Recommendation to the DEQ Procurement Division for review and approval.
- 17.5.12.10 After approval of the Award Recommendation, DEQ Procurement will send the Division purchasing department a written Approval to Award memorandum.
- 17.5.13. Requisition is edited to match the approved Award Recommendation for compliance and accuracy by the DEQ Procurement.
- 17.5.14. Division purchasing will route all the relevant Bid documents to be signed via DocuSign. After the contract has been executed, Division purchasing department will award the contract to the vendor(s) in the eVP Dashboard and close the bid in the AST.
- 17.5.15. Division purchasing department will notify DEQ Procurement of the AST award and then DEQ Procurement will issue the Purchase Order from the eProcurement System.
- 17.5.16. Purchase order is sent electronically to the Vendor. The Requestor will receive an e-mail notification from the North Carolina eProcurement System once the requisition has been fully approved.
- 17.5.17. Purchased item(s) are received by the Division. The Requestor enters online receipt(s) as appropriate, and forwards required invoice and documentation to Accounts Payable (A/P) for payment to be made to the vendor.

**For NON-IT Requests OVER \$100,000.00, see Section 18.0**

**For IT Requests OVER \$25,000.00, see Section 19.0**

**SECTION 18.0 NON-IT PURCHASES \$100,000.00 AND OVER**

Requests of Non-IT Goods and Services equal or exceeding \$100,000 must be sent to Division of Purchase & Contract (P&C) for review and approval.

- 18.1. Division identifies their need for goods and/or services (item).
- 18.2. Division makes the determination if the needed item can be obtained from Correction Enterprises (See Section 13.0). If not, go to the next step.
- 18.3. Division makes the determination if the needed item can be obtained from a State Term Contract (See Section 14.0). If not, go to the next step.
- 18.4. Division makes the determination if DEQ has an existing contract for the needed item. If unsure, consult with your Division purchasing department. If there is no existing contract, go to the next step.
- 18.5. Division conducts market research and consults with Subject Matter Experts (SMEs) to determine requirements, specifications, services needed, and estimated costs.
- 18.6. If the Division is asking for a Waiver of Competition (i.e., a Sole Source or Brand Specific) the Division must complete Form 1887 (See DEQ Sourcing Library).
- 18.7. Division provides its written requirements, specifications, statements of work, problem statements, business justifications, cost-benefit analysis, market research, and all other related documents (as appropriate to the request) to its Division purchasing department.
- 18.8. The Division purchasing department will work with the Division end users to create a draft solicitation document using the current bid solicitation template (See DEQ Sourcing Library or AST Sourcing Library).
- 18.9. Division enters a requisition into the North Carolina eProcurement System and attaches the draft bid solicitation, and all relevant documentation using an estimated dollar amount. Do not enter zero dollars.
- 18.10. Requisition is routed through the Approval Flow as established by DEQ for review and approval.
- 18.11. Requisition is received in the DEQ Procurement queue in the eProcurement System.
- 18.12. DEQ Procurement will review the draft bid solicitation. DEQ Procurement will work with the Division purchasing department if there are any additions/changes/edits needed to finalize the bid solicitation. After DEQ Procurement approval,
  - 18.12.1 Division purchasing department shall post the final draft bid solicitation and any relevant documentation in the Ariba Sourcing Tool (AST) for approval and posting.
  - 18.12.2 The Division purchasing department must enter a dollar amount for the Contract Value. This value cannot be zero (\$0).
  - 18.12.3 The bid will be routed to the P&C Division for review and approval. After approval, the Division purchasing department will post the bid in the AST.
  - 18.12.4 Bids must be advertised for a minimum of ten (10) calendar days prior to the date designated for opening. If this is an RFQ, the response due date is determined by the Division.
  - 18.12.5 When the AST posts a bid, the bid is automatically posted to both the eVP website and the HUB website.
  - 18.12.6 Bids will be electronically opened by the Division purchasing department,

- evaluated for responsiveness, and sent to the Division evaluation team.
- 18.12.7 Division evaluation team must have a minimum of three (3) voting members.
  - 18.12.8 The evaluation team will evaluate the bids, negotiate with finalists, and make a written Final Award Recommendation (See DEQ Sourcing Library). The award recommendation is based on evaluation and award criteria listed in bid document (low bid meeting specifications). Detailed explanation must be included if other than the low bid is recommended.
  - 18.12.9 Division purchasing department will affirm/verify the recommended vendor's standing (See Section 24.0).
  - 18.12.10 The evaluation team must send their Draft Award Recommendation to the DEQ Procurement for review and approval.
- 18.13. The evaluation team sends the bid package(s) with their Final Award Recommendation to their Division purchasing department. The Division purchasing department will upload the bid package to the AST and route it to P&C for their review and approval.
  - 18.14. P&C will provide written authorization, a contract certification, or a contract award and upload it into the AST and send it back to the Division purchasing department.
  - 18.15. Division purchasing department will route all the relevant Bid documents to be signed via DocuSign. After the contract has been executed, Division purchasing department will award the contract to the vendor(s) in the eVP Dashboard and close the bid in the AST.
  - 18.16. Division purchasing department will notify DEQ Procurement of the AST award and then DEQ Procurement will issue the Purchase Order from the eProcurement System.
  - 18.17. Purchase orders are sent electronically to the vendor. A file copy with supporting documentation is maintained in Procurement. The requestor will receive an e-mail notification from the North Carolina eProcurement System once the requisition has been fully approved.
  - 18.18. Purchased item(s) are received by the Division. The Requestor enters online receipt(s) as appropriate, and forwards required documentation to Accounts Payable (A/P) for payment to be made to the vendor.

## **SECTION 19.0 IT PURCHASES \$25,000.00 AND OVER**

Requests of IT Goods and Services equal or exceeding \$25,000 must be sent to the Statewide IT Procurement Office (Statewide IT) for review and approval.

- 19.1. Division identifies their need for goods and/or services (item).
- 19.2. Division makes the determination if the needed item can be obtained from Correction Enterprises (See Section 13.0). If not, go to the next step.
- 19.3. Division makes the determination if the needed item can be obtained from a State Term Contract (See Section 14.0). If not, go to the next step.
- 19.4. Division makes the determination if DEQ has an existing contract for the needed item. If unsure, consult with your Division purchasing department. If there is no existing contract, go to the next step.
- 19.5. Division conducts market research and consults with Subject Matter Experts (SMEs) to determine requirements, specifications, services needed, and estimated costs.
- 19.6. If the Division is asking for a Waiver of Competition (i.e., a Sole Source or Brand Specific) the Division must complete Form 1887 (See DEQ Sourcing Library).
- 19.7. The Division must complete the NCDIT Intake Form (See AST Sourcing Library).
- 19.8. The Division purchasing department will work with the Division end users to create a draft solicitation document using the current bid solicitation template (See DEQ Sourcing Library or AST Sourcing Library).



- 19.9. Division purchasing department sends an email with their request to the DEQ Project Manager to determine if the request is an IT Project or not.
  - 19.9.1 If the DEQ Project Manager determines the request is not an IT Project, then continue to step 19.10.
  - 19.9.2 If the DEQ Project Manager determines the request is an IT Project, then the Division will work with the Project Manager to enter their request into the EPMO Touchdown Tool before proceeding to step 19.10.
  - 19.9.3 Current DEQ IT Project Manager is: Mikele Stephens (mikele.stephens@deq.nc.gov)
- 19.10. Division enters a requisition into the North Carolina eProcurement System and attaches the draft bid solicitation, and all relevant documentation using an estimated dollar amount. Do not enter zero dollars.
- 19.11. The Division must add the DEQ Security Liaison to the requisition Approval Flow or attach the DEQ Security Liaison's written approval for the IT item. Current DEQ Security Liaison is: Chris Bawden (christopher.bawden@deq.nc.gov).
- 19.12. Requisition is routed through the Approval Flow as established by DEQ for review and approval
- 19.13. DEQ Procurement will review the draft bid solicitation. DEQ Procurement will work with the Division purchasing department if there are any additions/changes/edits needed to finalize the bid solicitation. After DEQ Procurement approval,
  - 19.12.1 Division purchasing department uploads the draft bid document, the NCDIT Intake Form, and any relevant documentation into the AST where it is routed for NCDIT reviews and approvals.
  - 19.12.2 The Division purchasing department must enter a dollar amount for the Contract Value. This value cannot be zero (\$0).
  - 19.12.3 After NCDIT approvals, the bid will be routed to Statewide IT for review and approval. After approval, Division purchasing department will post the bid in the AST.
  - 19.12.4 Bids must be advertised for a minimum of ten (10) calendar days prior to the date designated for opening. If this is an RFQ, the response due date is determined by the Division.
  - 19.12.5 When the AST posts a bid, the bid is automatically posted to both the eVP website and the HUB website.
  - 19.12.6 Bids will be electronically opened by the Division purchasing department, evaluated for responsiveness, and sent to the Division evaluation team.
  - 19.12.7 Division evaluation team must have a minimum of three (3) voting members.
  - 19.12.8 The evaluation team will evaluate the bids, negotiate with finalists, and make a written Final Award Recommendation (See DEQ Sourcing Library). The award recommendation is based on evaluation and award criteria listed in bid document. Detailed explanation of the evaluation must be included.
  - 19.12.9 Division purchasing department will affirm/verify the recommended vendor's standing (See Section 24.0).
  - 19.12.10 The evaluation team must send their Draft Award Recommendation to the DEQ Procurement for review and approval
- 19.14. The evaluation team sends the bid package(s) with their Final Award Recommendation to their Division purchasing department. The Division purchasing department will upload the bid package to the AST and route it to Statewide IT for their review and approval.
- 19.15. Statewide IT Procurement Office will provide written authorization, a contract certification or contract award letter and uploads it into the AST.
- 19.16. Division purchasing department will route all the relevant Bid documents to be signed via

- DocuSign. After the contract has been executed, Division purchasing department will award the contract to the vendor(s) in the eVP Dashboard and close the bid in the AST.
- 19.17. Division purchasing department will notify DEQ Procurement of the AST award and then DEQ Procurement will issue the Purchase Order from the eProcurement System
  - 19.18. Purchase orders are sent electronically to the vendor. A file copy with supporting documentation is maintained in Procurement. The requestor will receive an e-mail notification from the North Carolina eProcurement System once the requisition has been fully approved.
  - 19.19. Purchased item(s) are received by the Division. The Requestor enters online receipt(s) as appropriate, and forwards required documentation and invoice to Accounts Payable (A/P) for payment to be made to the vendor.

## **SECTION 20.0 WAIVER OF COMPETITION AND CONTRACT TERMS OVER THREE (3) YEARS**

A Waiver of Competition **requires** written, signed justification documentation for the Procurement file. A sole-source or brand-specific memo is no longer sufficient to justify a sole source. The end user must conduct market research to justify a waiver and specifically for a sole source.

NOTE: All waiver requests must be attached to the request in the Ariba Sourcing Tool for Statewide IT Procurement Office or P&C for final approval when the purchase exceeds \$25,000 for Statewide IT Procurement Office and when the purchase exceeds \$100,000 for P&C.

For Waivers of Competition and Contract Terms that exceed three (3) years, the following form must be filled out and attached with the request: DEQ Form 1887 – Procurement Exceptions (See DEQ Sourcing Library).

### **20.1 For Non-IT Goods and Services - 01 NCAC 05B .1401 WAIVER OF COMPETITION**

Under conditions listed in this Rule, and otherwise if deemed to be in the public interest by the SPO or the agency, if under its delegation or benchmark, competition may be waived.

Conditions permitting waiver include cases:

- 20.1.1. where performance or price competition is not available;
- 20.1.2. where a needed product or service is available from only one source of supply;
- 20.1.3. where emergency action is indicated;
- 20.1.4. where competition has been solicited but no satisfactory offers received;
- 20.1.5. where standardization or compatibility is the overriding consideration;
- 20.1.6. where a donation predicates the source of supply;
- 20.1.7. where personal or particular professional services are required;
- 20.1.8. where a particular medical product or service, or prosthetic appliance is needed;
- 20.1.9. where a product or service is needed for the blind or severely disabled and there are overriding considerations for its use;
- 20.1.10. where additional products or services are needed to complete an ongoing job or task;
- 20.1.11. where products are bought for "over the counter" resale;
- 20.1.12. where a particular product or service is desired for educational, training, experimental, developmental or research work;
- 20.1.13. where equipment is already installed, connected and in service, and it is determined advantageous to purchase it;
- 20.1.14. where items are subject to rapid price fluctuation or immediate acceptance;

- 20.1.15. where there is evidence of resale price maintenance or other control of prices, lawful or unlawful, or collusion on the part of companies which thwarts normal competitive procedures;
- 20.1.16. where the amount of the purchase is too small to justify soliciting competition or where a purchase is being made and a satisfactory price is available from a previous contract;
- 20.1.17. where the requirement is for an authorized cooperative project with another governmental unit(s) or a charitable non-profit organization(s); and
- 20.1.18. where a used item(s) is available on short notice and subject to prior sale

20.2 For IT Goods and Services - 09 NCAC 06B .0901 CONDITIONS FOR LIMITED OR WAIVED COMPETITION

(a) Under conditions listed in this Rule, and otherwise if deemed to be in the interest of the State by the State CIO, competition may be limited or waived where a factual basis demonstrates support of one or more of the conditions set forth in Paragraph (b) of this Rule. If the procurement is within a purchasing agency's general delegation, then the purchasing agency may waive competition in conformance with this Rule. If the procurement is greater than the agency's delegation, the agency shall submit a written request including facts supporting conditions set forth in Paragraph (b) of this Rule for limited or waived competition to the State CIO for approval.

(b) Competition may be limited or waived under the following conditions:

- 20.2.1. competition is not available;
- 20.2.2. a needed product or service is available from only one source of supply;
- 20.2.3. emergency action is indicated;
- 20.2.4. competition has been solicited but no responsive offers have been received;
- 20.2.5. standardization or compatibility is the overriding consideration;
- 20.2.6. a donation stipulates the source of supply;
- 20.2.7. personal or particular professional services are required;
- 20.2.8. a product or service is needed for a person with disabilities and there are overriding considerations for its use;
- 20.2.9. additional products or services are needed to complete an ongoing job or task;
- 20.2.10. a particular product or service is desired for educational, training, experimental, developmental or research work;
- 20.2.11. equipment is already installed, connected and in service, and it is determined advantageous to purchase it;
- 20.2.12. items are subject to rapid price fluctuation or immediate acceptance;
- 20.2.13. there is evidence of resale price maintenance or other control of prices or collusion on the part of persons or entities that thwarts normal competitive procedures unless otherwise prohibited by law;
- 20.2.14. a purchase is being made and a price is available from a previous contract;
- 20.2.15. the requirement is for an authorized cooperative project with another governmental unit(s) or a charitable non-profit organization(s); or
- 20.2.16. a used item is available on short notice and subject to prior sale.

20.3 Contract Terms Limited to Three (3) Years

- 20.3.1. A contract term shall not be awarded for more than three years including extensions and renewals, without the prior approval of the SPO or State CIO, based on a determination that it is advantageous to the State pursuant to best value procurement. See 01 NCAC 05B .0319 (a) and (b) CONTRACT TERM (for Non-IT contracts) and See 09 NCAC 06B .0301 (d)(5) PROCUREMENT PROCEDURES (for IT contracts).

- 20.3.2. Divisions must send their documentation to DEQ Procurement for review and approval before the contract can be sent for offer/response.

## **SECTION 21.0 EMERGENCY OR PRESSING NEED**

The Secretary of DEQ and the Division's Director will be **responsible** for determining an emergency or pressing need situation but will **not** use this justification as simply a method to circumvent the Procurement rules and regulations. If time permits, prior approval from the Procurement Office will be obtained for these types of purchases.

### **21.1 For Non-IT Goods and Services - 01 NCAC 05B .1602 EMERGENCIES:**

- 21.1.1. An agency may make 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.
- 21.1.2. Agencies may negotiate with a potential vendor(s) in an effort to acquire the quality of commodity, service or printing needed at the best possible price, delivery, terms and conditions. A solicitation document requesting or inviting an offer(s) shall be issued, including standard language, terms and conditions issued by the Division of Purchase and Contract, unless circumstances prohibit their use.
- 21.1.3. When emergency or pressing need action is necessary, and the expenditure is over the agency's benchmark or delegation, prior verbal approval shall be obtained from the Division if time permits. Subsequently, whether or not such prior approval was possible, if the expenditure is over the agency's benchmark or delegation, an explanation of the emergency or pressing need purchase shall be reported in writing to the Division. The Division shall report such purchases of commodities and printing to the Board as a matter of record.

### **21.2 For IT Goods and Services - 09 NCAC 06B .1302 EMERGENCY SITUATIONS OR PRESSING NEED:**

- 21.2.1. An agency may make purchases of goods or services in the open market in cases of emergency or pressing need.
- 21.2.2. When emergency or pressing need action is necessary, and the estimated expenditure is over the purchasing agency's delegation, prior verbal approval shall be obtained from the State CIO unless the purchase must be made outside of business hours, during holidays or when state offices are otherwise closed. Subsequently, if the expenditure is over the purchasing agency's delegation, an explanation of the emergency or pressing need purchase shall be reported in writing to the State CIO.

### **21.3 IN BOTH CASES (Non-IT and IT), for emergency or pressing need purchases, the following must occur:**

- 21.3.1. The Secretary of DEQ and the Division Director, determines if the situation is an Emergency or Pressing Need.

- 21.3.2. If determined to be an emergency or pressing need, verbal approval is provided with written approval provided later for documentation.
- 21.3.3. Goods and/or services are obtained by authorized Division staff.
- 21.3.4. The Division Director must notify the DEQ Procurement Division of the situation as soon as possible via email to Submit2Procurement@deq.nc.gov.
- 21.3.5. Division enters a requisition with estimated costs (if actual is unknown) into eProcurement. If the vendor is not registered in e-Procurement, a direct pay request may be made to the Controller's Office for approval. P-Card may be used within cardholder's authorized limits.
- 21.3.6. Purchase requisition with estimated amount is received in Procurement for emergency/pressing need. A purchase order is issued to cover the estimated costs incurred (if entered through e-procurement). A change order will be necessary to correct the estimated amount to actual once the invoice is received.
- 21.3.7. Division must provide documentation to DEQ Procurement that includes, but is not limited to, the following:
  - 21.3.7.1 Written approvals of the Secretary of DEQ and the Division Director.
  - 21.3.7.2 The vendor's name and value of the purchase.
  - 21.3.7.3 An explanation of the circumstances.
  - 21.3.7.4 The reason for the actions taken.

## **SECTION 22.0 CONTRACT AMENDMENTS**

A contract amendment is any modification or alteration to the terms and/or conditions of a fully executed contract, grant, or MOU. Examples include but are not limited to, no-cost time extensions, renewals, changes in services, changes in goods, increases or decreases of the contract amount, or vendor name changes.

Contracts **CANNOT** be amended after the ending contract term date. **NO** contract exists after the ending date has passed.

**It is the responsibility of the Division to notify DEQ Procurement if action is required on a contract.** If a Division is requesting a renewal option to be exercised, the Division is attesting that the contract and the vendor is in good standing with DEQ and there have been no contract issues.

Requests for Contract Amendments should be submitted to DEQ Procurement at least 120 days (90 days if a P&C awarded contract or a Statewide IT awarded contract) before the contract ending date to allow for sufficient processing time.

## **SECTION 23.0 PERSONAL SERVICE CONTRACTS**

Services provided by a professional individual (person) on a temporary or occasional basis, including (by way of illustration, not limitation) those provided by a doctor, dentist, scientist, or performer of the fine arts and similar professions; the exemption applies only if the individual is using his/her professional skills to perform a professional task; a personal service may also be a consultant service, in which case consultant contracting procedures shall be followed.

### **23.1 Service Contracts**

Service Contracts are entered into with individuals and not companies or corporations. Each person providing services will be required to complete a Substitute W-4, I-9, and banking information form. Generally, social security numbers are used when contracting for these

services. Service Contracts will be limited to three years at which time a new contract will have to be initiated. Competition should be sought whenever practicable.

The following procedure should be followed when requesting these types of services:

- 23.1.1. Requestor will enter a requisition into E-Procurement.
- 23.1.2. Requisition will follow normal approval flow.
- 23.1.3. Procurement reviews requisition, contract scope of work, deliverables, and payment terms for contract issuance.
- 23.1.4. Contracts will be returned to the Requisitioner to be executed by the person providing the service.
- 23.1.5. Once a service contract has been properly executed, the signed agreement should be returned to the DEQ Procurement Division for final processing.
- 23.1.6. Requisitioners will be responsible for notifying Procurement Thirty (30) days in advance of the intent to exercise a renewal option.

## 23.2 Consultant Services

Consultant services shall mean 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 includes but is not limited to the organization, planning, directing, control, evaluation and operation of a program, agency, or department.

Before obtaining consultant services, Division Purchasing shall submit written justification to DEQ Procurement for its request for consultant services. This written justification shall at a minimum explain:

- 23.2.1. What services the agency desires to secure.
- 23.2.2. Why the work to be performed by the consultant cannot be reasonably accomplished by employees of the requesting agency.
- 23.2.3. How the work to be performed relates to the proper functions of the agency.
- 23.2.4. What benefits the agency expects to receive from the consultant's services.
- 23.2.5. What the agency estimates to be the cost of the services sought.
- 23.2.6. What potential sources of consultant services, if any, the agency has identified.
- 23.2.7. A letter of endorsement for the proposed contract from the agency head or designee.
- 23.2.8. DEQ Procurement will then send the request to P&C for review and approval.

If the agency is requesting authority to contract for consulting services outside of State government, it shall also detail what potential sources of those services exist within State government and explain why the desired services are not available from those sources. The written justification shall be accompanied by a letter of endorsement for the proposed contract(s) from the agency head or designee.

## **SECTION 24.0 INFORMATION TO VERIFY BEFORE A CONTRACT AWARD**

Before the award of any contract, Divisions should check the following websites to verify that the awardee is registered to do business in the State of North Carolina and is in good standing.

- 24.1. North Carolina Secretary of State Business Registration Search: [https://www.sosnc.gov/online\\_services/search/by\\_title/Business\\_Registration](https://www.sosnc.gov/online_services/search/by_title/Business_Registration)
- 24.2. State of North Carolina Debarred Vendor List: <https://www.doa.nc.gov/nc-debarred->

[vendors](#)

- 24.3. Federal Debarred Vendor List: <https://sam.gov/content/entity-information>  
Note: Under Search Entity Information, change the drop-down menu to “Exclusions” then enter the Vendor Name to search.
- 24.4. OSBM Suspension of Funding List: <https://www.osbm.nc.gov/stewardship-services/grants-management/suspension-funding-memos>
- 24.5. Divestment and Do-Not Contact Vendor Lists:  
<https://www.nctreasurer.com/about/transparency/commitment-transparency/divestment-and-do-not-contract-rules>

**SECTION 25.0 ACCEPTANCE OF GOODS AND/OR SERVICES**

In accordance with NCAC 05B .0901 DEQ will inspect all materials, supplies, and equipment upon delivery to ensure compliance with the contract requirements and specifications. Contract templates from the DOA P&C’s website contain guidelines for acceptance of work to be followed.

**INVOICES MAY NOT BE PAID BY THE USING AGENCY UNTIL AN INSPECTION HAS OCCURRED AND THE GOODS ACCEPTED**

- 24.1. Certain state term contracts require a quality inspection. Currently that includes #360A Floor Covering and Installation Service, #515B Grounds Maintenance Equipment, #578A Forestry Equipment, and #760H Construction Equipment.
- 24.2. If an employee is not comfortable with doing the inspection, then they can consult with DEQ Facilities for guidance.
- 24.3. The employee(s) performing e-procurement receipt and requesting payment will not take these actions until product has passed inspection by a knowledgeable Division employee.

**SECTION 26.0 VENDOR COMPLAINT PROCESS**

When a problem arises with a vendor, whether it is late delivery or incorrect goods and/or services shipped, requirements not being met, timelines not being met, etc., the Division’s first step should be to contact the vendor directly in an effort to resolve the problem and notify the Procurement Division, via e-mail or memo, describing the problem. Written communication is highly recommended. If the issue is not resolved satisfactorily within a reasonable time period (as determined jointly by the Division and Procurement), or it becomes a recurring problem, then this issue will need to be formalized on a *Vendor Complaint* form by Procurement and forwarded to P&C or NCDIT for action.

Information regarding vendor performance is very important in the evaluating and awarding of future contracts. This information is used to determine whether or not a vendor is performing responsibly. Unresolved vendor complaints are considered to be a part of a vendor’s general reputation and may be used to deny an award of contract.

*Best practice is to contact the Procurement Division for assistance when an issue first arises.*

**SECTION 27.0 PROCUREMENT CARD (P-CARD) PROGRAM**

The Procurement Card (P-Card) Program is designed to simplify the process of small purchases within DEQ, providing users the ability to acquire materials necessary to complete their tasks instantaneously. The project goals of the Program are to enhance management’s review of

small purchases. The reconciliation process is designed to comply with current purchasing guidelines.

DEQ P-Card's Policies and Procedures are in SharePoint under the Financial Services Division, FSD'S Policies and Procedures, Procurement Card (P-Card): [PCard Policies and Procedures](#)

## **SECTION 28.0 PROCUREMENT RECORDS RETENTION**

After the award of a contract, all material in the procurement file, except non-public information, shall be made available for inspection in accordance with the Public Records Law, G.S. 132-1 et seq.

Procurement contracts and their related documentation must be retained for seven (7) years after the contract term ends.

Per 09 NCAC 06B .1402: PROCUREMENT FILE RECORDS, the Division shall identify each electronic contract record individually so it can be located and referenced. The Division shall document all purchase transactions electronically. The electronic procurement file must include the following records:

- 28.1. Requisition or Email Request;
- 28.2. Approval to proceed with acquisition;
- 28.3. Each original signed offer;
- 28.4. If any original signed offer contains material marked CONFIDENTIAL, the Division must verify the confidentiality of the material, and have two (2) separate copies of the offer: one Original and one Redacted. Only the Redacted version is made available for inspection in accordance with the Public Records Law, G.S. 132-1 et seq.
- 28.5. Documentation supporting whether each offeror is responsive and responsible to terms of the solicitation, the use of a competitive range selection and rejection of offerors for negotiations, best and final offers (BAFO), award, or cancellation or other disposition of the solicitation as may be applicable;
- 28.6. Worksheets and/or evaluations of individual offers;
- 28.7. Proof of fulfilling advertisement requirements, and any conditions and approval for waiver to advertise, publish, and notify any part of a procurement action;
- 28.8. Written justification for a Waiver of Competition, pressing need, emergency purchase, or waiver of any rule during the solicitation process;
- 28.9. Tabulation of offers received;
- 28.10. P&C, Statewide IT, or DEQ Procurement approval of award recommendation;
- 28.11. Purchase order or other payment verification;
- 28.12. Reason(s) for receiving only one offer in response to a solicitation;
- 28.13. Summary of vendor debriefing, if any;
- 28.14. Signed, fully executed contracts or agency acceptance of offer(s); and
- 28.15. Protest documents, if any.

This list represents the minimum amount of documentation required for the procurement files.

## **SECTION 29.0 DESIGN, CONSTRUCTION, AND ENGINEERING SERVICES GUIDELINES**

All DEQ Divisions must follow the guidelines provided in the [State Construction Office Manual](#). There are three areas of DEQ requests that follow the State Construction Office



(SCO) Guidelines instead of the procurement procedures. They are Design, Construction, and Engineering Services.

Examples of Design include land surveys performed through the Division of Coastal Management (DCM), the Division of Mitigation Services (DMS), and the Financial Services Division (FSD) Stewardship Program. Engineering services include environmental engineering for the Division of Waste Management (DWM). The Division of Energy Minerals & Land Resources (DEMLR) also utilizes engineering services in the form of dam safety projects and landslide mapping.

- 29.1 Projects Less Than or Equal to \$500,000.00
  - 29.1.1 These are defined as Minor Projects per 01 NCAC 30D.0103
  - 29.1.2 Are not required to be advertised on eVP
  - 29.1.3 No minimum number of responses are required, however, best practice is to solicit at least three (3) responses.
- 29.2 Projects Greater Than \$500,000.00
  - 29.2.1 These are defined as Major Projects per 01 NCAC 30D.0103
  - 29.2.2 Must be advertised on eVP.
  - 29.2.3 Must receive a minimum of three (3) responses.
  - 29.2.4 If 3 responses are not received, the responses are not to be opened, and the Division must re-advertise.
  - 29.2.5 Division must re-advertise a minimum of seven (7) days with no changes to the
  - 29.2.6 On the second opening, regardless of the number responses received, the Division must do one of the following:
    - 29.2.6.1 The responses may be opened and read, or
    - 29.2.6.2 The Division closes the project and re-advertises again at a later date.

#### Design, Construction, and Engineering Procedures

- 29.3 Division identifies their need for services.
- 29.4 Division provides their written requirements, specifications, statements of work, business justifications, and all other related documents (as appropriate to the request) to their purchasing department.
- 29.5 Division will decide if the award will be to a single vendor or to multiple vendors determine if this is a Minor or Major Project (See Section 29.1 and 29.2).
- 29.6 The Division will complete Form 3100, route it for signature, and include the form as part of their documentation.
- 29.7 The Division purchasing department will work with the Division end users to create a draft SCO document using the current SCO Form or Template.  
SCO Forms and Documents: <https://www.doa.nc.gov/divisions/state-construction-office/forms-documents>
- 29.8 The Division will send the draft Advertisement to DEQ Procurement for review.
- 29.9 DEQ Procurement will work with the Division if there are any additions/changes/edits needed to finalize the bid solicitation. After DEQ Procurement approval,
  - 29.9.1 Division will send the completed form to [scoads@doa.nc.gov](mailto:scoads@doa.nc.gov) for the SCO to post on eVP.

- 29.9.2 Advertisements must be posted for a minimum of fifteen (15) calendar days prior to the date designated for opening. The opening date is determined by the Division.
- 29.9.3 The Division must follow the [State Construction Office Manual](#) for notifications to the SCO and posting rules.
- 29.9.4 Bids will be sent to and opened by the Division and sent to the Division evaluation team.
  - 29.9.4.1 Division evaluation team must have a minimum of three (3) voting members
  - 29.9.4.2 The evaluation team must follow the [State Construction Office Manual](#) for the evaluation of the responses, negotiations with finalist(s), and writing an Award Recommendation using SCO Forms and Templates.
  - 29.9.4.3 Any SCO contract exceeding \$1,000,000.00 must be sent to the DOA P&C Legal Group for review and approval prior to award.
  - 29.9.4.4 Division will send their Award Recommendation to the SCO following the [State Construction Office Manual](#).
- 29.10 After SCO approval to award, the Division will route all the relevant documents to be signed via DocuSign.
- 29.11 After the contract has been executed, the Division will send DEQ Procurement copies of the executed contract.
- 29.12 DEQ Procurement posts the contract award information to eVP.
- 29.13 The Division enters a requisition into eProcurement and attaches the executed contract and the approved Form 3100.
- 29.14 DEQ Procurement will issue the Purchase Order from the eProcurement System.
- 29.15 Purchase order is sent electronically to the Vendor. The Requestor will receive an e-mail notification from the North Carolina eProcurement System once the requisition has been fully approved.
- 29.16 No funds are to be paid until the purchase order has been released.
- 29.17 The Division enters online receipt(s) as appropriate, and forwards required documentation and invoice to Accounts Payable (A/P) for payment to be made to the vendor

## **SECTION 30.0 REFERENCE LINKS AND SOURCES**

Correction Enterprises: <https://www.correctionenterprises.com/>

Non-IT State Term Contracts: <https://ncadmin.nc.gov/government/procurement/statewide-term-contracts>

IT State Term Contracts: <https://it.nc.gov/resources/statewide-it-procurement/statewide-it-contracts>

P&C Purchasing Rules and Manual:  
<https://ncadmin.nc.gov/government/procurement/procurement-rules>

Statewide IT Procurement Office Purchasing Manual:  
<https://it.nc.gov/documents/it-procurement-policies-and-procedures>

N.C. Administrative Code Title 01 Chapter 05 (P&C):  
<http://reports.oah.state.nc.us/ncac.asp?folderName=\Title%2001%20->

[%20Administration\Chapter%2005%20-%20Purchase%20and%20Contract](#)

N.C. Administrative Code Title 09 Chapter 06 (Statewide IT Procurement Office):  
<http://reports.oah.state.nc.us/ncac.asp?folderName=\Title%2009%20-%20Governor%20and%20Lt.%20Governor\Chapter%2006%20-%20Office%20of%20Information%20and%20Technology%20Services>

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

Electronic Vendor Portal (eVP) Agency Dashboard – Dashboard for State Procurement Users to manage and post formal solicitations bids or proposals for goods or services for the vendor community. Users can manage, update, post bid tabulations, and award solicitations:  
<https://eprocurement.nc.gov/training/evp-procurement-user-training>

State Construction Manual: <https://www.doa.nc.gov/divisions/state-construction-office/manual>

DEQ PCard’s Policies and Procedures are in SharePoint under the Financial Services Division, FSD’S Policies and Procedures, Procurement Card (PCard): [PCard Policies and Procedures](#)

## **SECTION 900.0 Version History**

| Version Date | Revisions  |
|--------------|--|
| 2024.03.06   | Updates to Section 16.0 and Section 29.0, DEQ Procurement mailbox address corrected. |
| 2024.01.22   | Added MOU/Task Order procedures in Section 16.0 and SCO procedures in Section 29.0   |
| 2024.01.01   | Published to SharePoint Site   |
| 2023.12.04   | Policies and procedures updated  |
| 2023.03.10   | Last version of the DEQ Purchasing Manual  |

# QUICK LIST - DEQ PROCUREMENT DELEGATIONS

|                                | Delegation                                   | What's Needed from Requestor  | What happens?  |
|--------------------------------|--|---|--|
| Purchases Under DEQ Delegation | \$0.00, Zero Dollar, or Evaluation / Testing | Written Approval by Division Director and DEQ CFO, Written Quote for \$0, Start and End Dates of Evaluation, How the Items will be Returned, and any related documents attached to Requisition.         | DEQ Procurement approves and issues PO   |
|                                | \$0.01 - \$9,999.99                          | One (1) Written Quote attached to Requisition.  | DEQ Procurement approves and issues PO   |
|                                | Non-IT Purchases \$10,000.00 - \$28,999.99   | Three (3) Written Quotes attached to Requisition. Note: One (1) Quote must be from HUB Vendor.  | DEQ Procurement approves and issues PO   |
|                                | IT Purchases \$10,000.00 - \$24,999.99       | Written Requirements, Specifications, Statements of Work, Problem Statements, Business Justifications, Cost-Benefit Analysis, Market Research, and all other related documents attached to Requisition. | Division and Division Purchasing collaborate to draft a Bid. Bid will follow the Formal Bidding Process. DEQ will post Bid to multiple Vendors, evaluate responses, negotiate, finalize contract, and provide award recommendation. Vendors must agree to NC T&Cs. DEQ Procurement will approve and issue PO.  |
|                                | Non-IT Purchases \$29,000.00 - \$99,999.99   | Written Requirements, Specifications, Statements of Work, Problem Statements, Business Justifications, Cost-Benefit Analysis, Market Research, and all other related documents attached to Requisition. | Division and Division Purchasing collaborate to draft a Bid. Bid will follow the Formal Bidding Process. DEQ will post Bid to multiple Vendors, evaluate responses, negotiate, finalize contract, and provide award recommendation. Vendors must agree to NC T&Cs. DEQ Procurement will approve and issue PO.  |
| Purchases over DEQ Delegation  | Non-IT Purchases \$100,000.00 and Over       | Written Requirements, Specifications, Statements of Work, Problem Statements, Business Justifications, Cost-Benefit Analysis, Market Research, and all other related documents attached to Requisition. | Division and Division Purchasing collaborate to draft a Bid. Bid will follow the Formal Bidding Process. DEQ Procurement sends Bid to P&C for approval. DEQ will post Bid to multiple Vendors, evaluate responses, negotiate, finalize contract, and provide award recommendation. Vendors must agree to NC T&Cs. P&C will review award recommendation and authorize award. DEQ Procurement issues PO.   |
|                                | IT Purchases \$25,000.00 and Over            | Written Requirements, Specifications, Statements of Work, Problem Statements, Business Justifications, Cost-Benefit Analysis, Market Research, and all other related documents attached to Requisition. | Division and Division Purchasing collaborate to draft a Bid. Bid will follow the Formal Bidding Process. DEQ Procurement sends Bid to Statewide IT Procurement for approval. DEQ will post Bid to multiple Vendors, evaluate responses, negotiate, finalize contract, and provide award recommendation. Vendors must agree to NC T&Cs. Statewide IT Procurement will review award recommendation and authorize award. DEQ Procurement issues PO. |

|                   |                                |   |   |
|-------------------|--------------------------------|---|---|
| Special Purchases | Waiver of Competition Purchase | Waiver Justification, Quote(s), Cost-Benefit Analysis, Market Research, and all other related documents attached to Requisition.  | Based on the dollar amount, the process will be the same as above.  |
|                   | Pressing Need Purchase         | Written approvals from Secretary of DEQ and Division Director sent to DEQ Procurement. Explanation of Pressing Need, Quote(s) to resolve issue, and all other related documents attached to DEQ Procurement email and to Requisition.                             | DEQ Procurement issues PO.<br>If Non-IT and over \$100K, a Matter of Record is sent to P&C.<br>If IT and over \$25K, a Matter of Record is sent to the Statewide IT Procurement Office. |
|                   | Emergency Purchase             | Written approvals from Secretary of DEQ and Division Director sent to DEQ Procurement. Purchase goods and/or services needed to resolve Emergency. Explanation of Emergency, written approvals, Invoice, and all other related documents attached to Requisition. | DEQ Procurement issues PO.<br>If Non-IT and over \$100K, a Matter of Record is sent to P&C.<br>If IT and over \$25K, a Matter of Record is sent to the Statewide IT Procurement Office. |