

Purchasing Update

December 2019

Utah Division of Purchasing and General Services

Courtesy Postings

By Nikki Sanchez , Purchasing Agent

Did you know...In order to help public entities meet requirements of Utah Code 63G-6a-112 or any public notice requirements, the State of Utah Division of Purchasing offers Courtesy Posting Services to any public entity within the State of Utah, at no charge?

A simple *Limited Agreement to Conduct Solicitations* form is all that is required to establish the service level that the entity is requesting from the Division of Purchasing. The three service levels types available are:

1. Courtesy Posting—Service is only available for Procurement Units not subject to the Utah Procurement Code. Purchasing will post the pre-developed solicitation documents on U3P, the Utah Public Procurement Place formerly known as SciQuest. 0-2 day lead-time for SciQuest posting.
2. Basic Procurement Services – Division of Purchasing conducts a review of pre-developed solicitation documents and will make recommendations to the Procurement Unit if specifications or solicitation process appear to be out of compliance with the Utah Procurement Code. 0-5 day lead-time for U3P posting.
3. Extended Services – Division of Purchasing will assist the Procurement Unit with solicitation development, and assist with drafting resulting contract documents, including negotiations of exceptions to solicitation terms and conditions. 3-5 day minimum lead-time for U3P posting.

For more information about this program or to download the Courtesy Posting Agreement Form, proceed to <https://purchasing.utah.gov/for-agencies/courtesy-posting-services/>.

For questions, complete the online inquiry form or reach out to Nikki Sanchez, nsanchez@utah.gov.

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Making Purchases From Vendors Claiming to be “Approved” and Why It’s Important to Verify

By Nick Hughes, State Contract Analyst

Throughout my career at Purchasing, I’ve had several phone calls from agencies, political subdivisions, cities, counties, etc. asking where the contract is with an “Approved Vendor”. They go on to explain that they have been in discussions with a specific vendor that claims they are approved and registered in the State’s system and now they are working with them and excited to make a purchase but simply need to find the contract.

If this sounds familiar to you, whether it be a personal experience or acquaintance of yours, double checking to verify they were on contract potentially saved your entity an audit finding. There are three main reasons why this type of discussion is a concern:

1. An “Approved Vendor” is a defined term within the Procurement Code §63G-6a-103(2) states that an “Approved Vendor” means a person who has been approved for inclusion on an Approved Vendor List through the Approved Vendor List Process;
2. There are different systems vendors are required to register on to receive solicitation notices, bid on notices, and receive contract awards; and
3. There are several different cooperative contract organizations not affiliated with Utah that the vendor may have a contract with.

First, if a vendor is an actual “Approved Vendor” per the defined term, they will have gone through a standard procurement process and received a Statewide master

agreement and a corresponding contract number. All “Approved Vendor” statewide contracts have a designation of “AV” at the start of the contract number. If they can’t provide a statewide contract number, they have not been approved by the Division of Purchasing.

Second, often times vendors may reach out to agencies claiming to now be registered with the State and are now able to work with the agency but what they have done is register in the Utah Public Procurement Place (formerly SciQuest) and are simply now able to view solicitations for them to bid on. This is simply a matter of explanation. The correct terminology would be to say they are “registered” not approved. Registering for the system doesn’t give them a contract, it simply allows them access to the portal for them to bid.

Lastly, several vendors may have contracts with other Group Purchasing Organizations (GPO) e.g. NASPO, MMCAP, Sourcewell, GSA, etc. This does not automatically mean you may start working with them. The Division of Purchasing still needs to conduct a review, approve, and assign a corresponding statewide contract number.

Be on the lookout for vendors stating they are approved. It only takes a couple minutes to verify but may make the difference between a perfectly authorized purchase or making an illegal purchase without going through a standard competitive process. When in doubt, always ask the Division of Purchasing for help.

APPROVED VENDOR

SIDEBAR Q and A

Q: Can a payment made from a contract that should have been a GAX be added back into a contract?

A: Unfortunately, this is not possible. Good accounting practices require a debit for every credit and vice versa. When two contracts are involved in a payment mistake, one contract increases a set amount while another decreases the same amount. To add money back into a contract, there must be a place to decrease an asset. The Utah Division of Purchasing cannot impact a GAX. Because there cannot be decrease to a GAX, there can be no increase to a contract for a payment that “should have been made against a GAX.”

Q: Can an agency ask their finance group to make the changes to contract held by the Division of Purchasing?

A: Only the Division which created the contract in FINET has authority to make changes to the contract in FINET. Changes by other agencies to the Utah Division of Purchasing managed contracts will be audited for possible fraud by the individual who made the change and the individual who requested the change. As a reminder, State Purchasing managed agency contracts are six digits long with the number “6” in the third position from the left.



FINET: Paid on the Wrong Agency Contract

By Tara Eutsler, Contract Analyst

This is part two of a four-part series to help State Agencies understand contract issues that are outside the normal FINET process.

Ms. Frizzle on the Magic School Bus encourages her students to “Make mistakes. Make mistakes! Make mistakes!!” She sees it as a way to learn. However, when the mistake involves making a payment from the wrong contract in FINET, the learning process will be unavoidably unpleasant but will serve as a means of guaranteeing accuracy and transparency.

The Agency begins the learning process by discussing the issue with the agency’s finance director. Don’t skip this step no matter how worried you are. He or she may have a process that needs to be followed on the agency level and skipping the discussion may bring more problems.

Once the agency’s procedure is complete, go to the Utah Division of Purchasing’s [Forms webpage](#) and download the *FINET Request – Payment Made on Wrong Contract* form. The instructions state that you must obtain a copy of the original invoice signed by management, a copy of both contracts’ Master Agreement Detail Report, and a copy of the PRC that proves the payment was made against the wrong contract. Answer the questions on the form. The questions provide transparency for the process. The questions include: Who is the vendor? What is the purpose of the contract? When does the contract end? How much money is currently available on the contract? Other questions ask about the payment that was made. These questions and the gathering of paperwork are not busy work assigned as punishment for the mistake. Instead, because the reviewing Purchasing Agent does not have access to FINET, the documentation and answers provide the opportunity for an accurate review process. The documentation is also retained as a permanent transparent record of what occurred and why changes were made.

When the form is complete and the documents gathered, send everything to purchasingcontracts@utah.gov. The Coordinator receives the documentation and assigns the request to a Purchasing Agent. The Purchasing Agent reviews the documentation and may or may not call the agency for clarification. The Purchasing Agent must determine if the request is within policy, the Procurement Code, and sound practices. If approved, the Purchasing Agent will provide detailed instructions to the Coordinator concerning the changes to be made to the contract in FINET. If not approved, the Purchasing Agent will make recommendations for resolution to the agency.

When the process is completed, the documentation will be returned to the agency. The documentation must be retained with a copy of the contracts that were impacted by the mistake.

If Ms. Frizzle’s encouragement, or some other distraction, led you to make a payment from the wrong contract, follow the process outlined above and the Division of Purchasing will help you find the best solution.

For questions contact, Tara Eutsler, teutsler@utah.gov

DEFINITIONS

FINET: The Financial Information Network is a web-based, automated financial management system that accommodates governmental accounting, budget control, and reporting (FIACCT 01-01.00)

GAX: General Accounting Expense which results in a check that does not reference a contract or a purchase order.

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QUESTIONS? CONTACT US AT 801-576-7700
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Cherilyn Hess

Cherilyn Hess is a Contract Analyst who has been with State Purchasing for 2.5 years. Born and raised in Utah, she received AS in Business and BA in History from the University of Utah. In the past year she has worked as the liaison for the Governor’s Office and GOED and prior to that, Public Safety. Cherilyn has enjoyed the opportunity to work with these departments as it gives her variety in her work and different types of procurements. Her time off work is spent enjoying her two beautiful children and loving husband. The children are a toddler and a crawler so they do a lot of family friendly events together. Activities that they love as a family are camping as much as possible in the summertime and travelling to Portland to visit her husband’s family. Much of that time in Oregon involves staying on the coast renting beach houses and eating a ridiculous amount of fresh seafood.

Q and A

How to Receive the Purchasing Update Newsletter

Did you receive this newsletter from a co-worker? Do you want to receive the Purchasing Update directly? Please send an email to Tara Eutsler, teutsler@utah.gov.

Q: What’s your favorite Christmas family tradition?

A: On Christmas Eve we get to open our matching PJs and make homemade cookies for Santa.

Q: What’s the weirdest/ugliest Christmas decoration you’ve ever owned?

A: Ones that I made as gifts! I had read an article about how to make beautiful handmade Christmas Ornaments. I spent a ridiculous amount of money making those hideous ornaments. I gave them out as Christmas gifts to my friends and family. Nailed it.

Q: If you could travel anywhere for Christmas, where would you go?

A: We are planning on one year spending Christmas in snowed-in cabin. When the kids are older I think it would make for wonderful Christmas memory. Also, no internet to torture our future teenaged children.

Q: Would you rather have three feet of snow for Christmas or no snow at all?

A: Always snow, the more the better! That way I can spend all day in my xmas pjs and not venture out to Christmas visits.

Future PEP Seminar Dates:

January 9, 2020 – PEP Seminar 9am to 4pm.
Registration began November 22
For information, see “Procurement Education Partnership Seminar” on <https://purchasing.utah.gov/for-agencies/training/>

