



DEPARTMENT OF CORRECTIONS
Chief Financial Office



Title:	Procurement Policy	DOC Policy: 30.3.4
Effective:	02/22/21	Supersedes: 3/05/19
Applicability:	All DOC employees	
Directives Cross-Reference:		
<p style="margin-left: 40px;">Statute: ORS 179.040, ORS 190, ORS 279A, ORS 279B, ORS 279C, ORS 421.438, ORS 84.004</p> <p style="margin-left: 40px;">Rule: OAR 125-246, OAR 125-247, OAR 125-278, OAR 125-279, OAR 137-045 through 137-049, OAR 291-026 Contracts and Governmental Agreements OAR 291-163 Purchasing – Work Programs OAR 291-164 Purchasing</p> <p style="margin-left: 40px;">Policy: 30.3.2 State P-Card (SPOTS) Card Program 30.3.3 Contract Administration</p> <p style="margin-left: 40px;">Oregon Executive Order 12-05</p>		
Attachments:	None	

I. PURPOSE

To support the mission of the Oregon Department of Corrections by directing employees to use applicable administrative rules, policies, and procedures that uphold the Oregon Procurement Code (ORS 279A, ORS 279B, and ORS 279C), and that instill public confidence and reduce risk in the department’s procurements.

II. DEFINITIONS

- A. **Agreement:** An ORS 190 Agreement is an interagency or intergovernmental agreement between two or more public agencies that seek to foster efficiency and economy by promoting the use of existing resources.
- B. **Contract:** As defined in OAR 137-046-0110(8). Examples of contracts include, but are not limited to purchase orders, personal services contracts, Amendments and other types of documents that are legally enforceable by law.
- C. **Designated Procurement Officer (DPO):** Pursuant to OAR 125-246-0110(45), the individual designated and authorized by the head of an Authorizing Agency to perform certain procurement functions.

- D. Electronic Signature: An electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record (ORS 84.004).
- E. Employee: Any person who is full-time, part-time, or under temporary employment by the Department of Corrections.
- F. Procurement: Pursuant to ORS 279A.010, the act of purchasing, leasing, renting or otherwise acquiring goods or services. Procurement includes each function and purchase undertaken or required to be undertaken by a contracting agency to enter into a contract, administer a contract, and obtain the performance of a contract under the Public Contracting Code.
- G. State P-Card (SPOTs) of Oregon Transaction System: A state sponsored credit card that agencies may use to procure and pay for goods and services.

III. POLICY

Procurement and Contracts unit, which is a part of Financial Services in the office of the Chief Financial Officer, is responsible for the timely and efficient acquisition of goods and services to ensure the department mission and goals are met, while maintaining the highest level of professional ethics and integrity and ensuring appropriate business processes are followed.

A. General Provisions:

1. All Agreements and procurement actions shall follow applicable laws, administrative rules, policies, procedures, and guidelines in order to establish and promote a procurement process of quality, integrity, transparency, and inclusionary practices. This includes all records related to all procurement and contract administration activities.
2. Centralized purchasing processes are utilized by the department. Procurement and Contracts is the single point of contact for procurements.

B. Authority and Delegation:

1. Statutory Authority: Authority for agreement and procurement actions is expressly granted through the Oregon Revised Statutes (ORS), and Oregon Administrative Rules (OARs).
2. Agency Procurement Authority: Director designates and authorizes the Procurement and Contracts Manager as the department's Designated Procurement Officer (DPO).

3. **Agency Buying Authority:** The department's DPO delegates the authority to make purchases on behalf of the department to the employees of the Procurement and Contracts section.
4. **Procurement Signature Authority:** The Director has delegated the authority to sign all contracts and agreements to the DPO. In the DPO's absence, the Director has also delegated unlimited signing authority to the Deputy Director, and a limited list of Assistant Directors. The DPO can also delegate signing authority based on department needs.
5. **Electronic Signatures:** An employee with the appropriate signature authority, may opt to utilize Electronic Signatures to bind the agency in various contracts, agreements, internal forms and other related documents.
6. **Emergency Procurement Delegation:** An Emergency Procurement may only be used to address the immediate needs brought about due to an emergency condition. The Director has the authority to authorize the use of the Emergency Procurement method which allows the department to award a contract without using the normal competitive procurement processes. The Director may delegate those duties to Assistant Directors if unavailable.
7. In questionable situations or when exceptions are sought, employees shall consult with their manager and the DPO for advice and direction on proper-delegated procurement authority application.
8. There are different types of delegation; however, delegations do not exempt compliance with any law or rule.

C. Centralized Procurement:

1. Procurement and Contracts unit is responsible for overseeing the procurement of all goods and services and must be included in all stages of acquisition including the review of SPOTs purchases to ensure they meet statutes and rules.
2. Each employee responsible for the procurement of goods and services must be familiar with purchasing procedures and adhere to the procedures to obtain the best results.
3. Employees shall use the approved request forms and supporting documents, such as specifications, statement of work, etc., to initiate the applicable procurement. These forms shall be coded with the correct account numbers as well as accurate object/subject codes and approved by an authorized budget manager.

4. All contracts and agreements may only be signed by an employee who has received a Procurement Signature Authority delegation by the Director or Designated Procurement Officer. Without the Procurement Signature Authority delegation, employees do not have the authority to execute contracts or agreements to bind the department for the purchase of goods or services on behalf of the department, regardless of the employee's job position. Signing a contract or agreement without delegated signature authority can subject an employee to personal liability for the Contract or Agreement.

D. Sustainable Practices:

1. Procurement and Contracts works with the Agency's Sustainability Programs Manager to strengthen demand for information, tools and practices that promote sustainable practices, including the use of electronic filing systems.
2. Procurement and Contracts will ensure that the department contract templates integrate terms and conditions that allow for the use of safer alternatives to toxic chemicals through green chemistry (Executive Order 12-05), use of greater recycled content, or waste reduction strategies and will encourage the use of these strategies by employees. These actions are consistent with DAS Green Chemistry Procurement Guidelines: <http://www.oregon.gov/das/policies/107-009-0080.pdf>

E. Unauthorized Purchases:

1. With the exception of SPOTs purchases, or as otherwise delegated by the DPO, employees are not authorized to make any purchases for the department unless authorized under this policy.
2. Any employee who makes an unauthorized purchase or who makes a purchase that is not in accordance with applicable statutes, rules, or policy may be subject to an infraction letter, disciplinary action and may be personally and financially liable if convicted of violating any provision of ORS 279A.140.

F. Disputes:

1. It is the Procurement and Contracts employee's responsibility to facilitate and complete a procurement.
2. If, at any point during the procurement process there is an exception(s) noted or issue(s) raised that cannot be resolved by the procurement staff and the department or section that issued the Order Request or Contract Request Form, the matter will be referred to the DPO.

G. Policy Exceptions: The Director may make exceptions to this policy. These exceptions must be formally approved by the Director, in writing, prior to the purchase being made. Exceptions may not violate statutes or rules.

IV. IMPLEMENTATION

This policy will be adopted immediately without further modification.

Certified: signature on file

Michelle Mooney, Rules Coordinator

Approved: signature on file

Heidi Steward, Deputy Director