



DEPARTMENT OF CORRECTIONS
Chief Financial Office



Title:	Procurement Policy	DOC Policy: 30.3.4
Effective:	07/08/24	Supersedes: 2/22/21
Applicability:	All DOC employees	
Directives Cross-Reference:		
<p style="margin-left: 40px;"> Oregon Executive Order 12-05 ORS 190 Cooperation of Governmental Units ORS 279A Public Contracting - General Provisions ORS 279B Public Contracting - Public Procurements ORS 279C Public Contracting - Public Improvements and Related Contracts ORS 84.004 Definitions for ORS 84.001 to 84.061 OAR 125-246 General Provisions for Public Contracting (DAS) OAR 137-045 through 137-049 (DOJ) DAS Policy 107-009-0080 Green Chemistry Procurement Guidelines </p>		
Attachments:	None	

I. PURPOSE

To support the mission of the Oregon Department of Corrections (DOC) 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 under full-time, part-time, or 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 of Oregon Transaction System (SPOTS): A state sponsored credit card that agencies may use to procure and pay for goods and services.

III. POLICY

The Procurement and Contracts section, which is a part of Financial Operations 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. The Procurement and Contracts section 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: The Director designates and authorizes the Procurement and Contracts Manager as the department's Designated Procurement Officer (DPO).

3. Agency Buying Authority: The department's Designated Procurement Officer 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 Designated Procurement Officer. In the Designated Procurement Officer's absence, the Director has also delegated unlimited signing authority to the Deputy Director and a limited list of Assistant Directors. The Designated Procurement Officer 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. If necessary, 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 Designated Procurement Officer for advice and direction on the proper application of delegated procurement authority.
8. There are different types of delegation; however, delegations do not exempt compliance with any law or rule.

C. Centralized Procurement:

1. The Procurement and Contracts section 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 cost center number as well as accurate object and subsidiary codes and be approved by an cost center authorized approver.

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 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. The Procurement and Contracts section works with the agency's Sustainability Programs Manager to strengthen demand for information, tools, and practices that promote sustainable operations, including the use of electronic filing systems.
2. The Procurement and Contracts section 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 Department of Administrative Services 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 Designated Procurement Officer, 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 responsibility of the Procurement and Contracts employee 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 Designated Procurement Officer.

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

Julie Vaughn, Rules Coordinator

Approved: signature on file

Heidi Steward, Acting Director