



STATE OF WASHINGTON
DEPARTMENT OF ENTERPRISE SERVICES

1500 Jefferson Street SE, Olympia, WA 98501

May 16, 2019

TO: State Agency Procurement Contacts, Higher Education, Political Subdivisions; Vendors registered in WEBS; and Special Interest Groups (i.e. BDAG, PCAG, WACS, user groups, etc.)

FROM: Department of Enterprise Services
Enterprise Procurement Policy Team

SUBJECT: Enterprise Procurement Policy Updates and New Policies

The Department of Enterprise Services (DES) is seeking your input as we update and/or develop enterprise procurement policies that are required by state law.

We are hosting a workshop to discuss four policy subjects on **May 23, 2019**. We apologize for providing the workshop materials and details later than we would prefer, but we are extending the feedback period through **June 13, 2019**. The workshop will have call-in and in-person options.

Sessions on the different policy drafts are scheduled throughout the day as follows:

8:30 – 9:25	Direct Buy (update, sharing of revised drafts session)
9:30 – 10:10	Executive Order 18-03 (new, draft review session)
10:15 – 11:15	Environmental (three new policies, initial draft review session)
11:20 – 12:00	Contract Management (new, listening session)

Your feedback will help shape final policies for Direct Buy, Environmental, Executive Order 18-03, and Contract Management. Input for each policy will be captured and summarized in documents that will include DES' consideration and responses, which will be posted on the [Enterprise Procurement Policy](#) webpage.

Feedback options

To provide feedback through **June 13, 2019**, please use the following options. **All feedback is valued equally, whether provided at the workshop or via email.**

Email: DESMiEnterpriseProcurementPolicy@des.wa.gov

Workshop Date & Time:

May 23, 2019

8:30 am – 12:00 pm

DES Building, 1500 Jefferson Street, Olympia, WA

***Register** to attend in person or remotely: [Enterprise Procurement Policy Workshop Registration](#)

Participants can participate remotely with a phone or computer to call in.

To join by phone, call the number below:

Workshop Call-in Number: +1 669 900 6833 **Meeting ID:** 422 418 925

To participate by computer, click on the link below:

<https://zoom.us/j/422418925>

Policy information

The policy review and discussion during the workshop will address the following:

1. Direct Buy Policy (Update – link to discussion drafts – [POL Redline](#), [POL Clean](#), [FAQ Redline](#), [FAQ Clean](#))

DES has been collecting [feedback](#) on the Direct Buy policy since 2017. DES most recently sought feedback during a 9/19/18 Policy Workshop on updates meant to add clarity to numerous areas of the policy, streamline the protest process, and collect input regarding the limit(s).

In this round of feedback, DES is primarily seeking feedback on updates to proposed limits as well as updates to the FAQs. DES is proposing:

- a. A new limit of \$30,000 for direct buy purchases from all vendors, up from the existing limit of \$10,000.
- b. A new limit of \$40,000 for purchases from Washington small businesses or Department of Veterans Affairs (DVA) certified veteran-owned businesses, up from the existing limit of \$13,000.

The proposed limits are based on extensive stakeholder listening as well as market research. The intent of the proposed limit updates is:

- Right-sized exemption limits that improve efficiency but preserve a focus on competitive solicitations for higher risk procurements.
- Maintain a similar ratio for the limits.

Summary of changes (from the 9/19/18 workshop draft to current draft):

- Proposed limit increase.
- Added several items to the FAQ document
- Conditions/clarifications added related to:
 - Purchases from a large business's e-commerce marketplace
 - Shipping costs included in the limits
 - Terms of a direct buy
 - Repetitive purchases
 - Direct buy purchases in excess of agency's delegated authority
 - Agencies responsibility to qualify vendors for Direct Buy Level 2
- Clarified the use of DES approved cooperative contracts

At the workshop, we will seek your thoughts on:

- The proposed limits
- The FAQ
- Do proposed policy documents improve clarity?

Once a policy updated is completed, DES plans another policy refresh in two years, rather than the typical five, to track and analyze data to see if policy updates are working as intended.

2. Executive Order 18-03 (New – see links to five discussion documents below)

Summary of policy/guidance:

- Pursuant to [Executive Order 18-03 \(Supporting Workers' Rights to Effectively Address Workplace Violations\)](#), DES is charged with the responsibility to administer the EO and to collaborate with workgroups to establish best practices and consistent application of the EO statewide. Accordingly, DES collaborated with covered agencies to develop strategies and tools to implement the EO. In partnership with many agencies, DES has written a draft policy to assist in complying with EO 18-03.
- DES has developed a [desk aid](#) that includes a [four-minute docu-mini](#) explaining 18-03, step-by-step instructions, and sample clauses and forms.
- DES also is developing an intuitive enhancement to WEBS that will enable agencies to easily track and manage compliance with EO 18-03.

At the workshop, we would especially appreciate hearing your thoughts on:

- Are the [draft policy](#) and [FAQs \(found in the desk aid\)](#) clear?
- Does the policy create challenges or barriers? If so, how could those be addressed?

3. Environmental Policy (New – see links to seven discussion drafts below)

DES is responsible for establishing policies and/or guidance regarding environmental purchasing requirements in the following areas:

- Mercury containing products (link to [discussion draft](#)) (RCW 70.95M.060(2));
- Electronics products preference (link to discussion drafts – [POL](#) & [FAQ](#)) (RCW 39.26.265(1));
- Recycled content preference (link to discussion drafts – [POL](#), [PRO](#), & [FAQ](#)) (RCW 39.26.255(1)).

There is not a current policy; therefore, DES created draft policy documents based on the [feedback](#) received from the policy workshop conducted on 9/19/18, using national research data, and engaging industry experts. DES received positive feedback to consolidate all environmental related policies, procedures, tools, resources, etc. into one document. The vision is to create a resource guide that incorporates all of the information. These three policies, when finalized, would become part of the resource guide, in addition to other environmental policies such as PCBs and future policies, directives, etc.

Areas of focus in the workshop:

- Are the draft policies clear?
- What tools would be helpful for implementing the consolidated approach to these policies?

4. Contract Management (New policy)

In accordance with RCW 39.26.180(1), DES is responsible for establishing a new policy regarding contract management. DES has conducted initial research and will be sharing the result of that research at the workshop.

To assist agencies with implementing contract management, DES has rolled-out a new mandatory [Washington State Contract Management Training Program](#). That training was released in January 2019.

At the workshop, we would especially appreciate hearing your thoughts on:

- What are your agency needs in a contract management policy?
- Should the policy be based on the Washington State Contract Management Training Program?
- Other information that we should be aware of or research?

Questions

If you have any questions, please feel free to contact DES' Enterprise Procurement Policy team by e-mail at DESmiEnterpriseProcurementPolicy@des.wa.gov.