



State Procurement Manual

Department of Administration, State Bureau of Procurement

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PRO-102

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SCOPE: The scope of this policy is to establish authority to perform and delegate the authority to perform procurement activities, as well as the criteria used by the State Bureau of Procurement (Bureau) to grant state agency delegation.

POLICY: Under the statutes, the Bureau establishes rules and procedures that govern the procurement process. Under these rules and procedures, the Bureau purchases, and may delegate to special designated agents, the authority to purchase, all necessary materials, supplies, equipment, permanent property and miscellaneous capital, contractual services and other expenses of a consumable nature for all state offices.

Delegation to special designated agents is done in writing and such delegation specifies dollar, transaction and commodity parameters within which the agent is authorized to act.

Actions performed under delegation must conform to the rules and procedures that govern the procurement process. Actions performed under delegation are documented to leave a full audit trail.

Delegation may be increased, reduced, or withdrawn when deemed appropriate by the Bureau. A transition period will be developed to give all current delegated agencies an opportunity to meet the criteria.

For definitions and thresholds related to delegation, see PRO-101, Procurement Definitions and Thresholds.

- PROCEDURE:**
- I. Special Designated Agent Responsibilities
 - A. A special designated agent with full delegation authority may sub-delegate the authority to conduct procurements in accordance with Bureau procedures and policies to appropriate positions within the agency of his or her procurement oversight. A sub-delegation agreement is not



Legal Authority

Wis. Stats. ss. 16.71; 16.72(4); 16.75(1)(c)

Agencies Affected: All, unless otherwise noted

Authorized:

Sara Redford, Director

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required for those staff directly reporting to the special designated agent. Such sub-delegation may be full or partial.

- B. To sub-delegate, the special designated agent must establish a process for sub-delegation that meets or exceeds the state’s delegation requirements applicable to the sub-delegation. The sub-delegated position may further sub-delegate procurement authority if the following are observed:
 - 1. Sub-delegation is done in writing.
 - 2. Written sub-delegation contains specifically defined procurement limitations and responsibilities.
 - 3. All written sub-delegation agreements must be kept on file.
 - 4. Sub-delegation is subject to Bureau audit.
- C. The special designated agent remains responsible for all agency wide activities regardless of any sub-delegation agreement.

II. Delegation Criteria

A combination of the following criteria will be the basis of the Bureau’s determination of delegation authority to an agency:

- A. The organizational structure of the agency supports the receipt of delegated authority and all related responsibilities thereof.



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- B. The agency’s internal policies and procedures adhere to state procurement standards and support the level of delegation assigned.
- C. The special designated agent has the knowledge, experience and performance requirements needed to support the level of delegation assigned.
- D. The agency’s purchasing/procurement staff has the knowledge, experience and performance requirements needed to support the level of delegation assigned.
- E. The agency’s training program supports the level of delegation assigned.
- F. The agency’s internal procurement management review, audit and compliance monitoring activities support the level of delegation assigned.
- G. The agency’s procurement history, complexity of procurements, and history of protests and appeals support the level of delegation assigned.
- H. The agency’s baseline procurement data gathered from applicable procurement system(s), state purchasing card transactions, and agency contract data support the level of delegation assigned.

III. Obtaining Delegation

- A. The agency head submits a cover letter and application materials to the Bureau. The application will address the functional requirements identified in section II and in the Delegation Approval Criteria and Baseline Review.



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- B. The Bureau will acknowledge receipt of the application in writing and provide the agency with an estimated review response date.
- C. After review of the application materials and baseline procurement data, the Bureau will issue a letter which:
 - 1. Approves the application and issues full delegation
 - 2. Approves the application and issues partial delegation that authorizes the agency to solicit commodities or services with certain conditions as delineated in the delegation letter
 - 3. Rejects the application. The Bureau will issue a written statement that explains why the application was rejected and explains what the agency needs to improve or change to be considered for delegation.
- D. The agency may appeal the rejection of their application. The agency will submit its appeal in writing to the Bureau stating specific reasons why the application should be reconsidered.
- E. The Bureau will acknowledge receipt of the appeal in writing and provide the agency with an estimated review response date.

IV. Process for Terminating/Reducing Delegation

- A. The following situations could cause the Bureau to review an agency for reduction or termination of delegation:



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1. A management review with significant findings that call into question the agency’s internal controls for purchasing.
2. Significant purchasing/procurement staff turnover.
3. A pattern of bad procurements or procurement practices indicating a problem.
4. Failure to comply with delegation agreement terms.

B. The Bureau may take a series of actions, including:

1. Placing an agency on probation for a defined period.
2. Reducing the delegation.
3. Terminating delegation.

C. Restoration of delegation will require the agency to resubmit an application for delegation. The application must demonstrate that remedies have been implemented to address the identified deficiencies.

V. Changes Impacting Delegation

A. The agency must notify the Bureau within twenty (20) working days, when any of the following occurs:

1. The individual with delegated authority leaves the position. Agencies will be provided a window of time to recruit staff to meet the required criteria if a special designated agent leaves the position.



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2. The agency experiences significant organizational or staff changes impacting the procurement function.

3. The agency makes significant revisions to the position descriptions or responsibilities of the delegee and/or purchasing/procurement staff.

B. The Bureau will review the situation and if necessary:

1. Direct the agency to resubmit the application for delegation as outlined in III. above, or;

2. Temporarily modify agency delegation and direct the agency to resubmit the application when staffing changes are completed.

VI. Application Scoring

A. A point system will be used to measure the agency's application materials against the evaluation criteria contained in Delegation Approval Criteria and Baseline Review.

B. An agency must score at least 60 out of 100 possible points to be considered for delegation.

REFERENCE: DOA-3833: Purchasing Personnel Inventory
Delegation Approval Criteria and Baseline Review



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