

Modernization Program Procurement Management Plan

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Program Overview

The Employment Department's Modernization Program is a multi-year initiative focused on transforming the agency's business processes and core technology systems. Computer systems supporting receipt of unemployment insurance taxes, payment of unemployment insurance benefits and delivery of employment services will be replaced and expanded to support the implementation of the Paid Family Medical Leave Insurance program. Further, business processes will be transformed to take advantage of opportunities and benefits available through new system capabilities.

Document Purpose

This plan provides a framework for planning procurement activities to acquire contracted resources and services. This plan describes the roles, responsibilities, and processes for identifying procurement requirements and conducting procurement activities. This plan is intended to ensure that the program's procurements are consistent with statutes, rules, and policies that govern procurement actions within the State of Oregon.

Document Relationships

This plan is an extension of the Modernization Program's Program Management Plan. It is expected that all modernization projects will adhere to the processes and details described herein. This plan also relies upon or references these other plans.

- Modernization Program Management Plan – provides the overall framework for the program and the program management plans covering each specific process.
- Modernization Program Risk and Issue Management Plan – this program-level plan describes the risk and issue management process; the risk registry contains risks identified for each project management process.
- Modernization Program Contract Management Plan – describes the contract management process, including vendor management, deliverable review and approval, and invoicing.
- Modernization Program Schedule Management Plan – describes how the program schedule is developed and managed. Procurement activities are captured within the schedule so that dependent activities and resources can be coordinated.

Document Audience

This document is intended for these primary audiences:

- **Program sponsors and steering committee members** – to understand processes that will be followed. They also have a responsibility to ensure processes are appropriate and enforced.
- **Internal and external oversight entities** – to monitor whether appropriate processes are in place and continue to be followed.
- **Program and project team members and vendor staff** – to understand processes that will be followed.
- **Agency employees** – to reference for general awareness.

Risks, Assumptions, and Constraints

RISKS

Risks related to procurement and contract process groups are described and managed through the program's risk and issue process. See the program's risk management plan for further details on the risk and issue process. See the Modernization Risk Registry for a current listing of Procurement Management related risks and issues.

ASSUMPTIONS

- The procurement processes developed to support modernization projects will be based upon and adhere to Project Management Institute's (PMI) Project Management Body of Knowledge (PMBOK), Oregon statutes and rules governing procurement and contract management, and agency policy.
- The Modernization Program will have a dedicated resource on the team responsible to develop procurement materials and facilitate the procurement teams.

CONSTRAINTS

- Procurement processes are governed and guided by Oregon contracting statutes and rules, and Department of Administrative Services (DAS) procurement policies. Oregon's Procurement Manual provides resources and links to relevant statutes and rules. This manual is available on the DAS website: <https://www.oregon.gov/das/opm/pages/index.aspx>
- The agency has limited delegated procurement authority, which may change over time. Each procurement planning will include a determination, under the direction of the agency Designated Procurement Officer (DPO), of where procurement authority lies. Information on delegated authority can be found on the DAS website: <https://www.oregon.gov/das/OPM/Pages/authority.aspx>.
- Contracts with a value of \$150,000 or more require approval for legal sufficiency by Department of Justice (DOJ).
- IT Investments with a value of \$150,000 or more require approval by Enterprise Information Services (EIS).

Roles and Responsibilities

Significant roles and responsibilities involved in a procurement process are described below.

Table 1 – Roles and Responsibilities

Role	Responsibilities
DAS Procurement Services	<p>While DAS Procurement Services may be consulted on any procurement matter, they are accountable for procurements above agency delegated authority. For these procurements, responsibilities include:</p> <ul style="list-style-type: none"> Conducts procurements for products or services exceeding the agency’s delegated authority. This includes facilitation of interviews, bidder conferences, and contract negotiations. Serves as point of contact for communications with proposers throughout the procurement process up to the award of a contract. Provides guidance and support to the agency on procurement processes, policies, risk mitigation, and best practices. Drafts procurement documents and provides advice on compliance with rules, policies, or laws. Ensures compliance with procurement rules and policies. Maintains the official procurement and contract file.
DOJ	<p>While DOJ may be consulted on any procurement matter, they have the following responsibilities for contracts requiring DOJ review:</p> <ul style="list-style-type: none"> Participates in contract negotiations as requested. Provides legal guidance on contract statutes, rules, risk mitigation, and best practices. Ensures appropriate procurement and contracting methods are utilized, and contract language complies with applicable rules, policies, and laws. Reviews procurements and contracts for legal sufficiency when contracts exceed designated thresholds (\$150K). Assists agency in resolution of procurement and contract disputes. Represents the state for contract legal matters.

Role	Responsibilities
<p>Modernization Sponsor (Modernization Director)</p>	<p>Makes decisions about products or services needed, procurement approach, and procurement budget.</p> <p>Provides direction on procurement and contract negotiation decisions.</p> <p>Approves funding decisions and expenditures within established budget authority (approval needed above established limits is escalated to the Modernization Executive Sponsor).</p> <p>Serves as the contract administrator and authorized representative for most ¹modernization contracts.</p> <p>Approves contracts on behalf of the program.</p>
<p>Modernization Program Manager</p>	<p>Develops the procurement management strategy, and works with the agency's procurement office and the Modernization Contract Project Manager to develop sufficient management processes that adhere to PMBOK best practices, Oregon statutes and rules, and agency policy.</p> <p>Participates in regular process assessments to evaluate whether processes are effective, efficient, and are being followed.</p> <p>Participates as a member of procurement teams.</p>
<p>Modernization Contract Project Manager</p>	<p>Develops and maintains the procurement management plan and conducts regular assessments to identify how processes could be improved.</p> <p>Coordinates procurements with Agency Procurement Office, DAS Procurement Services, and DOJ.</p> <p>Facilitates procurement teams to plan procurements, develop statements of work and evaluation criteria, and conduct solicitations.</p> <p>Manages procurement timelines, and works with schedulers to ensure procurement activities are reflected within the program and project schedules.</p>
<p>Agency DPO (Agency Procurement and Contract Manager)</p>	<p>Accountable for procurements and contracts within agency delegated authority. These procurements would be handled through the Agency Procurement Office.</p> <p>Provides signature authority for procurements within the agency's delegated authority.</p> <p><i>Note: Agency director designates the Agency DPO and is a co-signer for procurements exceeding agency delegated authority. The Agency Chief Financial Officer may act on behalf of the Agency DPO in their absence.</i></p>

¹ Exception: The Statewide Quality Assurance Program Manager administers the contract for independent quality management services.

Role	Responsibilities
<p>Agency Procurement Office – Agency DPO or assigned Agency Procurement and Contract Specialist</p>	<p>For procurements within the agency’s delegated authority:</p> <ul style="list-style-type: none"> Conducts procurements for products or services, ensuring appropriate contracting methods are utilized, risks are mitigated, and contract adheres to rules, policies, or laws. Facilitates interviews, bidder conferences, and contract negotiations. Acts as point of contact for any communications with proposers throughout the procurement process up to contract award. Maintains the official procurement and contract file. <p>For all procurements:</p> <ul style="list-style-type: none"> Provides guidance and support on procurement processes, policies, risk mitigation, and best practices. Collaborates with the modernization team in planning procurements, developing statements of work and evaluation criteria, conducting solicitations, evaluating vendors, and developing contracts. Drafts procurement documents and ensures compliance with procurement rules, policies, or laws. Participates as a reviewer of procurement and contract documents. Serves as key liaison with DAS Procurement Services and DOJ on procurements exceeding the agency’s delegated authority.
<p>Procurement team</p>	<p>Works together to plan procurements, develop statements of work and evaluation criteria, and may participate in evaluations and negotiations.</p> <p><i>Note: A procurement team is comprised of designated individuals from the modernization team, the agency’s procurement office, and agency business and technical subject matter experts. DAS Procurement Services and DOJ are involved as needed, and always for procurements exceeding delegated authority thresholds or as otherwise required by policy or law. Different individuals may be brought onto the team during different phases of a procurement. For example, different individuals may be involved in evaluations, while others may be involved in contract negotiations.</i></p>

Role	Responsibilities
Evaluation Team	<p>Works independently and together at various points during the evaluation phase to evaluate vendor responses and fit against the requirements and criteria set forth in procurements. This team will be expected to make key decisions related to the evaluation process and ultimately make the final vendor selection.</p> <p><i>Note: An evaluation team is comprised of designated individuals from the modernization team, agency executive leadership, and agency business and technical subject matter experts. DAS Procurement Services and DOJ are involved always for procurements exceeding delegated authority thresholds or as otherwise required by policy or law. Different individuals may be brought onto the team during different phases of an evaluation. For example, different individuals may be involved in evaluating technical response artifacts, while others may be involved in evaluating business response artifacts.</i></p>
Negotiations Team	<p>Works together to develop the negotiations strategy and a contract checklist. This team will be expected to make key decisions on what is or is not included in the final contract. This team will work together to negotiate and finalize the resulting contract including scope and statements of work, service and work order contracts, terms and conditions, and service level agreements.</p> <p><i>Note: A negotiation team is comprised primarily of agency executive leadership, designated individuals from the modernization team, and agency business and technical subject matter experts. DAS Procurement Services and DOJ are involved always for procurements exceeding delegated authority thresholds or as otherwise required by policy or law. Different individuals may be brought onto the team to consult on specific subject areas.</i></p>
Modernization Senior Quality and Risk Analyst	<p>Monitors and facilitates management of procurement related risks. Conducts quality control reviews of procurement management processes.</p>
Independent quality management services (iQMS) vendor	<p>Conducts independent quality control reviews of procurement management processes and select solicitations as requested by oversight bodies or the modernization team.</p>

Procurement Strategy

Throughout the program, needs will arise to procure goods and services. For each procurement, different strategies will be considered taking into account what is being procured, the delegated authority requirements, and lessons learned from previous procurements. Existing statewide price agreements with pre-qualified vendors will be utilized whenever necessary and feasible.

The Modernization Contract Project Manager will engage the agency's procurement office to consider procurement options, such as existing price agreements. The following constraints are considered as procurement strategies are planned:

- The agency has limited delegated procurement authority, which may change over time. As each procurement is planned, the procurement authority will be determined.
- Contracts with a value of \$150,000 or more require approval for legal sufficiency by DOJ.
- IT Investments with a value of \$150,000 or more require approval by EIS.

For larger contracts involving DAS Procurement Services, the Agency DPO will submit a procurement request form to initiate their engagement. Below are some of the procurements anticipated for the Modernization Program.

SOLUTION PROVIDERS AND INTEGRATORS

One of the goals of the Modernization Program is to replace the agency's computer systems that support unemployment insurance for both tax and benefits, and delivery of employment services. The agency prefers to leverage existing solutions that are currently in use by other state(s), and adapt solutions to meet the agency's requirements. The agency anticipates major procurements for vendor solutions and implementation services. Procurement for vendor integration services may also be necessary. The agency will work closely with the Agency Procurement Office, DAS Procurement Services, EIS, and DOJ to plan these procurements.

INDEPENDENT QUALITY MANAGEMENT SERVICES

The State of Oregon has established a Statewide Quality Assurance program as a resource for quality and risk management for the state's information technology (IT) community. Its overall purpose is to increase the success of implementing IT projects in meeting business needs and in improving customer satisfaction, while lowering the risk and cost of IT solutions delivery and their ongoing ownership. By statute and policy, independent quality management services (iQMS) must be procured for certain IT initiatives based on cost and risk. Statewide IT Policy No. 107-004-030 and guidance provided by the Statewide Quality Assurance Program provide direction to agencies.

DAS Procurement Services has entered into statewide price agreements with vendors under which state organizations (authorized purchasers) can execute work order contracts (WOC) to acquire iQMS for review oversight and risk management. Authorized purchasers may select a particular iQMS vendor for a single project, phased project, or portfolio of projects through a best value analysis (BVA) process.

The Modernization Program anticipates multiple projects to achieve the benefits for the program. The agency prefers to engage a single vendor to provide iQMS for all modernization projects. This increases consistency, and provides the iQMS vendor with background and context as they assess processes and project deliverables throughout the entirety of the Modernization Program.

The modernization team will coordinate with DAS Procurement Services, EIS's quality assurance program team, and the Agency Procurement Office to procure iQMS.

ORGANIZATIONAL CHANGE MANAGEMENT

The Modernization Program will transform the agency's systems and business processes. As a result of this transformation, the agency will experience significant change. In preparation for these changes, the agency intends to apply formal organizational change management methods. While the program has hired an experienced Modernization Change Management Analyst, an organizational change management vendor will be solicited to provide additional capacity, expertise, and support.

ADVISORY SERVICES

The Modernization Program is large and complex. In addition to ensuring that agency staff have appropriate training and experience, best practices indicate that thoughtful engagement with external research, advisory, training, and consulting services can be a powerful contributor to success. As needs arise for such services, Modernization sponsors will initiate necessary research and procurements to obtain them.

STAFF AUGMENTATION

The agency will use internal and outsourced blended teams on modernization projects. Vendors will be utilized on projects when state staff do not possess the necessary qualifications or skillsets for specific bodies of work, are not available (capacity constraints), or the services and/or expertise needed are of an urgent or temporary nature.

Procurement Process

Because specific procurement processes are determined by DAS and Agency Procurement Offices, this plan only generally describes the roles, responsibilities, and processes involved. It is expected that processes for acquiring products and services will follow DAS policies and guidelines. DAS process, policies, and guidelines can be found on their website at <https://www.oregon.gov/das/OPM/Pages/planning.aspx>.

Prior to initiating procurement activities, the Modernization Contract Project Manager will consult with the Agency Procurement Office to:

- Review product or services needed
- Identify the tools, skills, and/or expertise required
- Determine timing and duration of services
- Determine if procurement can be coordinated and combined with another project procurement
- Select procurement methods and resulting contract type
- Determine what requirements, such as DAS and SEIU mandated feasibility studies, need to be completed
- Determine whether procurement may exceed delegated authority thresholds
- Identify individuals to serve on a procurement and/or evaluation team
- Develop initial procurement timeline
- Develop a procurement checklist of tasks that need to be completed prior to releasing the solicitation
- Develop a contract checklist of items that should be included in the contract

PROCUREMENT TEAM

A procurement team will be assembled early in procurement planning. The procurement team is comprised of different stakeholders who will participate in the procurement. The procurement team will involve procurement experts to guide the procurement team on procurement and contract laws and policies, technical and subject matter experts who have a clear understanding of how the product or service must meet the business or technical needs, and individuals with the authority to approve procurements on behalf of the agency or State of Oregon.

Generally, the procurement team will include the Agency DPO, designated Agency Procurement and Contract Specialist, the Modernization Contract Project Manager, members of the modernization team, and agency business or technical stakeholders. DAS Procurement Services, EIS, and/or DOJ may also be involved for procurements that exceed the agency's delegated authority or thresholds for legal sufficiency review.

PROCUREMENT METHODS

Procurements may use different approaches or methods. The priority order of procurement methods is specified by administrative rule (OAR 125-247-0200). The Agency Procurement and Contract Specialist can discuss these with the procurement team to select the method that is most appropriate. A partial list of standard procurement methods includes:

- Competitive sealed bidding according to ORS 279B.055
- Competitive sealed proposals according to ORS 279B.060
- Small procurement according to ORS 279B.065
- Intermediate procurement according to ORS 279B.070
- Sole-source procurement according to ORS 279B.075
- Emergency procurement according to ORS 279B.080
- Special procurement according to ORS 279B.085

A cooperative procurement in accordance with OAR 125-246-0400 substantially uses a competitive sealed bidding or competitive sealed proposals method.

CONTRACT TYPES

There are different types of contracts that may be combined with different procurement methods. For example, a personal services contract may be firm fixed price or time and materials based, or a combination of the two. The agency prefers firm fixed price rather than time and materials contracts. A partial list of standard contract types includes:

- Fixed price
- Time and materials
- Cost reimbursement

In some instances, a time and materials based contract may be the only option if using an existing statewide price agreement when developing a Service Order Contract (SOC) or Work Order Contract (WOC). In these cases, it will be expected that not to exceed (NTE) amounts will be listed per deliverable.

CONTRACT SIZE

General estimates are formed for how much the contract is expected to cost. The larger the contract amount, the greater the external processes involved, and the longer the procurement process takes. The path chosen differs based on the unique aspects of each procurement. If the agency's delegated authority thresholds will be exceeded, DAS Procurement Services, EIS, and DOJ will be engaged in the procurement process.

Planning a Procurement

As soon as a procurement for products or services is identified, a procurement team will be assembled to begin planning the procurement strategy and detailed needs. Generally, procurement planning will need to occur at least 2-3 months before executing the procurement strategy. For larger procurements, this may take up to 6 months or more. The procurement team will make decisions that will drive the execution and management of a procurement. Some of the key topics that will be discussed and decided include:

- Scope of work and specifications
- Contract deliverables and acceptance criteria
- Critical business requirements
- Method of procurement
- Contract type
- Estimated schedule
- Estimated cost and budget
- Vendor performance measures (if applicable)
- Alternatives and contingencies
- Assumptions, constraints, and risks
- Team assignments and procurement deadlines
- Evaluation strategy and plan
- Proposal submission requirements
- Proposal evaluation criteria and scoring matrices

Building a Procurement

Typically, building a procurement starts with the development of a statement (or scope) of work and determination of the requirements, minimum/desired qualifications of vendor key personnel, and/or expected deliverables. The scope or statement of work becomes a part of the procurement package and will ultimately become the start of a first draft of the resulting contract. A procurement checklist will be developed and used to ensure all requisite activities are completed and to ensure the inclusion of critical items in the solicitation.

The Modernization Contract Project Manager will facilitate the procurement team to draft the statement of work, specifications, and evaluation criteria to be used within the procurement package. In many cases, templates and formats for statements of work, requests for proposal, requests for quote, or other procurement documentation may be predetermined based on statewide master price service agreements, or state and agency standards. The Modernization Contract Project Manager will engage with Agency Procurement Office and/or DAS Procurement Services to identify and develop appropriate solicitation documents and prepare the procurement for release.

Releasing a Procurement

Procurements for which the agency has delegated authority will be released by the Agency DPO and act as point of contact for any communications with proposers through contract execution.

For procurements exceeding delegated authority thresholds, DAS Procurement Services will release the solicitation and act as point of contact for any communications with proposers through contract execution.

The release duration for each procurement will be determined by the procurement team and will primarily be dependent upon the complexity and nature of the procurement.

Evaluating Bidder Responses

Whether reviewing a single resume or a multitude of responses, there are specific steps involved in the selection process. Evaluation teams will follow state procurement best practices in the review, interview, and selection processes to ensure the selection process is fair, equitable, and transparent, reducing potential protests. Details for how evaluations will be conducted and the individuals who will serve on the evaluation team are captured within the detailed procurement plan.

The procurement team will develop evaluation criteria and scoring matrices to be used for reviewing and scoring vendor responses by the evaluation team. Members of the procurement team may also serve on the evaluation team. The evaluation team will use the evaluation criteria and related scoring matrices that were developed by the procurement team to determine which vendor best meets the procurement requirements. Depending on the complexity of the procurement, additional time will be built in to the schedule to allow for learning and refinement of next steps at the end of each evaluation phase.

Negotiations and Contract Development

Once a vendor has been selected, and the notice of intent to award has been released, parties will begin the negotiations stage in which the specific terms of the contract and statement of work will be negotiated towards agreement.

A negotiations team will be formed, which may carry forward members of the procurement or evaluation team. The negotiations team will work together to develop a contract checklist to ensure all critical items are included in the contract. All vendors will be required to comply with the processes and rigor required to manage modernization projects, including oversight requirements, and we will monitor and manage to this compliance. The negotiations team will also be charged with identifying and finalizing the vendor metrics that will be included in contracts.

Once the contract is executed, contract and vendor management processes will be followed as described within the program's contract management plan.

Contractor Insurance and Escrow Requirements

Contractor insurance and escrow requirements will be evaluated and determined by the agency DPO and/or DAS Procurement Services and included within the contract. All contractors will be required to carry the insurance requirements set out in their respective contract. In addition, some contractors may be required to have an escrow account listing the Oregon Employment Department as the beneficiary. When determined necessary by the agency or DAS Procurement Services, some contractors may also be required to include retainage in their contract and provide acceptable letters of credit.

Detailed Procurement Plan and Procurement File

A detailed procurement plan will be developed for each procurement. The detailed procurement plan documents the specific approach and decisions made throughout the life of the procurement, and provides an overview of the procurement process for historical purposes. The procurement plan template is located here: [\\WPOEDFILL04\Modernization\00 Program](#)

[Management\Procurement\Procurement Forms and Guidance\Procurement Plan Template.docx](#) _The detailed procurement plans will be regularly updated to reflect details as each procurement is planned and executed.

All procurement materials are stored and maintained within a procurement and contract file which is the official record for each procurement. The office with authority for the procurement is responsible for maintenance and storage of the procurement and contract file. The Modernization Contract Project Manager will coordinate with the Agency Procurement Office or DAS Procurement Services to supply any procurement materials developed by the procurement team for official recordkeeping. The procurement and contract file contains information such as:

- Procurement plan and related documents
- Bids and proposals received
- Evaluation documents
- Selection documents
- Reviews and approvals
- Emails and other communications associated with the procurement

See Appendix A for the Agency Procurement Office contract file checklist.

Document Maintenance

This document is maintained by the modernization team, specifically the Modernization Contract Project Manager, and will be reviewed semi-annually to determine whether revisions are necessary. Periodic process reviews assess the effectiveness of program plans and processes. Any identified changes or improvements are incorporated in program processes and reflected within revisions to these program plans. All program plans are stored within the program's file share located here:

<\\WPOEDFILL04\Modernization\00 Program Management\Program Plans\>

Version	Date	Author	Change Description
V1.0	12/2018	Jennifer Hannan, Modernization Program Manager	Initial version of the document.
V2.0	7/2019	Jennifer Hannan, Modernization Program Manager	Added document relationship section, added anticipated procurements for OCM and schedule advisory services, made adjustments throughout to address editorial changes and corrections to accurately reflect current process, refreshed all appendices to reflect current templates.
V3.0	05/2019	Jenny King, Modernization Contract Project Manager	Updates to plan made were primarily to address items from CSG QC review. Added additional section and verbiage in areas that were light or needed additional clarification.

Approving Authorities

 <u>Ethan Benatan (Jun 2, 2020 10:09 PDT)</u>	Jun 2, 2020
Ethan Benatan, Modernization Sponsor Modernization Director	Date
 <u>Keith Shribbs (May 28, 2020 11:50 PDT)</u>	Jun 2, 2020
Keith Shribbs, Modernization Program Manager	Date
 <u>Jennifer King (Jun 2, 2020 09:58 PDT)</u>	Jun 2, 2020
Jenny King, Modernization Contract Project Manager	Date
 <u>Heather Wyland (Jun 2, 2020 09:54 PDT)</u>	Jun 2, 2020
Heather Wyland, Agency DPO Agency Procurement and Contract Manager	Date

Appendix A – Agency Procurement Office Contract Checklist



Contract File Checklist

According to OAR 125-246-0556, agencies must ensure procurement files contain the following items.
This checklist helps maintain complete procurement files.

**CONTRACT
REFERENCE:**

[Click here to enter text.](#)

- All Written documents delivered to an Agency from DAS Procurement Services, whether the documents relate to approvals, revocations, orders, modifications, or other actions, related to the documents' subject matter and Action
- An executed Contract, if awarded, and any Ordering Instruments and Amendments
- The record of the actions used to develop and administer the Contract
- A copy of the Solicitation, if any
- The Contract Administrator and any delegates
- Any required findings or statement of justification for the selection of the Provider and sourcing method according to ORS 279A.200 through 279A.220 (Cooperative Procurement); 279B.055 through 085 (seven methods for Supplies and Services); 279C.100 through 279C.125 (Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services or Related Services); or ORS 279C.300 through 279C.450 (Public Improvements);
- Documentation of Contract Administration according to OAR 125-246-0555 and if required by the selected procurement method:
 - A list of prospective Providers notified of any Solicitation;
 - The method used to advertise or notify prospective Providers;
 - A copy of each Offer that resulted in the Award of a Contract;
 - The record of any Negotiation of the Statement of Work and results;
 - A record of all material Communications regarding the Solicitation by interested Providers according to OAR 125-246-0635;
 - All information describing how the Provider was selected, including the method and basis for awarding the Contract;
 - A copy of the Request for Special Procurement, if any;
 - Documentation for a Federal Program purchase according to OAR 125-246-0360; and
 - Documentation related to Cooperative Procurements according to OAR 125-246-0400.

Modernization Procurement Management Plan V3.0

Final Audit Report

2020-06-02

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