



**THE VIRGIN ISLANDS DEPARTMENT OF EDUCATION  
FEDERAL PROCUREMENT POLICY AND PROCEDURE**

PRO 2.12:	Contract Management
Purpose:	To provide policy and procedures towards drafting and facilitating approval and/or execution of the Department’s <i>Request for Proposal (“RFP”)</i> , <i>Memorandum of Agreement (“MOA”)</i> , <i>Service Agreement</i> , and <i>Contract for Professional Service</i> (to include <i>Amendment to Professional Service Contract</i> and <i>Exercise of Renewal Option</i> )
Abbreviations:	JL- Justification Letter VIDE- Virgin Islands Department of Education VIDPP-Virgin Islands Department of Property and Procurement
Policy:	<p><b>V.I.C Title 17, Chapter 5, Section 60d (Small Purchase Authority)</b></p> <p><i>“(a) Notwithstanding Title 31 V.I.C, Chapter 23, the Department of Education may purchase or contract for all supplies, materials, equipment and contractual services, if the cost of the purchase or contract does not exceed \$50,000”.</i></p> <ol style="list-style-type: none"> <li>1. Following all provisions set forth as per PRO 2.3, a justification letter for services budgeted less than (&lt;) \$50,000.00 requiring a professional service contract, Memorandum of Agreement, or Maintenance or Event Agreement must be submitted to <a href="mailto:procurement@sttj.k12.vi">procurement@sttj.k12.vi</a> at least sixty (60) days prior to expected commencement date of service.</li> <li>2. A Professional Service Contract is not required for services with less than two (2) deliverables, does not pose a threat to the general health and safety of VIDE stakeholders, and total cost does not exceed \$25,000.00 as determined by the Territorial Director of Procurement.</li> </ol> <p><b>V.I.C. Title 31, Section 239(a)(8)</b></p> <p><i>“Supplies, material, and equipment may be purchase and contractual services negotiated for in the open market without observing the provisions of Section 236 of this title provided the purchase or contract is for property or services for which it is impracticable to obtain competition</i></p> <ol style="list-style-type: none"> <li>3. Justification Letters requesting the solicitation of services budgeted greater than (&gt;) \$50,000.00 without undergoing formal advertisement through a Request for Proposal or Invitation for Bid by the Department of property and Procurement must be submitted to <a href="mailto:procurement@sttj.k12.vi">procurement@sttj.k12.vi</a> at least eight (8) months prior to the expected commencement date of services and/ or expected date for receipt of goods</li> </ol>



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Policy Cont.	<ol style="list-style-type: none"><li>4. Justification letters requesting a Memorandum of Agreement, Exercise of Renewal Option, or Amendment to Professional Service Contract for services exceeding \$50,000.00 should be submitted to <a href="mailto:procurement@sttj.k12.vi">procurement@sttj.k12.vi</a> at least six (6) months prior the expected commencement date of services</li><li>5. An <u>approved</u> Justification Letter signed by the Commissioner of Education or Designee and/or Notice of Award issued from the Virgin Islands Department of Procurement is <u>required</u> prior to contract draft. An approved justification letter is required from the Commissioner of the Department of Property and Procurement.</li><li>6. Sufficient and applicable funding source(s) in the form of an executed purchase order, grant award notification award, or PFA Award letter must be available to cover the total cost of the services</li><li>7. All contract negotiations shall be conducted through the VIDE, Office of Legal Counsel. Contact between program beneficiaries and the selected vendor/contractor is prohibited throughout the contractual process.</li></ol> <p><b>V.I.C. Title 31, Section 236</b></p> <p><i>“All purchases of, and contracts for, supplies, materials, equipment, and contractual services, and all sales of personal property which has become obsolete and unusable, shall be based on competitive bids.”</i></p> <ol style="list-style-type: none"><li>8. Justification Letters requesting the solicitation of services budgeted greater than (&gt;) \$50,000.00 requiring formal advertisement through a Request for Proposal or Invitation for Bid by the Department of Property and Procurement must be submitted to <a href="mailto:procurement@sttj.k12.vi">procurement@sttj.k12.vi</a> at least eight (8) months prior to the expected commencement date of services and/or expected date for receipt of goods.</li><li>9. No Request for Proposal or any other form of bid document should be drafted directly or indirectly in favor of one bidder.</li></ol>
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<p>Policy Cont.</p>	<ol style="list-style-type: none"><li>10. Justification letters requesting a Memorandum of Agreement, Exercise of Renewal Option, or Amendment to Professional Service Contract for services exceeding \$50,000.00 should be submitted to <a href="mailto:procurement@sttj.k12.vi">procurement@sttj.k12.vi</a> at least six (6) months prior the expected commencement date of services</li><li>11. An <u>approved</u> Justification Letter signed by the Commissioner of Education or Designee and/or Notice of Award issued from the Virgin Islands Department of Procurement is <u>required</u> prior to contract draft. An approved justification letter is required from the Commissioner of the Department of Property and Procurement if the services were approved pursuant to the GVI's contract procedure outlined in 31V.I.C § 236.</li><li>12. Sufficient and applicable funding source(s) in the form of an executed purchase order, grant award notification award, or PFA Award letter must be available to cover the total cost of the services</li><li>13. All contract negotiations shall be conducted through the VIDE, Office of Legal Counsel. Contact between program beneficiaries and the selected vendor/contractor is prohibited throughout the contractual process.</li></ol>
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**Procedure**

**Procedure: Request for Proposal**

1. Following the submittal of the Program's justification letter and proposed RFP, the RFP is reviewed and edited by the Contract Administrator and the Office of the Commissioner, Legal Counsel
2. The edited proposed RFP is returned for the Program's review and acceptance.
3. The Division of Procurement prepares a Transmittal Letter addressed to the Commissioner of Department of Property and Procurement from the Commissioner of VIDE requesting the solicitation/advertisement of the services in accordance to the provisions set forth in V.I.C Title 31, Chapter 23, § 236.
4. A *Notification of Award*, selecting the winning bidder will be issued by the Commissioner of Property and Procurement. This notification begins the contractual process which will be undertaken by the VIDE, Division of Procurement

**Procedure: Contract for Professional Services**

1. Contract correspondences are initiated by the VIDE Division of Procurement to begin the contractual process. **All** further contact regarding the contractual process must be made through VIDE Procurement or Legal Counsel unless otherwise requested.
2. Upon receipt of **all** requested contractual documents, the contract file is submitted to the Contract Administrator to begin draft.
3. Upon completion, the proposed contract and all relevant supporting documents, not limited to its contractual documents are transmitted to the Office of the Commissioner, Legal Counsel for legal sufficiency.
4. The proposed *Contract* is sent to the Program/Activity Center for review, particularly scope of work and compensation
5. The proposed *Contract* is submitted for the contractor's review and acceptance. If unacceptable, changes/negotiations regarding contract terms are lead by Legal Counsel.
6. Once accepted, the proposed Contract is finalized for execution by the Contractor and the Commissioner of VIDE.
7. The VIDE Division of Procurement prepares a *Transmittal Letter* for submittal to the VI Department of Property an Procurement along with the proposed *Contract* and all supporting documents for the VI Government's review and approval process (this action concludes the VIDE internal contractual process).

The Government's review and approval process includes the involvement of various government Departments and/or Offices to include the VI Department of Property and Procurement, the VI Department of Justice, and the Office of the Governor as streamlined by *Executive Order No. 477-2016*. This approval process culminates with the final approval authority which lies with the Governor of the Virgin Islands.

8. Once returned to the VIDE from the Department of Property and Procurement, the executed Contract and approved justification letters are distributed to the Contractor and all relevant VIDE stakeholders.



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