

REGULAR MEETING OF THE  
OKLAHOMA WORKERS' COMPENSATION  
COMMISSION

Friday, September 26, 2014  
9:00 a.m.  
Commission Chambers  
1915 N. Stiles Ave.  
Oklahoma City, Oklahoma  
www.wcc.ok.gov

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*AGENDA*

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**CALL TO ORDER ..... Mr. Wilson, Chair**

**ROLL CALL..... Mr. Wilson, Chair**

**NOTICE OF COMPLIANCE..... Holly Miller**

**MINUTES**

- a. The drafted Minutes of Regularly Scheduled Commission Meeting on September 18, 2014, will be considered for approval.

**BUSINESS..... Mr. Wilson, Chair**

**1. Consideration of the Fiscal Year 2016 Commission Budget Request Proposal and Supplemental Budget Request for FY 2015**

The Commission's Budget Request Proposal for FY 2016 and Supplemental Budget Request for FY 2015 will be considered for approval. State agency budget requests for FY 2016 and supplemental budget requests must be filed with the Office of Management and Enterprise Services, Legislative Staff and the Cabinet Secretary by October 1, 2014.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, continuing the matter, approving the drafted FY 2016 Commission Budget Request Proposal and FY 2015 Supplemental Budget Request or approving an amended FY 2016 Commission Budget Request Proposal and FY 2015 Supplemental Budget Request.

**2. Commission Adoption of an Internal Purchasing Procedure**

Each state agency is required to develop internal purchasing procedures for acquisitions by the agency. 74 O.S. §85.39. Procedures shall include a needs assessment, funding, routing, review, audits, monitoring and evaluations. Proposed for the Commission's consideration is an internal purchasing procedure, attached hereto as **Attachment A**. If adopted, it will be submitted to the State Purchasing Director for approval.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, continuing the matter, adopting the proposed internal purchasing procedure as stated in **Attachment A**, or adopting a different internal purchasing procedure.

**3. Proposed Approval of Additional Independent Medical Examiners for the Commission**

Title 85A OS §112 requires the Workers' Compensation Commission to create, maintain and review a list of licensed physicians who shall serve as independent medical examiners (IME). The Commission shall, to the best of its ability, include the most experienced and competent physicians in the specific fields of expertise utilized most often in the treatment of injured employees. The following physicians have been vetted by the Medical Director and recommended to be added as IME's for the Commission:

Faustino Kazenske, D.O. - orthopedic surgery  
Brett A. Braly, M.D. - orthopedic surgery of the spine  
Michael Brandon Fohnson, M.D. - orthopedic surgery  
Paul Acob, D.O. - orthopedic surgery

**Possible Action:**

Possible action may include, but is not limited to: taking no action, continuing the matter, approving some, all or none of the listed independent medical examiners for the Commission.

**4. Consent Agenda**

85A O.S. §23 states any commissioner or employee of the Commission shall be entitled to receive his or her necessary traveling expenses as provided in the State Travel Reimbursement Act. The expenses shall be certified by the person who incurred them and shall be allowed and paid on presentation of vouchers approved by the Commission. In accordance with this section, the Commission will vote to approve the currently outstanding vouchers attached hereto as **Attachment B**.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, continuing the matter, approving some, all or none of the vouchers listed in **Attachment B**.

**5. Any Matter Not Known About or Which Could Not Have Been Reasonably Foreseen Prior to Posting the Agenda**

**6. Announcements**

Commission's next regularly scheduled meeting is Thursday, October 16, 2014

**ADJOURNMENT.....Mr. Wilson, Chair**

## **INTERNAL PURCHASING PROCEDURES**

**EFFECTIVE DATE:** This procedure becomes effective upon review and approval by the Director of Central Services pursuant to Title 74 O.S. Section 85.39.

### ***Workers' Compensation Commission Agency No. 865***

*The Workers' Compensation Commission shall comply with provisions of the Oklahoma State Constitution, Central Purchasing Act, rules of the Central Purchasing Division, Public Competitive Bidding Act of 1974, rules of the Construction and Properties Division, provisions of the State Use Committee, State of Oklahoma Purchase Card Procedures and these internal procedures when making acquisitions. If the agency amends these procedures, the Primary Agency CPO shall submit the procedures with amendments to the State Purchasing Director for review pursuant to 74 O.S., Sections 85.39.*

#### **I. Needs Assessment**

- In January of each year the Certified Procurement Officer (CPO) of the Workers' Compensation Commission (Commission) shall determine which acquisitions and contracts for the upcoming fiscal year need to be renewed and shall issue the appropriate requisitions either directly or through the Division of Central Purchasing ensuring that contracts for the upcoming fiscal year are in place by July 1.

#### **II. Routing**

-Any supervisor or employee of the Workers' Compensation Commission may communicate any needs for goods or services by listing them on the Commission's Order Form in the Business Office during the course of each fiscal year. The employee shall make a good faith effort to determine the amount of each item needed for an entire year so that the appropriate amount can be ordered and the appropriate spending limits can be applied. Requests will be reviewed by the CPO and the Finance Officer and may or may not be approved based on budgetary constraints or other reasons.

#### **III. Review Process**

- The CPO will determine whether the desired goods and services are available: 1) through the State Use Committee; 2) through the Oklahoma Correctional Industries; 3) on statewide contract; or 4) through an open market purchase.

The CPO will decide whether to bid on behalf of the Commission, using the appropriate procedures as established by the Division of Central Purchasing's Rules, or by submitting a requisition with appropriate supporting documents to the Central Purchasing Division of the Department of Central Services.

For multi-year contracts not exceeding the delegated purchasing authority limit of \$50,000, the agency CPO may conduct solicitations for contracts not exceeding the limit in a 12 month period.

When the agency elects to conduct the solicitation:

- (1) The Solicitation shall include a separate line and contract period for each year; not to exceed the delegated authority limit per 12 month period;
- (2) In its evaluation of cost for the purposes of determining either "lowest and best" or "best value", the agency shall consider and include the supplier's (total costs) pricing for the first year and all renewal periods;
- (3) Change in the scope of the contract remains prohibited, and the original contract shall state the maximum number of renewal periods which shall not be exceeded;
- (4) If the total cost of the contract (including all renewal periods) exceeds \$25,000 the agency shall solicit all vendors listed in the PeopleSoft vendor file for the commodity and all recommended vendors;
- (5) The agency shall verify, pursuant to the applicable provisions of law, that the supplier is eligible to do business with the State of Oklahoma by confirming registration with the Secretary of State the franchise tax payment status, pursuant to Sections 1203, 1204, and 1364 of Title 68 of the Oklahoma Statutes; and verification of current sales tax permit, which must be a copy of the sales tax permit's status obtained from the Oklahoma Tax Commission, must be filed in the acquisition file.
- (6) The Agency CPO will consider market-place conditions when considering the length of multi-year contracts to determine contract periods, due to volatility of commodity costs or other factors;
- (7) The agency will include the standard non-appropriation clause in the solicitation;
- (8) The origin in PeopleSoft must be identified as "Exempt" and the PO Type identified as the type of purchase made, i.e. open market, professional bid, professional no bid, etc.

The agency Certified Procurement Officer may process the renewal of acquisitions without submission to the State Purchasing Director, if each contract period does not exceed the delegated single transaction purchasing authority limit. This authority to process renewals applies to multi-year contracts initially bid by the agency, provided no single year exceeds the delegated purchasing authority limit.

When the Central Purchasing Division initiates and administers a contract on behalf of the Commission that contains optional renewal periods, the Commission will adhere to contract provisions for renewals throughout the contract duration.

#### **IV. Supplier's Protest**

-A supplier may protest a contract award by the Commission or Oklahoma Management Enterprise Services to the State Purchasing Director pursuant to 260:115-3-19 of the Central Purchasing Rules. Notice of a protest shall be in writing and within ten (10) business days of contract award. All remedies available to suppliers through the sealed bid process pursuant to the Oklahoma Central Purchasing Act are also available to online bidders in an online bidding process.

## **V. Records**

Each requisition created by the CPO shall be logged in one central file. The file shall list the following:

1. The Commission's requisition number;
2. PeopleSoft requisition number;
3. purchase order number;
4. date of purchase;
5. funding and account codes;
6. amount of the purchase;
7. vendor name;
8. description of the goods or services;
9. requesting department, if appropriate;
10. a notation of whether the procurement was done by the Commission; or
11. by Central Purchasing; or
12. from Statewide Contract; and
13. whether the procurement was a sole source by vendor or sole source by brand.

The Certified Procurement Officer will monitor and evaluate the awarded contract.

Each procurement's requisition copy, purchase order copy and any supporting documentation shall be kept in binders in the Business Office indexed by Commission requisition number and by fiscal year.

## **VI. Funding**

- The CPO of the Commission shall determine the appropriate funding at the time of the procurement based on the Commission's Budget Work Program as approved and allotted by the Office of Management & Enterprise Services.

## **VII. Tracking**

- Only designated employees may receive goods or services on behalf of the Commission and shall sign the packing slip or work order after ascertaining that the goods and services have been provided and shall deliver the packing slip/work order to the CPO. The list of designated employees is maintained by the Finance Officer. The packing slip/work order shall be kept in a file in the Business Office so that it can be matched with the invoice prior to processing with the Office of Management & Enterprise Services.

Upon receipt of an invoice for goods or services rendered, the CPO shall confirm receipt of the goods or services by attaching the packing slip/work order to the Commission's audit copy of the invoice. In the event that no packing slip/work order accompanied the goods or services, the **Finance Officer** shall confirm with the CPO or designated employee that the goods were delivered or the services were rendered and shall make the appropriate annotation on the invoice or attach supporting documentation.

### **VIII. Reporting**

- At the end of each month, the **Finance Officer of the Commission** shall submit to the State Purchasing Director a report listing all sole source contracts exceeding Five Thousand Dollars (\$5,000.00) executed by the Chairman in the preceding month in accordance with 74 O.S., Sec. 85.45(J).

- By November 1 of each calendar year, the Executive Director of the Commission shall submit to the State Purchasing Director and the State Auditor & Inspector's office a report listing all contracts equal to or greater than Fifty Thousand Dollars (\$50,000.00) but not in excess of One Hundred Thousand Dollars (\$100,000.00) entered into by the Commission for the preceding fiscal year in accordance with 74 O.S., Sec 85.43(A).

-If the Commission establishes any fixed rate contracts, then within two (2) weeks after the convening of the Legislature, the Executive Director of the Commission shall furnish to the Speaker of the House of Representatives, the President Pro Tempore of the Senate and to any member of the House or Senate, if requested by such member, a complete list of all of the types of services paid for by uniform fixed rates, the amount of the rate last approved by the Commission for the service, and the number of contracts then in existence for each type of service, pursuant to 74 O.S. Sec. 85.7(A)(11)(e).

### **IX. Audits**

-The Finance Officer shall make available to the Office of Management & Enterprise Services auditors and the State Auditor and Inspector all of the aforesaid records of the Commission at the time of an audit.

-Records shall be retained for a minimum of at least seven (7) years.

Sole Source/Sole Source Brand records shall be retained for a minimum of three (3) years

### **X. Purchase Card Procedures**

-The P/Card program shall be conducted in accordance with all purchase card procedures as outlined by OMES Central Purchasing and the Commission's internal P/Card Procedures.

**10.1** The Executive Director will appoint the Finance Officer as the purchase card administrator. State entity P/Card participants must successfully complete the training prescribed by the Department of Central Services Central Purchasing Division prior to assuming their duties and prior to being issued P/Cards. State entity P/Card participants must sign the State of Oklahoma Purchase Card Employee Agreement form prior to assuming their duties and being issued State Purchase Cards.

**10.2** If an employee uses their purchase card, the purchase must have been pre-approved by the purchase card administrator in order to determine the appropriate vendor. Proper documentation must be maintained by the cardholder to reconcile to their monthly memo statement and transaction log. The cardholder and CPO will sign the memo statement and transaction log. Once approved and signed, all documentation must be presented to the purchase card administrator for filing.

**10.3** An employee holding a P/Card shall surrender it to the Finance Officer upon (a) transfer to another organization of State government; (b) termination of employment with the State; or, (c) request of the employee's supervisor, purchase card administrator, Executive Director or State Purchasing Director.



## CONSENT AGENDA

<u>PAYEE</u>	<u>VOUCHER #</u>	<u>VOUCHER AMOUNT</u>
1. Tara Inhofe- Travel	00000795	\$71.46
2. Tara Inhofe- Travel	00000796	\$71.46
3. Patricia Sommer- Travel	00000793	\$70.10
4. Tara Inhofe- Travel	00000794	\$71.74