

# PROCUREMENT News



A QUARTERLY  
NEWSLETTER FROM  
THE PURCHASING OFFICE

ISSUE 08 **APR 2016**  
[www.apsva.us](http://www.apsva.us)

## LINKS AND FORMS

- Virginia Public Procurement Act (VPPA)–  
<http://eva.virginia.gov/pages/eva-vppa.htm>
- Arlington Public Schools Purchasing Resolution–  
<http://www.apsva.us/site/Default.aspx?PageID=2781>  
(Click the Purchasing Resolution link to view)
- Criminal Conviction Certification and the Code of Virginia–<http://www.apsva.us/site/Default.aspx?PageID=2781>  
(Click the Criminal Conviction Forms link to view)

**Please contact the Purchasing Office at 703 228-2411, if you have any questions on the purchasing process. Or, log on to <http://www.apsva.us/site/Default.aspx?PageID=2781>**

## MOU? MOA? CONTRACT? THE DIFFERENCE?

**T**he Purchasing Office is authorized to sign agreements on behalf of APS with nongovernmental sources (“Vendors”) to purchase goods, services, construction and insurance (“Stuff”). When APS receives Stuff from a Vendor in exchange for something of value, usually payment, that agreement is considered to be a contract. However, there are times when a Vendor providing the Stuff will request that APS signs its documentation which refers to the agreement as being either a memorandum of understanding (MOU) or a memorandum of agreement (MOA).

Using such terminology can be misleading because there is a legal distinction between a contract and an MOU or MOA, and

referring to a contract as an MOU, or titling it as an MOU will not make the document anything less of a contract. While there are a number of differences between a contract and an MOU, the primary distinction is that the parties to a contract create a legally binding agreement to do (or not) a particular thing while generally an MOU or MOA does not contain legally enforceable promises. As an example, APS would enter into a contract with a Vendor for Stuff, but would enter into an MOU or MOA with Arlington County over the joint use of a building. The contract with the Vendor would impose binding obligations upon both the Vendor and APS, and a breach of those obligations would lead to a potential legal claim by either

APS or the Vendor. Meanwhile, the MOU memorializes what APS and the County have agreed to do with respect to the usage of the building, but does not involve the exchange of money and does not involve any legally binding promises between the parties. While MOUs do not impose legal obligations upon APS, it is nonetheless important for you to exercise caution and consult legal counsel prior to entering into one on behalf of APS.

Any agreement in which APS agrees to buy "Stuff" from an individual or organization would be a contract and must be signed by the Purchasing Office. It doesn't matter whether the agreement is called a contract, MOU or MOA. In cases where an MOU or MOA is an agreement between two parties that does not contain any legal obligations, but rather memorializes and provides specificity for a nonbinding agreement, (usually between government entities), responsibility for obtaining appropriate signatures rests with the Department Head.

In summary:

- An MOU or MOA is generally between two government entities, is not legally binding, and does not involve the exchange of money
- The Purchasing Office is not authorized to sign an MOU or MOA if there is not a purchase involved
- The department responsible for the scope arranges for the MOU or MOA to be signed
- Consultation with legal counsel is recommended for any MOU or MOA prior to signature

Do not hesitate to contact the Purchasing Office for further clarification.

## INVOLVE THE PURCHASING OFFICE EARLY IN YOUR PROCUREMENT PLANNING

If you are tasked with "making it happen" and in order to do so, you need to purchase goods and/or services, please contact the Purchasing Office at the earliest available opportunity. The Purchasing Office can help identify whether APS has a contract in place for those goods and/or services you need or whether another jurisdiction has a contract which APS can purchase from or whether you just need to obtain a single or multiple quotes. As time is generally of the essence we can help you in planning your project timelines.



## KEN LAWSON— APS SERVICE AWARD

At its March 3, 2016 meeting the School Board presented Ken Lawson with the APS Service Award for thirty-five years' service. Ken joined APS in 1980 and worked in the Warehouse as the Inventory Logistics Manager. In 2007 he was transferred to the Purchasing Office and in 2012 became its Buyer. Congratulations!

## A NEW ARRIVAL— REBECCA HOFFMAN, CPPB

To fill the void left by the retirement of Fran Jones, the Purchasing Office has enlisted the help of Rebecca Hoffman as temporary support. Rebecca brings with her a wealth of purchasing experience that she gained before retiring from Fairfax County. You can find Rebecca in Fran's old workstation and she can be reached on (703) 228-6126 and rebecca.hoffman@apsva.us. For those who worked with Fran please contact Rebecca.

## FISCAL YEAR 2016 CLOSE-OUT

A reminder that requisitions using 2016 funds that will become purchase orders, including special projects (i.e., grants) need to be in an "approved" state in STARS by no later than May 20, 2016. Please click on the link for other important close-out dates.

<http://www.apsva.us/cms/lib2/VA01000586/Centricity/Domain/145/FISCAL%20YEAR%202016%20CLOSE-OUT%20CALENDAR.pdf>

## PURCHASING OFFICE STATISTICS

During the period July 1, 2015 through March 31, 2016:

- Over 7,500 purchase orders were approved
- The value of the purchase orders exceeded \$49M
- Awarded over 55 contracts.

## WHO DO I CONTACT?

**David Webb, C.P.M.**  
Purchasing Director

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**Ellen Wills, CPPB, VCO**  
Assistant Director

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*Stakeholders*—Facilities and Operations; Major Construction Projects and Minor Construction/Major Maintenance Projects

**Rebecca Hoffman, CPPB**  
Temporary Senior Buyer

**Phone:** 703 228-6126  
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*Stakeholders*—All Schools and Departments, excluding Facilities and Operations

**Ken Lawson, CPPB, VCO**  
Buyer

**Phone:** 703 228-6193  
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*Stakeholders*—Facilities and Operations; All School Operating Fund requirements; Disposal of surplus property

**Thanh Thai, VCA**  
Purchasing Technician

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*Responsibilities*—Administrative support; Point of contact for all STARS related questions