

# THE OLAO ACQUISITION NEWSLETTER

HOMEPAGE: http://www.nih.gov/od/olao/oa

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## <u>HIGHLIGHT</u> <u>OF THE MONTH</u>

# DISCOUNT VALIDATION PROCESS CONDUCTED ON BPA VENDORS!

The Simplified Acquisition Programs Branch is responsible for verifying that BPA vendors are giving the NIH the discount rate(s) that were negotiated on their BPA. The process of verifying that the NIH is receiving the agreed upon negotiated discount(s) from each BPA vendor is called "Discount Validation."

The

Discount Validation Process is conducted to determine overcharges for both services and supplies by vendors who are not applying the negotiated NIH discount rates on orders placed against their BPAs. BPA vendors found to be in non-compliance, and who have overcharged the NIH, are accountable for specific overcharges and are held responsible for reimbursement of identified overcharges to the NIH.

Information is obtained by gathering information as entered by the Ordering Officials from the **LPRICE**: and **UPRICE**: fields of the ADB, and comparing the end result with the negotiated discount on the BPA.

# THE FOLLOWING PROCEDURE(S) ARE IMPERATIVE TO THE SUCCESS OF THE DISCOUNT VALIDATION PROCESS.

When placing an order, Ordering Officials **MUST** insure that they are receiving the appropriate list

price and unit price/discount price as agreed upon within the BPA, and indicate each specific price as required on the DELPRO computer generated order in the LPRICE: and UPRICE: fields. If no discount is offered, the Ordering Officials MUST indicate the RMKS: field, "No Discount Offered."

It is <u>IMPERATIVE</u> that Ordering Officials complete both the LPRICE: field (price charged to commercial customers/general public PRIOR to any discounts) and UPRICE: field (the net price paid by NIH AFTER discounts have been taken) CORRECTLY.

#### **PURCHASE CARD NEWS**

# REVISIONS TO THE PURCHASE CARD PROGRAM MANUAL ISSUANCE, 6013

Within the next month you should be receiving notice of a revision to the NIH Policy Manual 6013-2, Internal Procedures for the Purchase Card. The major changes that affect use of the Purchase Card include:

- 1. Retention of Purchase Card records is lessened from 6 years and 3 months to 3 years.
- 2. Third Party Paying Sites with the Purchase Card are unauthorized and this has been included on the Unauthorized Purchase List.
- 3. An addendum will be included that explains the use of the Purchase Card with NIHITS.
- 4. Another addendum will explain the NIH Policy and Procedures for acquiring and managing Personal Digital Assistants (PDAs) with the Purchase Card.

With these changes, the Table of Contents for the Manual Issuance will change. Look for the full revision on the Manual Issuance website: http://www1.od.nih.gov/oma/manualchapters/

The revised Manual Issuance will also be included in the OLAO Acquisition website at <a href="http://www.nih.gov/od/olao/oa/purchases/index.html">http://www.nih.gov/od/olao/oa/purchases/index.html</a>

# REFRESHER ON THE PURCHASE CARD AND MAINTENANCE CONTRACTS

You may not pay for maintenance contracts or agreements where the period of performance exceeds sixty (60) days. The purchase card may be used to pay for maintenance contracts or agreements on a monthly or bi-monthly basis. (This restriction is regulated by VISA which only allows cardholders 60 days to dispute any action.)

If the **total** maintenance contract fees exceed your single purchase limit, you cannot use the purchase card mechanism. You cannot divide the total acquisition into segments, **just to avoid exceeding your single purchase limit**. For example, if your single purchase limit is \$2,500 and the total cost of the maintenance contract is \$3,000, you would not be authorized to pay the monthly amount of \$250 monthly. Another example, if your single purchase limit is \$25,000 and the total cost of the maintenance contract is \$3,000, you would be authorized to pay the monthly amount of \$250.00.

If you have any questions, call the Purchase Card Helpline on 435-6606.

# CONTRACTS IMPORTANT UPDATE!

# PRINTING / DUPLICATION SERVICES AT THE NIH

# Provided by Barbara Levy, Procurement Analyst, DAPE, OAMP

The following message is a reminder to all acquisition staff of the importance of adhering to statute and regulation when acquiring printing services.

The General Accounting Office (GAO) has concluded that photocopying services acquired by the Bureau of Land Management (BLM) employees from Kinko's without first receiving a waiver violated federal law which requires that all such services be acquired through the Government Printing Office (GPO). Therefore the photocopying services acquired cannot be paid for with government funds.

(Bureau of Land Management: Payment of Pocatello Field Office, GAO, B-290901, 12/16/02) http://www.gao.gov/decisions/appro/290901.htm

The GAO Decision was based on 44 U.S.C. 501 and FAR 8.8, which generally require, unless certain exceptions apply, that all printing and binding for the federal government "shall be done" at the GPO. Since the BLM employees did not follow the correct procedures, the contract imposed no legal obligation on the part of the government and therefore, GAO stated that it had no basis to authorize payment.

This decision impacts the NIH in different ways. The PHS Act (41 U.S.C. 241), Section 405(c)(4), specifically exempts NIH Directors of Institutes from the GPO printing requirements, as well as from any approval requirements of the HHS for printing by the GPO (note that this authority flows down from the Institute Directors to acquisition officials). Therefore, all contracting officers acquiring printing for Institutes may contract for printing services without regard to the statute that requires that printing be acquired through the GPO, and they do not need any further clearance or approval to proceed with their printing requirements (see Manual Chapter 6308, Acquisition of Printing Requirements, for further clearance, waiver/exemption and reporting requirements at

http://www1.od.nih.gov/oma/manualchapters/contracts/6308/).

However, NIH Directors of Centers and other entities that cannot be classified as Institutes (e.g., NLM, FIC, OD, NCRR, CIT, etc.) are not covered by the PHS Act and therefore must comply with 44 U.S.C. 501. Contracting Officers in Centers and those other entities not classified as Institutes must follow FAR 8.8 as well as the instructions in the Manual Chapter 6308 so that they do not violate 44 U.S.C. 501.

Please review the waivers/exemptions and reporting requirements contained in Manual Chapter 6308 that fully explain the roles and responsibilities of acquisition staff obtaining printing services

(http://www1.od.nih.gov/oma/manualchapters/contracts/6308/).

For your information, in May 2002, OMB attempted to open federal printing requirements to competition

from private sector companies, and a proposed FAR rule was published that would have eliminated the requirement that the federal government use GPO for printing and duplication services. However, the constitutionality of the proposed rule was questioned and on June 6, 2003, an agreement was reached with the Bush administration to permit the GPO to continue its role as the Government's printer. Under the agreement, the GPO will set up a web-based ordering system that will let government buyers deal directly with GPO's list of private printers. GPO has negotiated discounted agreements with these private printers to provide the best pricing available through the GPO. The web-based system will be established by October 2005. For those NIH entities that cannot be classified as Institutes, therefore, the current method of procuring printing services in accordance with 44 U.S.C. 501 and FAR 8.8 remains the same for the next year and a half, at which time, the web-based ordering system will be available for use. For more information, you may read the June 6 article in the Government Executive Magazine, at:

http://www.govexec.com/news/index.cfm?mode=report&articleid=25799

Please ensure that contracting and project officer staff are aware of this decision and know how it affects their acquisitions of printing services.

#### <u>OFFICE OF FINANCIAL</u> MANAGEMENT

**Provided by Joel Papier** 

TRANSMITTAL NO. 82A - REVISED SUBOBJECT CLASS (SOC) DESCRIPTORS - TRAVEL

This serves as a follow up to Transmittal No. 82 on the above subject.

Upon further review of the HHS Accounting Standards Chapter 4-50 "Object Class Codes", and the corresponding Transmittal No. 82, I have a correction to make.

In Transmittal No. 82, section No. 4 "Training Attendance", It presently states that training classified under 21.41, 21.42, or 21.43 can be for domestic and foreign travel. This is not accurate.

The HHS Chapter 4-50 provides that "Foreign travel will not be charged to these sub-categories."

Therefore, if you have someone in your IC who is engaged in training overseas, the travel and related expenses should be classified as either 21.23 "Program Meeting" or as 21.52 "Scientific Meeting". You are not to classify training overseas as either 21.41, 21.42, or 21.43. The same rule would hold true for Gordon, Keystone, FASEB, or similar type events if the training is taking place at an international site.

#### **DELPRO NOTES & SIMPLIFIED ACQUISITION NEWS**

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#### **NEW INFORMATION & REMINDERS!** PLEASE DON'T FORGET!

#### WAGE DETERMINATION INCREASES FOR THE WASHINGTON METROPOLITAN AREA!

See

Wage determination No.: 1994-2103

Revision No.: 30

Date of Last Revision: 06/03/2003

There have been increases in the Minimum Wage Rate for Administrative Support and Clerical Services Wage Determinations for the Washington Metropolitan area.

#### Please take special note of the following specific increases:

01311 - Secretary I......15.26

01312 - Secretary II......16.56

01313 - Secretary III......19.04

01314 - Secretary IV.....20.15

01315 - Secretary V......23.47

Health & Welfare: \$2.36 an hour or \$94.40 week or 409.07 a month

#### Wage Determinations Also Available -

General wage determinations are now accessible on the web. The wage determinations, pursuant to the Davis-Bacon and all related Acts are available free of charge on the Government Printing Office web site address: www.access.gpo.gov/davisbacon

#### INCREASED WAIVER THRESHOLD FOR **FEDERAL PRISON INDUSTRIES**

An interim FAR rule revises the Federal Prison. Industries (FPI) clearance exception threshold at 8.606(e) from \$25 to \$2,500 and eliminates the criterion that delivery is required within 10 days. Purchasing agents will no longer have to request a clearance from the Federal Prison Industries for purchases that are at or below \$2,500. Office furniture is the usual commodity purchased from FPI. At FAR 8.704, Purchase Priorities, FPI has the highest priority for supplies and is second on the priority list for services.

#### SMALL BUSINESS UTILIZATION = A MUST!

#### **UNLESS YOU CAN JUSTIFY OTHERWISE**

Small Business Set-Asides - Open market acquisitions with an anticipated value greater then \$2,500 but not exceeding \$100,000 are set aside by law, exclusively for small business concerns. regardless of the acquisition method used. All timely quotes from small business concerns must be considered (FAR 13.003(b)(1)).

For those acquisitions between \$2,500.01 and \$100,000 the purchasing agent must solicit quotes from at least two technically qualified small businesses. In the event that it can be demonstrated that there is no small business available to meet the government's needs, the purchasing agent MUST document the file accordingly, and then may solicit from a larger business.

For assistance in identifying potential small business sources visit either the NIH small business web site, http://sbo.od.nih.gov, or directly access e-Portals in Commerce (e-PIC) at http://epic.od.nih.gov and/or SBA PRO-NET, http://www.sba.gov

# DOCUMENTING PRICE REASONABLENESS FOR REPRINT ORDERS OVER \$2,500

All Open Market orders over \$2,500 must contain a written determination that the price being paid is fair and reasonable. Ordering Officials must use some method to make this determination. While competition is the preferred method, it is not possible in doing a reprint order. The following sample of a multiple choice justification may be used. It is possible to check multiple answers or document the file for price reasonableness in another way:

The requestor/ordering office has determined that the price quoted by the sole source publisher is fair and reasonable. This is based on:

- (1) The market prices provided on the request form;
- (2) The requestor's expert personal knowledge of the publishing industry's reprint prices;
- (3) a comparison of the reprint prices with a published price list; and/or
- (4) previous reprint costs placed within the last year.

*******

#### NOTE:

(E) Other

Since delivery of reprints usually occurs several months later, particular vigilance and periodic follow-up are needed to ensure timely entry of Receiving information into the ADB. Packing slips usually do not accompany reprints, therefore, a notation must be made on the DELPRO computergenerated order when it is signed by the Receiving

Official. Electronic receiving is also acceptable if the Receiving Official sends an email message which includes the date of receipt of the item(s) or the date services were rendered.

#### DRUG FREE WORKPLACE CLAUSE

An acquisition file for a Professional Service Order (PSO) must contain evidence that the individual or vendor has been notified of the required compliance with the provisions of the Drug Free Workplace Act, FAR 23.505. This evidence may be either a copy of the Drug-Free Workplace clause 52.223-6, which has been sent to the individual/vendor, included in the file, or a written indication that the drug free clause was given to the individual performing the service. While he/she no longer has to "certify" by signing and returning the clause, there must be some documentation in the file that the clause was provided.

#### KNOWLEDGE IS POWER

(Select the most correct answer to each question)

1. When the FSS contract is a Single Award Contract, the ordering Official <u>DOES NOT</u> need to document the file that the FSS contract is a Single Award Contract.

TRUE	FALSE

2

When the items are received, the Cardholder MUST annotate the receiving information on the shipping document and/or the Record of Purchase Card Orders Log.

TRU	E	<b>FALS</b>	E

- 3. What is it called when a purchase is divided and placed on several Records of Calls OR Purchase Card buys to AVOID exceeding dollar limitations, obtaining competitive quotes, or complying with various clearance requirements.
- a. Banana Split
  - b. Doing the Splits
  - c. Split Order
- 4. The Standards of Conduct state that government employees <u>ARE NOT</u> subject to restrictions on the gifts that they may accept from sources outside the Government.

TRUE	FALSE
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5.

Any time the Purchase Card is used for a purchase, whether it is done over the counter or by telephone, the monthly cumulative purchase log (Record of

Purchase Card Orders), <u>MUST</u> be annotated and retained in a monthly acquisition file.

TRUE\_
FALSE

Answers may be found at the end of the newsletter

BPA NEWS

# BPAs = GREAT DISCOUNTS = USE YOUR PURCHASE CARD! Provided by Cole Stathes

The Simplified Acquisition Programs Branch (SAPB) has established over 800 Blanket Purchase Agreements (BPAs) for use by the NIH community. These accounts cover a wide variety of supplies and services - everything from IT software to office items to scientific equipment to antibody analysis! Entire new commodities, such as temporary help and travel services, have recently been added to the BPA program; and other fields are under consideration.

The great majority of these BPAs have a terrific feature - **their discounts**. SAPB does not want the NIH researchers and support staff to pay list price for anything. So the SAPB members work diligently to obtain as many discounts as possible from our vendors. These special prices may be tied in with Federal Supply Schedule discounts, or they may be negotiated directly with vendors especially for NIH. We also know that many laboratories and offices are only able to order limited quantities of supplies at a time. Therefore, whenever possible, SAPB aims to secure discounted prices even for very small purchases.

An extremely important aspect of BPA Discounts is their applicability to purchase card holders. When a BPA vendor offers discounts to NIH, these discounts are to be honored whether the NIH buyer uses a purchase card, a record of call, or a purchase order.

Thus, an NIH purchaser should identify him/herself as making the purchase on behalf of NIH, and then should receive the same prices, discounts, and shipping and delivery

terms regardless of the purchase mechanism chosen.

SAPB, therefore, strongly encourages purchase card holders, and all other NIH buyers, to consider the BPA vendors for their office and laboratory needs. These are vendors typically extending better prices and value to go along with the convenience of the simplified ordering methods. So, purchasers, wake up and smell the discounts! Enjoy the best of both worlds - the ease of the Purchase Cards and the economy offered by the BPA vendors. The list of BPA vendors can be quickly found on our website at:

http://www.nih.gov/od/olao/oa/
(Click on Simplified Acquisitions)

USE THAT PURCHASE CARD

HAPPY BPA PURCHASING!!

#### **BPA'S**

## NEW, REESTABLISHED AND DISCONTINUED BPAS

The following BPAs have recently been established:

#### **BPA # - Company Name**

57738 - Carl Zeiss Microimaging - for microscopes and accessories

57662 - Marsh Bio Products - for biological materials, laboratory supplies and equipment

57686 - One Lambda Inc - for biological materials, laboratory supplies and equipment

57753 - Santa Cruz Biotechnology - for biological materials and blood products

57647 - Streetworks Studio - for graphic design and production services

58327 - EMD Biosciences Inc - for media, chemicals, biological materials and blood products

57844 - Discovery Labware Inc - for media, blood products and biological materials

57011 - Atlantic Management Center - for contracting consulting services

57086 - IPI Lithography & Graphics - for printing services

57023 - DII Computers - for IT supplies, software, hardware and photographic equipment

57098 - Alphagraphics - for printing services

57062 - MTR Scientific LLC - for chemicals, biological materials, laboratory supplies and testing

57008 - Networking & Engineering Tech - for IT services

57074 - Microcosm Inc - for IT software, laboratory equipment and repair

57050 - Fotodyne Inc - for laboratory supplies and equipment

57035 - The Write Stuff - for writing and editing services

57126 - LBH Consultants - for office support services

56888 - Bright Ideas - for imprinted and personalized items

57047 - Spectrum Technology Services - for IT professional services

57102 - Gap Solutions Inc - for IT services

57141 - Computer & High Tech Management - for IT services and repair

57153 - American Laser - for printing supplies

57138 - National Diagnostics - for chemicals, biological materials and laboratory supplies

57165 - Abbtech Staffing Services - for IT services and temporary support services

57205 - Knowlogy Corporation - for IT training courses

57268 - Aria Consulting Services - for IT services

57311 - Maxgen - for laboratory supplies

57674 - Bridgeton Plumbing - for plumbing supplies and HVAC

## <u>The following BPA has recently been</u> reestablished:

#### **BPA # - Company Name**

55663 - Louisiana Acrylics Inc - for laboratory supplies

#### The following BPAs are discontinued:

#### **BPA # - Company Name**

46517 - Carl Zeiss Micro imaging

54162 - Custom Courier Systems

42558 - Marsh Biomedical Products

43956 - One Lambda Inc

41918 - Santa Cruz Biotechnology

39621 - Streetworks Studio

55521 - Apex Logic Inc

55557 - Judge Technical Services

54983 - Editech Services

54892 - Base Technologies Inc

53416 - Calbiochem Corp

41148 - Discovery Labware Inc

51677 - Knoll Inc

51508 - PMC Temporaries

55781 - Research Diets Inc

57177 - Omniviz Inc

#### **AVAILABLE TRAINING AND SEMINARS**

#### 2635

#### **Purchase Card Processing System**

The Purchase Card Log can be generated electronically through the ADB. This half-day course introduces electronic Purchase Logs and the reconciliation process with hands-on exercises in the ADB. Students will create and reconcile an electronic Purchase Log in the ADB. This training is for current NIH Purchase Card holders who wish to create and reconcile electronic purchase logs using the ADB.

Course Date	<u>Times</u>	<u>Location</u>	<u>Cost</u>	<u>Cancellation</u> <u>Deadline</u>
7/20/2003	(8:30 - 12:00) or (1:00 - 4:30)	<u>EPS</u>	<u>\$175</u>	<u>6/20/2003</u>

#### 2607

#### Simplified Acquisitions Refresher for AOs (2 classes each day)

This class will focus on changes and updates to Simplified Acquisition procedures, purchasing mechanisms, the ordering process, and the role and responsibilities of the Approving Official. The Delegated Acquisition (DELPRO) Reference Guide will be used. The audience is Administrative Officers/Approving Officials who have successfully completed the mandatory 4 day Delegated Acquisition Training course more than 2 years ago and feel they could benefit from an update course specifically designed to emphasize Approving Official's responsibilities.

Course Date	Times	Location	Cost	Cancellation Deadline
7/31/2003	(8:30 - 12:00) or (1:00 - 4:30)	EPS	\$190	7/2/2003

# 2636 Mandatory Purchase Card Training

This course introduces the NIH Purchase Card, Purchase Logs and reconciliation process. Students will learn cardholder and card approving official responsibilities, uses and limitations of the purchase card, ordering procedures, implementation and maintenance of Purchase Logs, and the reconciliation process. As part of the reconciliation process, the proper use of the ADB Purchase Card will be explained. The class consists of lecture and hands-on exercises with the ADB Purchase Log and reconcilation process.

This course is mandatory for all NIH employees who wish to become Purchase Card Approving Officials or Cardholders. It is also recommended as refresher training for current cardholders or card approving officials.

For more information, or to register, please contact the Human Resource Development Division on 496-6211 or visit the website: http://learningsource.od.nih.gov/

Course Date	<u>Time</u>	<u>Location</u>	Cost	Cancellation Deadline
7/14/2003	<u>8:30 - 4:30</u>	<u>EPS</u>	<u>\$290</u>	<u>6/16/2003</u>
8/11/2003	<u>8:30 - 4:30</u>	<u>EPS</u>	\$290	7/14/2003

#### **Mandatory DELPRO Procurement Training**

The Delegated Acquisition Training Program and advanced acquisition seminars listed below are mandatory for Purchasing Agents, Approving Officials, Ordering Officials, and Procurement Officials with DELPRO authority. Failure to complete these seminars may result in loss of authority for DELPRO purchasing. The following courses will be available for enrollment this FY2002 and FY2003.

#### 2609 Federal Supply Schedules

Course Date	<u>Time</u>	<u>Location</u>	<u>Cost</u>	<u>Cancellation</u> <u>Deadline</u>
7/15/2003	(9:00 - 12:00) or (1:00 - 4:00)	<u>EPS</u>	<u>\$245</u>	<u>6/17/2003</u>

# 2610 Consolidated Purchasing Through Contracts

Course Date	<u>Time</u>	<u>Location</u>	<u>Cost</u>	Cancellation Deadline
7/16/2003	(9:00 - 12:00) or (1:00 - 4:00)	<u>EPS</u>	<u>\$245</u>	<u>6/18/2003</u>

# 2611 Buying from Businesses on the Open Market

Course Date	<u>Time</u>	<u>Location</u>	<u>Cost</u>	<u>Cancellation</u> <u>Deadline</u>
7/17/2003	(9:00 - 12:00) or (1:00 - 4:00)	<u>EPS</u>	<u>\$245</u>	<u>6/19/2003</u>

# 2617 Price Reasonableness in Simplified Acquisitions

Course Date	<u>Time</u>	<u>Location</u>	Cost	<u>Cancellation</u> <u>Deadline</u>
	CLASSES COMPLETED FOR FY - 03			

2612 Professional Service Orders

Course Date	<u>Time</u>	<u>Location</u>	Cost	<u>Cancellation</u> <u>Deadline</u>
7/29/2003	(8:30 - 12:00) or (1:00 - 4:30)	<u>EPN</u>	<u>\$245</u>	<u>7/1/2003</u>

#### 2603

#### **Delegated Acquisition Training Program**

This class includes segments on processing FSS best value determinations, on open market requirements at various thresholds, and on each of the DELPRO mechanisms. Information is presented in a clear, logical and practical format. Included are exercises and a "hands-on" segment in which students actually access the ADB.

Course Date	<u>Time</u>	<u>Location</u>	<u>Cost</u>	<u>Cancellation</u> <u>Deadline</u>
7/15 thru 7/18/2003	<u>9:00 - 4:00</u>	<u>EPS</u>	<u>\$784</u>	<u>6/17/2003</u>
8/12 thru 8/15/2003	<u>9:00 - 4:00</u>	<u>EPS</u>	<u>\$784</u>	<u>7/15/2003</u>

NOTE: Although a cancellation deadline date may have passed, you may still submit a registration form through NIHITS in case an opening occurs. For further information, please contact the Human Resource Development Division on 496-6211 or visit the website: http://learningsource.od.nih.gov

#### **ANSWERS TO KNOWLEDGE IS POWER**

1......FALSE - DARG II-13

2......TRUE - NIH POLICY MANUAL 6013-2, pg. 23

3......(C) - NIH POLICY MANUAL 6013-2, pg. 11

4......FALSE - DARG I-7

5......TRUE - NIH POLICY MANUAL 6013-2, pg. 19

#### THE OLAO ACQUISITION NEWSLETTER

We encourage the ICs to send us any articles they may have related to acquisition so that we can include your articles in future newsletters.

The OLAO Acquisition Newsletter is published by the Office Of Logisitics and Acquisition Operations (OLAO), OA, OD. This issue and prior issues are available through the OLAO homepage: http://www.nih.gov/od/olao/oa

To receive a hardcopy of the Newsletter or to correct/remove/add your mailing address for the Newsletter, Mailing Key F113A, please fax your request to (301) 402-0217, or email your request to the following individuals:

Ms. Arlene Wallace at: wallacea@ors.od.nih.gov Or

Ms. Margaret Agresti at: agresti@ors.od.nih.gov

OLAO invites your comments and suggestions for future articles. Please address all correspondence to the co-editors Pat Seidel, SeidelP@od.nih.gov , Tim Theoharis, TheoharT@od.nih.gov , Annette Romanesk, RomanesA@od.nih.gov , or John Best, BestJ@od.nih.gov If you have any questions or comments regarding the information, policy and/or procedures published in the News, contact the DELPRO Helpline on 496-0400 and you will be referred to the appropriate area.