



MEMORANDUM

Date: January 13, 2017

File No. 5202

To: Dave Jones, Commissioner
California Department of Insurance
300 Capitol Mall, 17th Floor
Sacramento, CA 95814

From: Department of General Services
Office of Audit Services

Subject: **AUDIT REPORT: DELEGATED PURCHASING PROGRAM**

This report presents the results of our compliance audit of the California Department of Insurance's (CDI) delegated purchasing program. As required by Public Contract Code Section 10333, the Department of General Services (DGS) conducts an audit at least once in each three-year period of each state agency to which purchasing authority has been delegated by the department. At the time of our audit, CDI had two purchasing authority delegations: No. 9G-0515-INS-HQ1 governing non-information technology purchases and No. 9I-0515-INS-HQ1 governing information technology (IT) purchases. Our audit was conducted in accordance with U.S. generally accepted auditing standards.

The objective of our audit was to determine that procurement transactions are being conducted in accordance with the terms and conditions of CDI's purchasing authority delegation agreements with DGS, which include dollar threshold limits for various categories of procurements. The state's delegated purchasing requirements are primarily contained in State Contracting Manual (SCM) Volumes 2 (non-IT) and 3 (IT). As applicable, the scope of our audits of state agencies includes, but is not limited to, compliance with policies governing the conduct of competitive solicitations, use of leveraged procurement agreements, solicitation of certified small businesses (SB) and disabled veteran business enterprises (DVBE), establishment of fair and reasonable pricing for acquisitions of less than \$5,000, use of CAL-Cards to pay for goods and services, and prompt payment of suppliers.

Based on the results of our fieldwork, we concluded that CDI is conducting its delegated purchasing program in compliance with the terms and conditions of its delegation agreements. CDI's delegated purchasing policies and procedures are sufficient to provide reasonable assurance of compliance with the state's procurement statutes, policies, and procedures.

During our review we identified a number of areas for improvement within CDI's delegated purchasing program. These areas included our concern that policies and procedures were not always ensuring full compliance with SCM provisions governing the: (1) referencing of the State's Bidder Instructions¹ and General Provisions¹ in all competitive solicitations (SCM 2, 4.B6.0 and 4.B6.1 and SCM 3, 4.B8.0 and 4.B8.1); (2) maintenance of information on the waiver of the DVBE participation requirement¹ within the bidder solicitation (SCM 2, 4.B2.5 and SCM 3, 4.B2.8); (3) a properly completed Purchasing Authority Purchase Order, STD 65, form¹ that accurately referenced the procurement method used to award the purchase order (SCM 2,

¹ These are reoccurring findings noted on the prior Purchasing Authority audit.

8.3.5 and SCM 3, 8.4.5); (4) adequate and comparable bids for IT transactions over \$5,000 (SCM 3, 4.D2.1); (5) obtaining of bidder declaration forms from SB/DVBEs that assist in verifying the performance of a commercially useful function (SCM 2 and SCM 3, 3.2.6); (6) establishment of fair and reasonable pricing for CAL-Card transactions of less than \$5,000 (SCM 2 and 3, 4.C1.0); and, (7) implementing of processes to ensure compliance with the Darfur Contracting Act (SCM 2, 2.B3.12).

We are pleased with the prompt actions taken by CDI to address findings identified during our audit fieldwork. However, we did not perform effectiveness tests to determine whether the corrective actions were functioning as intended. CDI's management has the ongoing responsibility for ensuring that its business management policies and procedures are functioning as prescribed and are modified, as appropriate, for changes in conditions.

To determine compliance, we reviewed policies and procedures, interviewed parties involved, tested records and transactions and performed other tests as deemed necessary. The period covered by our testing varied depending upon the area of review and the type of transactions involved; however, the emphasis of our review and testing was with current procedures and transactions completed during the 2014/15 fiscal year. Our transaction tests included the review of 83 delegated procurements.

We greatly appreciated the cooperation and assistance provided by CDI's personnel.

If you need further information or assistance on this report, please contact me at (916) 376-5058, or Maricela Bautista at (916) 376-5066.



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Acting Chief, Office of Audit Services

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