

DAVE FREUDENTHAL  
GOVERNOR

THE STATE OF WYOMING



STATE CAPITOL  
CHEYENNE, WY 82002

## Office of the Governor

### MEMORANDUM

**TO:** All Executive Branch Agency Directors

**FROM:** Dave Freudenthal, Governor *DF*

**DATE:** October 29, 2008

**SUBJ:** Miscellaneous purchases: Rescission and clarification of old policy



Governor Ed Herschler issued a memorandum, dated July 1, 1976, captioned "Implementation of Executive Order 1976-3, Issue 2, and clarification of other fiscal matters."

Several questions have arisen recently as to whether the policies enunciated in the memorandum are still applicable to executive branch employees.

To the extent it may still be applicable, that policy memorandum is rescinded effective immediately, and is replaced with the following statement of policy:

1. Agency Directors are authorized to approve the purchase with state funds of such items as coffee pots, microwave ovens, and refrigerators, to be used by State employees. I consider such items to be necessary for the effective and efficient functioning of any office or agency, much as we pay for heating, air conditioning, lighting, and cleaning in our offices. The criteria to be used by Agency Directors in approving these purchases is whether or not they are reasonably necessary for the conduct of state business in an efficient and effective manner. Providing for the reasonable comfort of state employees contributes to their doing their jobs in such a manner. I would expect Agency Directors to use considerable judgement and discretion in the application of this policy.

2. In general, employees are expected, however, to buy their own coffee, food, snacks, or other items to be consumed. I authorize Agency Directors, however, to purchase food items upon occasion when to do so would significantly contribute to the performance of the Agency's mission. For example, if the Agency has invited a committee or group of people to meet and discuss some aspect of the Agency's mission, and those persons, even if they are State employees, have contributed their time to come to the meeting, it may be necessary and appropriate to provide them coffee, donuts, or even lunch if the meeting goes over the lunch hour. Again, the criterion is whether or not the expenditure is reasonably related to the performance of the Agency's mission and is ultimately for the betterment of the State. Again, I would expect Agency Directors to use

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considerable judgment and discretion in the application of this policy, and this is likely to be an occasion that arises infrequently and for special occasions. It is not intended to authorize the purchase of items for staff meetings or lunch for the employees of an office just because they might discuss work during lunch. It is also not intended to authorize the purchase of dinner in the evening following an all day meeting. People are expected to eat three meals each day, and normally to provide those themselves. Purchase at state expense is authorized only when to do so will significantly contribute to the performance of the Agency's mission.

3. Payment of dues and fees for membership in professional organizations that are required as a condition of employment (such as membership in the Wyoming Bar Association) is allowed. If membership in such an organization contributes materially to the mission of the Agency, as for example by allowing the agency to participate in seminars, or to receive professional journals, then such membership may be approved by Agency Directors.

4. I believe the prohibition of the purchase of flowers for funerals, or other donations contained in the prior memo is still valid policy and will be continued.

5. All other policy and statutes pertaining to the acquisition of supplies and services remain in effect of course.

c: Elected Officials



WYOMING  
EXECUTIVE DEPARTMENT  
CHEYENNE

ED HERSCHLER  
GOVERNOR

TO: State Agency Administrators & Agency Accounting Clerks

FROM: Governor Ed Herschler *E. Herschler*

RE: Implementation of Executive Order 1976-3, Issue 2, and clarification of other fiscal matters

DATE: July 1, 1976

I will be reviewing all requests for professional fees, contractual and consulting services between the time a requisition is submitted to Purchasing and the time the contract is let, should the payment amount be \$1500 or more. In order to comply with state law, W.S. §9-276.18:69(p) ". . . bids or contracts for supplies, materials or services in excess of one thousand five hundred dollars (\$1,500.00) shall be opened to competitive suppliers . . ." My review of these biddable contracts will only involve professional fees, contracted and consulting services. However, any proposed purchase exceeding \$1500 must, by law, be bid and the Purchasing Division of DAFD has been instructed by me that there will be no exceptions without my personal approval. Agencies will proceed in the usual manner of submitting requisitions (WUAS 110) to the Purchasing Division and may include names of possible vendors (contractors), but all applicable contracts will be let for bid. My executive order will not effect signed contracts as of this date, but will cover change orders on any contract for services where the total amounts to \$1500 or more.

By constitution the state is not allowed to bestow gifts on individuals. For this reason the auditor's office will deny in the future all vouchers requesting payment for donations; flowers or other expenses in relation to a funeral; personal memberships in social, professional or fraternal organizations (unless required by specific job description); or expenses of a social event in honor of a retiring employee. An exception to this mandate will be expenditures made by an agency whose primary objective is the promotion of the state's economy or development.

No state funds may be used for the purchase of group refreshments for employee or guest consumption (coffee, tea, rolls, etc.). Appliances may not be purchased with state funds when these appliances are to be used for the preservation, preparation or conditioning of food products for employee consumption (hot plates, coffee pots, refrigerators, etc.).

Governor's Memo to State Agencies

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July 1, 1976

I am hereby rescinding my directive regarding the use of a DAFC 105 for overnight in-state travel and requesting that each agency administrator or division supervisor set his own policy for the use of the DAFC 105 covering the employees under his jurisdiction and that, by direct communication to the auditor, the administrator or supervisor indicate whether or not 105s will accompany his employee in-state overnight travel vouchers.

In our continuing effort to reduce state costs and inconvenience to the employee I am requesting that fractionalization of the in-state travel per diem be continued (one day or multiple day trips) with only receipts for lodging and miscellaneous charges over \$10 being required.

STATE OF WYOMING  
EXECUTIVE DEPARTMENT

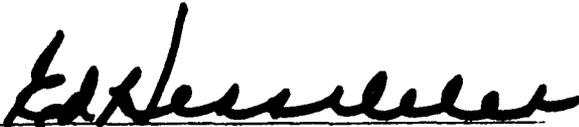
Executive Order

1976-3, Issue 2

Replacing Original Order 1976-3

BY VIRTUE OF THE AUTHORITY vested in me under W.S. 9-32.1, I, ED HERSCHLER, Governor of the State of Wyoming, declare that henceforth from the date hereof, any proposed expenditures from the following budgetary categories, to wit: Contractural Services--Series 901 Professional Fees, Series 902 Consulting Services, and Series 903 Special Projects and Services, for the purpose of hiring professionals, consultants or contracted services in an amount exceeing fifteen hundred dollars (\$1500.00) by an agency, department, board, division or commission of The Executive Department shall require my approval prior to State commitment.

GIVEN under my hand and The Executive Seal of the State of Wyoming this 1st day of July, 1976.

  
GOVERNOR, State of Wyoming