

# Buying for the State Guide



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## Procurement 101

Delaware Code sets the framework for purchasing and the Purchasing Advisory Council establishes thresholds for goods and services **not covered under an existing contract**. These thresholds are divided into three categories—Materiel and Non-Professional Services, Public Works, and Professional Services—with distinct dollar limits for each.

In the case of Materiel and Non-Professional Services, the dollar amount identified by the Purchasing and Advisory Council is a yearly cumulative limit. The dollar amount identified for Public Works and Professional Services are on a contract by contract basis, for which contracts shall not be fragmented to avoid reaching the dollar amount, and annual thresholds do not apply.

*Keep in mind that a “contract” can be awarded to one or more vendors.*

### **Materiel and Non-Professional Services**

- Less than \$50,000 – Open Market Purchase
- \$50,000 - \$99,999.99 – 3 Written Quotes
- \$100,000 and over – Formal Bid

### **Public Works**

- Less than \$150,000 – Open Market Purchase
- \$150,000 - \$249,999.99 – 3 Letter Bids
- \$250,000 and over – Formal Bid

### **Professional Services**

- Less than \$100,000 – Open Market
- \$100,000 - \$149,999.99 – 3 Letter Bids\*
- \$150,000 and over – Formal RFP Process

*\*Not less than one quote must be sought from a Certified Diverse vendor. Refer to memo below for additional details.*

## Central contracts

Government Support Services (GSS) acts “*as the exclusive contracting agent for all purchases of materiel and nonprofessional services not subject to the small purchasing procedures made by contracting agencies and as outlined in this subchapter and made by 2 or more covered agencies.*”

“Covered agencies **shall exclusively use** central contracts.”

Covered Agency is defined as “*any agency except school districts, Delaware Technical & Community College, the Delaware State University and the Legislative Branch of State government.*”

While not required to use central contracts, the following organizations are eligible and authorized to use central contracts.

- School Districts;
- Higher Education;
- Municipalities, Towns, Fire Departments, etc. (Delaware and non-Delaware);
- Grant-in-aid ([Del C. §6910 \(b\)](#)); and
- Nonprofit organizations ([Del C. §6910\(c\)](#))

## Sourcing hierarchy

Delaware Code requires...

- Some goods/services be provided through a State agency. (i.e. Fleet Services, Messenger Services)
  - Pursuant to 29 Del. Code §6906(a), “all passenger vehicles, including sedans, station wagons, passenger and utility vans, off-road vehicles, police-type cars and station wagons and trucks rated 10,000 GVW or less purchased for State use by any agency/school district must be approved by the Director of the Office of Management and Budget and purchased by contracts administered by the Government Support Services. All other vehicles purchased for State use by any agency/school district must be purchased from contracts administered by the Government Support Services.”
  - Pursuant to 29 Del. C., §6308A(l), no State of Delaware agency shall procure, purchase or lease any postage meters or equipment for the metering of mail or the affixing of postage without the approval of Government Support Services.
- Financial services may only be procured through Division of Finance or Treasurer’s Office.
- Set Aside contracts pursuant to 16 Del. C., Chapter 96.
- State Agency can sell to another State Agency. (i.e. Correctional Industries)
- Statewide, Central Mandatory Use Contracts
- Small Purchase Thresholds & Procedures
- Use of federal contracts, where permissible, and cooperative contracts must follow established processes from Government Support Services.

# Searching the Awarded Contract Directory

## Sort, Filter, Search

The Awarded Contract Directory gives you four options for combing through the contract list.

Contracts Information								
Contract Number	Contract Title	eMarketplace	Agency	UNSPSC	Effective Date	Expiration Date	Mandatory Use-GSS	Multi Features
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

- **Sort:** Each column header can be clicked to re-order the data. For example, if you want to see all Mandatory Use contracts issued by GSS, select the Mandatory Use–GSS header twice. All contracts marked “YES” will rise to the top of the list, making them easy to identify.
- **Keyword:** Below most column headers you will find a search box. You can use this, ideally Contract Title, to search for a specific word. Keep in mind that this search is limited to the webpage itself and does not extend into the contract documents. Because of this, it is important to think broadly about the terms you use. A search for “t-shirts” may return no results, while “clothing” will provide relevant matches.
- **Contract Multi-Features:** The Contract Multi-Features tool gives buyers an additional way to refine the Awarded Contract Directory. Instead of simply sorting by a column header, such as clicking on the eMarketplace header to move those contracts to the top, you can apply the Multi-Feature filter. This narrows the list so that only contracts with the selected characteristics remain visible. By shrinking the results in this way, the Multi-Feature makes it faster to focus on the exact set of contracts that meet your needs.
- **Active GSS Contract Document Search:** Introduced in 2025, this enhancement takes your keyword search inside the contract documents themselves. It uses a fuzzy search approach, which means results may not be perfectly precise, but it will bring you closer to the information you need than the webpage search alone.

If you are unable to find what you are looking for and want to be certain, you can submit a Contracting Help Request. Our team will review your inquiry and confirm whether the good or service is covered or direct you to the appropriate contract.

## Awarded Contract Details

The information will be most comprehensive for contracts managed by Government Support Services (GSS). For contracts not overseen by GSS, award or extension details may be missing if the agency did not provide proper notice.

Each contract record includes at least three core data sets, plus a header:

- **Header:** Provides the essentials—contract name, contract number, start and end dates, and the current point of contact.
- **Award Documents:** Contains the Award Notice, which outlines the who, what, when, and how of the contract. Award Addendums document any changes, such as vendor name updates or contract extensions. **Helpful Tip:** Just because a vendor sells something does not mean it is covered under the contract.
- **Vendor Table:** Lists contact information for awarded vendors and identifies business type (e.g., Delaware-based, diverse company). This information is for reference only and does not affect how the contract should be used.
- **Supporting Bid Documents:** Includes all documents associated with the original solicitation and may also provide a list of vendors who submitted responses.

For contracts managed by GSS, you may also find:

- **Pricing Section:** A dedicated area outlining contract pricing details.
- **Open Data Link:** A section directing you to Open Data resources for contract spend information.

# Use of Central Contracts

## Reviewing

Holding a contract does not guarantee that every product or service offered by a vendor is included. Before placing an order, it is essential to carefully review the contract details to confirm what is covered.

For example, you may need an interpreter and prefer a video interpretation appointment. Even if the vendor provides this service, the contract may specify that only telephone interpretation or on-site interpretation is allowed. In this case, video interpretation would not be covered under the agreement.

Contracts can be limited by legal requirements, technological capabilities, or other considerations. By understanding these boundaries in advance, you ensure that your procurement aligns with contract terms and avoid issues such as audit findings, protests, or compliance concerns.

## Ordering

Where a contract is enabled in eMarketplace as a catalog or RFQ contract, the purchase of goods/services should be completed within eMarketplace. For contracts not enabled in eMarketplace, follow the instructions within the Award Notice.

## Dispute Resolution

Performance concerns can arise under a contract, whether it's a late order, an incorrect invoice, or another issue. Before raising the matter with the vendor or GSS (where GSS manages the contract), it is important to revisit the contract itself. Confirm whether the expectation you believe has not been met is explicitly stated in the contract. If it is not, then the situation does not qualify as a performance issue under the agreement.

When a true performance issue exists, the first step is to work directly with the vendor to resolve it, keeping a record of your efforts. If the problem continues after a reasonable period of time, the matter should be escalated to the appropriate contract officer. At that stage, the officer will assist in addressing the issue through the formal Corrective Action Request process.

## I Found It Cheaper (IFIC)

Pricing under a GSS contract is established as "not-to-exceed" pricing, meaning vendors cannot charge more than the listed amount. Buyers are encouraged to negotiate lower prices whenever possible. Vendors typically lock their pricing for a set period, so it is

important to plan around market fluctuations, reporting costs, insurance, licensing requirements, and similar factors.

Occasionally, an off-contract vendor may offer a lower price. In these cases, buyers can submit an IFIC along with supporting documentation and quotes. By submitting an IFIC, you are affirming that the off-contract vendor's price is lower than all vendors awarded under the applicable contract. Documentation must be provided to substantiate this claim.

Once submitted, the contract officer will review the request to confirm that the goods or services are comparable on an "apples-to-apples" basis. If the comparison is valid, contract vendors will be given the opportunity to match or beat the off-contract vendor's pricing. If a contract vendor does so, the agency will be directed to purchase through the contract vendor. If the off-contract vendor remains the lowest cost, a one-time waiver may be granted. This waiver applies only to the specific purchase identified in the request and is limited to the stated quantity of goods or services.

## Use of Agency Contract

If a GSS contract does not cover your specific needs, another Delaware agency contract may provide the goods or services you require. Before placing an order, carefully review the agency contract. Agencies are strongly encouraged to use GSS best practice templates, which often include “Agency Use Contract” language.

When this language is present, you may contact the agency’s contract manager to request permission to use the contract. If permission is granted, the vendor still retains discretion over whether to extend the contract’s terms and pricing to your agency.

# No Contract Found

## Thresholds

When neither a GSS contract nor an agency contract is available, procurement must follow the Small Purchase Thresholds and Procedures. Careful planning and forecasting—such as using life cycle cost analysis or similar tools—will help ensure that your procurement needs are met responsibly.

If a purchase appears to fall near the next threshold amount, it is best to proceed with caution and take the additional step required. Over-estimating keeps the process legally compliant, while under-estimating can result in unexpected spending that exceeds the threshold. By anticipating these limits, buyers can protect their procurement activities from compliance issues and ensure smooth execution.

Due diligence should be used when vetting an unfamiliar vendor.

- Do they hold a Delaware Business License?
- If a special license is required, do they also hold it?
- Are they in the State's financial system and active?

Always attempt to negotiate price.

Regardless of whether your spend falls within Range 1 or Range 2, it is important to remain mindful of your agency's supplier diversity plan. For professional services that fall under Range 2, the Purchasing Advisory Council requires that at least one quote be obtained from a vendor certified through the Office of Supplier Diversity.

## GSA

Per 29 Del. C., §6935, agencies are permitted to purchase materiel, and 29 Del. C., §6988 permits the purchase of professional services through contracts negotiated by Government Support Services at prices approved by the General Services Administration of the United States government or its successor.

Before entering into a contract with a GSA vendor, the requesting agency must complete a GSA request form and submit documentation that demonstrates why this procurement method is the most appropriate source for the need. The submission is reviewed by GSS, and if approved, the request is assigned to a GSS contract officer. That officer then manages the negotiation and execution of the contract.

## **Cooperative**

Per 29 Del. C., §6933, agencies are permitted to purchase materiel, and 29 Del. C., §6987 permits the purchase of professional services through participating addendums negotiated by Government Support Services.

Before entering into a participating addendum with a cooperative contract vendor, the requesting agency must complete a Cooperative request form and submit documentation that demonstrates why this procurement method is the most appropriate source for the need. The submission is reviewed by GSS, and if approved, the request is assigned to a GSS contract officer. That officer then manages the negotiation and execution of the participating addendum.

## **Formal Procurement**

Where a contract does not exist and the anticipated spend falls within range 3 a formal solicitation must be issued. GSS provides best practice templates for formal solicitations that take the guess work out of the legal requirements and is available to review a solicitation draft or guide an agency employee through the formal solicitation process. More information regarding formal procurements can be found in a separate guide.

## Other Procurement Scenarios

### Used Equipment

Agencies may acquire used equipment or other materiel through a negotiated purchase instead of competitive bidding when the agency head is satisfied that the price is reasonable for its intended use. Before making this determination, the contracting agency must apply lifecycle costing analysis as outlined in §§ 6902 and 6909A(b) of Delaware Code to demonstrate that the negotiated price is appropriate.

### Sole Source

Vendors may claim their product or solution is “sole source,” but that does not automatically mean they are the only provider. In many cases, the same product or service can be obtained through authorized third-party resellers.

Delaware Code does allow sole source procurement, but only under strict conditions. It specifies that this method may not be used unless there is sufficient evidence showing that only one source exists and no other goods or services can meet the agency’s requirements. Before awarding such a contract, the agency must review cost or pricing data, avoid sole source procurement whenever reasonable alternatives are available, and include a written determination in the contract file.

The most reliable way to establish “sufficient evidence” is through a competitive bidding process, which demonstrates whether alternative sources exist.

### Emergency and Critical Need

Agency heads have the authority to waive procurement rules when emergencies or unforeseen conditions make it necessary to protect public health, safety, or property. An emergency condition is defined as an immediate and serious need for materiel or nonprofessional services that cannot be met through normal procurement methods.

Emergency procurements must be limited to the materials or services required to address the situation.

Public works projects under emergency procurement remain subject to §6960 and §6962(d)(4)b. of Delaware Code.

Each emergency determination must be documented and kept on file by the agency.

In addition, agency heads may waive provisions of Subchapter VI to meet a critical need for professional services. A critical need arises from unforeseen conditions or contingencies that cannot reasonably be anticipated and cannot be met through standard procurement methods.

Critical need procurements must be limited to the professional services necessary to resolve the issue.

## Additional Resources

### **Formal Procurements**

The Formal Procurement Guide is a comprehensive resource that walks agencies through every stage of the formal procurement process. Beyond developing a scope, identifying scoring criteria, and considering potential vendors, the guide provides best practice templates and timeline guidance to keep projects on track.

It also details the procedural steps required once a solicitation is issued: verifying that postings are accurate, responding to vendor questions, and securing proposal submissions. From there, the guide explains how to conduct initial reviews, manage evaluations, prepare award recommendations, and carry out negotiations. Finally, it covers the importance of bid debriefs to ensure transparency and provide feedback to participating vendors.

By following the guide, agencies gain a clear roadmap for managing procurements in a way that is consistent, fair, and compliant with Delaware law.

### **eMarketplace**

The eMarketplace Guide is a comprehensive resource designed to help agencies navigate Delaware's online procurement system. It explains the different enablement types available, provides step-by-step instructions on how to use the platform, and shows how to search for products and services effectively. The guide also covers how to request quotes, submit orders, and take advantage of the Savings Advisor tool to identify cost-saving opportunities.

By following the eMarketplace Guide, agencies can streamline purchasing, ensure compliance with procurement standards, and maximize value for the State.

### **Office of Supplier Diversity**

[OSD's](#) mission is to expand economic opportunities for businesses owned by minorities, women, veterans, service-disabled veterans and individuals with disabilities, as well as businesses of a unique size, by supporting their efforts to compete for contracts with various state agencies.

OSD offers two certification opportunities: Diverse Business, Small Business.

## Diverse Business

- A for-profit business,
- Providing a useful business product or service,
- 51% or more: owned, controlled, and actively managed by one or more US Citizens or Permanent Residents who is a:
  - Woman (WBE)
  - Minority (MBE)
  - Veteran (VOBE)
  - Service-Disabled Veteran (SDVOBE)
  - Individual with a Disability (IWDBE)

## Small Business

A for-profit business in the following sectors that are at or smaller than the sizes listed.

Industry	FTE (Full-time Equivalent)	Gross Sales
Architecture & Engineering	None	<\$3,500,000
Construction	<250	<\$7,000,000
Manufacturing	<250	None
Retail	<25	<\$3,500,000
Service	<50	<\$3,500,000
Wholesale	<50	none

## Agency Resources

The Agency Resources tab in MyMarketplace is your one-stop destination for procurement support. It provides tools and guidance to help you carry out purchases that align with your agency's mission. Within this section, you'll also find training opportunities—both on-demand modules and instructor-led sessions—designed to build procurement knowledge and strengthen compliance with state requirements.

By using the Agency Resources tab, staff can access practical help, improve their procurement skills, and ensure they are following best practices when buying for the State.