Contracting and Procurement

Process Overview

Government Support Services
website: gss.omb.delaware.gov
Overview

- Reference Tools
- Utilizing Existing Contracts
- Identifying the Procurement Path
  - Classifications / Thresholds / Methods
- Types of Procurements
  - Supplier Diversity
- Unique Circumstances
- Formal Procurements
  - Key Points
Reference Tools

Accessible from MyMarketplace

- Delaware Code, Title 29, Chapter 69
  - [http://delcode.delaware.gov](http://delcode.delaware.gov)

- Government Support Services Website
  - [http://gss.omb.delaware.gov](http://gss.omb.delaware.gov)

- Office of Supplier Diversity (OSD) website
Before You Buy

- Is the item or service already covered under a State Central Contract?
  - Central Contracts can be accessed through:
    - http://mymarketplace.delaware.gov
    - Contracts
      - State Contracts
        - Contracts having numbers beginning with GSS are Central Contracts
  - Central Contracts include a mandatory use clause applicable to covered agencies.
    - Items covered under a Central Contract must be purchased through that contract
    - Covered Agencies are defined in DE Code Title 29 § 6902
  - School Districts, while not required to use central contracts, can utilize the contracts
Before You Buy cont’d

• Is the item or service already covered under:
  – An Existing Agency Contract
    • Need not be the buyer’s own Agency
      – Reasonable investigation
      – Explore “Piggyback” opportunity
  – A General Services Administration (GSA) contract
    • http://www.gsaelibrary.gsa.gov
      – If a GSA contract is applicable, complete and submit the Government Support Services GSA Request found at:
        » http://mymarketplace.delaware.gov
          » Agency Resources
            » More Agency Resources
        » DE Code stipulates that only the central contracting unit can enter into a contract with a GSA vendor
Finding Existing Contracts

MyMarketplace
Delaware’s Procurement Portal

BIDS AND CONTRACTS

- Awarded Contracts Directory
- Bid Solicitation Directory
- eMarketplace
- Small Purchase Procedures
- More Resources

last updated July 2017
Contract Numbering is Alpha-Numeric
The alpha characters identify the issuing agency

Central contracts start with either GSS or GSA

Contracts can be sorted by Agency
Award Notice provides key information to end users

Pricing information may be in a separate document

Multi-award contracts
Each vendor is not necessarily awarded all items – be sure to review the pricing structure
### How the Contract Started

<table>
<thead>
<tr>
<th>Vendor Information</th>
<th>MWBE</th>
<th>Vets/SDV</th>
<th>DE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brennan's Office Interiors, Inc</td>
<td></td>
<td></td>
<td>Y</td>
</tr>
<tr>
<td>Corporate Facilities of New Jersey</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Corporate Interiors, Inc</td>
<td></td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Daurogan, Inc</td>
<td></td>
<td></td>
<td>Y</td>
</tr>
<tr>
<td>Eilot Furniture</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>G.A. Blanco &amp; Sons, Inc</td>
<td></td>
<td></td>
<td>Y</td>
</tr>
<tr>
<td>Glover Furniture &amp; Design Group, Inc</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indiana Furniture Industries, Inc</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>JSE Inc</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>WR Mason</td>
<td></td>
<td></td>
<td>Y</td>
</tr>
</tbody>
</table>

### Contract Usage Information

- Total Aggregate Spend
- Total Aggregate Spend - FY 2012 and Prior
- Usage Report - FY 2016
- Usage Report - FY 2015
- Usage Report - FY 2014
- Usage Report - FY 2013
- Usage Report - FY 2012
- Usage Report - FY 2011
- Usage Report - FY 2010
- Usage Report - FY 2002

### Vendor Bid Documents

- RFP - Material and Nonprofessional Services
- Appendix F Pricing Form and Instructions
- Addendum 1 Q&A
- Appendix F Addendum 1
- Proposals Received List

For more information on this contract, please contact steven.chillas@state.de.us.
State of Delaware eMarketplace

Finding Items on the most actively used Central Contracts

Point and click shopping = products as opposed to services
Enhanced Shopping Experience
Benefits of Existing Contracts

- Reduces workload for individual agencies
- State central contracts and GSA schedules attract more competitive volume pricing
- Vendors tend to dedicate more resources to larger volume contracts
- Vendor performance has already been evaluated
I Found It Cheaper (IFIC)

- Market conditions change constantly, with that in mind a resource is in place to communicate the possibility of a more favorable procurement opportunity.

- If you discover a better price for an item on a central contract you can communicate the information through:
  - [http://mymarketplace.delaware.gov](http://mymarketplace.delaware.gov)
    - Under the **I Found It Cheaper** heading, click on **Submit Your Suggestion**
    - The GSS Contracting unit will investigate the IFIC submission and respond to the submitter within 5 days on average:
The IFIC Process

- GSS Contracting will first ensure we are comparing apples to apples
  - Quantity per package, warranty, freight, etc.

- All things being equal, the vendor(s) on the central contract will be given an opportunity to meet the better price

- If the vendor(s) cannot meet the better price, the GSS Contract Administrator may request the Director of GSS authorize a waiver allowing a specific purchase to be made off-contract
There’s not an existing contract?
# Procurement Thresholds

Find them on [http://mymarketplace.delaware.gov](http://mymarketplace.delaware.gov)

<table>
<thead>
<tr>
<th>Procurement Classification</th>
<th>Spend Range 1 (under threshold)</th>
<th>Spend Range 2 (under threshold)</th>
<th>Spend Range 3 (over threshold)</th>
</tr>
</thead>
</table>
| Materiel & Non Professional Services | Less than $10,000 (annual spend)
Open Market Purchase | $10,000 - $24,999 (annual spend)
3 Written Quotes | $25,000 and over (annual spend)
Formal Procurement (RFP/ITB) |
| Public Works | Less than $50,000 (term of contract)
Open Market | $50,000 - $99,999 (term of contract)
3 Written Quotes | $100,000 and over (term of contract)
Formal Procurement |
| Professional Services | Less than $50,000 (term of contract)
Open Market | N/A | $50,000 and over (term of contract)
Formal Procurement |
Procurement Classifications

- **Materiel and Non-Professional Services**
  - Products & Commodities (Tools, Fuel, Foods, Clothes, etc.)
  - Generic Services (Carpet Installation, Courier Service, etc.)

- **Professional Services**
  - Services requiring specialized education, training, or knowledge
    (engineers, medical, consulting, etc)

- **Public Works**
  - Work or service that “touches” or affects public buildings or grounds
    (construction, alteration, repair)
More About Professional & Non-Professional Services

Professional service defined in 29 DE Code §6902(19)

- Professional services means services which generally require specialized education, training or knowledge and involve intellectual skills. **Examples of professional services include**, but are not limited to, engineering, environmental engineering, environmental monitoring, land surveying, landscape architecture, geology, architectural, archaeologists, architectural historians, historians, educational consultants, management, medical, teaching, planning, computer information management, financial, accounting, auditing, construction management and arbitration services.

While a carpet installer is certainly a professional at what he does, the service does not align with the DE Code definition of a professional service. Therefore, by default, carpet installation would be procured as a non-professional service.
Open Market Purchase

- Responsible identification of a favorable price from a qualified vendor.
- Established business
- Primary product line
- Service capabilities
- Negotiations encouraged
- Diversity Supplier opportunity
- Follow your agency’s requisition / purchase order procedures
3 Written Quotes

- Award is determined by the lowest price from a responsible vendor
  - Established business
  - Primary product line
  - References
  - Service capabilities
  - Diversity Supplier opportunity
  - Negotiations encouraged
  - Follow your agency’s procedures for purchase orders and contracts
  - Can solicit more than three quotes

Sourcing:
- Diversity supplier
- Small Business Focus Program
- Open choice
Under Threshold Supplier Diversity

http://gss.omb.delaware.gov/osd

Supplier Diversity Plans

Please note each Agency is vetting their respective Supplier Diversity Plans and will be posting the plans as approved. However if you have any questions regarding each plan, you can contact the Agency Minority and Women Business Liaison. Click here for the contact information.

Office of Management and Budget
Department of State
Department of Natural Resources and Environmental Control
Delaware State Housing Authority
Department of Health and Social Services
Department of Education
Department of Technology and Information
Department of Agriculture
Division of Children Youth and Their Families
Department of Correction
Delaware National Guard
Department of Finance
Department of Transportation
Department of Labor
Department of Safety and Homeland Security
Delaware Economic Development Office

GOVERNOR’S SUPPLIER DIVERSITY COUNCIL MEETING MINUTES

2014 Meeting Minutes
2013 Meeting Minutes
2012 Meeting Minutes
2011 Meeting Minutes
2010 Meeting Minutes

Last updated: Friday, 20 May 2016 14:55:15 EDT
OSD Directory of Certified Businesses

Directory of Certified Businesses

Search the Directory

Search

Please visit the North American Industry Classification System (NAICS) for additional information.

For a complete directory of all businesses certified in either program select the program title below.

Office of Supplier Diversity
- Minority Business Enterprise (MBE)
- Woman Business Enterprise (WBE)
- Veteran Owned Business Enterprise (VOBE)
- Service Disabled Veteran Owned Business Enterprise (SDVOBE)
- Individual with Disabilities Owned Business Enterprise (WDBE)

Small Business Focus
- Architecture & Engineering Industry Firms
- Construction Industry Firms
- Manufacturing Industry Firms
- Retail Industry Firms
- Service Industry Firms
- Wholesale Industry Firms

Full OSD Directory

Full SBF Directory

For assistance call the Office of Supplier Diversity at 302-857-4554

Last Updated: Friday March 28 2014
Formal Procurements

- **Invitation to Bid**
  - Materiel (products & commodities)
  - **DE Code Title 29, Chapter 69, § 6923**
- **Request For Proposal**
  - Non-Professional Services
  - **DE Code Title 29, Chapter 69, § 6924**
- **Professional Services Request for Proposal**
  - **DE Code Title 20, Chapter 69, §§ 6981, 6982**

Templates can be accessed from http://mymarketplace.delaware.gov
- click on Agency Bid Process Forms
  - (under Agency Resources)
Differing Award Methodologies

- **Invitation to Bid (ITB)**
  - Awarded is determined by lowest price from a responsible bidder
  - Must be awarded within **30 days** of bid opening

- **Request for Proposal**
  - Award is based on scoring of key criteria – one of which is cost
  - Must be awarded within **90 days** of bid opening

- **Professional Services Request for Proposal**
  - Award is based on scoring of key criteria – sometimes one of the criteria is cost

- **Public Works**
  - Award can be determined either by lowest cost or a combination of service value and cost
  - Award must be made within **30 days** of bid opening
Formal Procurement Templates Available on the Web

MyMarketplace
Delaware’s Procurement Portal

Home
About MyMarketplace
Contact Information
Employment
Related Websites

Bids and Contracts
State Agencies
Vendors

Results Delaware

Agency Bid Process Forms

Government Support Services continues to offer their services to Agencies throughout the entire process. The services provided by the Division allow the Agency to perform cost-benefit analysis without being distracted by the formal administrative needs of the bid process.

- Levels of Contracting Assistance
- Level II Participation Form

In a continuing effort to seek out the most number of prospective bidders, contractors may submit your RFP/ITB and related documents on our bid page. Please contact the Office of Management and Budget for further assistance.

All sample documents are in Word format for your convenience. Please make sure you have Word 2007 or later installed before opening the sample documents.

- Bid Documents
- Energy Performance Contracting Program
- My Marketplace Input Documents
- Award Documents
- Miscellaneous Documents

AGENCY RESOURCES

- Agency Bid Process Forms
- I Found It Cheaper
- Supplier Diversity Opportunities
- UNSPSC List
- More Resources

last updated July 2017
Used Equipment Purchase

- Purchases of Used Equipment or Materiel are not subject to competitive bidding requirements (§ 6934).
  - Negotiation for best pricing still required
  - Lifecycle costing analysis required (§ § 6902, 6909A)
  - Agency Head approval required
    - Based on reasonable price for intended use
  - Check State surplus inventory
    - [http://gss.omb.delaware.gov/surplus/state.shtml](http://gss.omb.delaware.gov/surplus/state.shtml)
  - Consider GSA (federal) surplus
Emergency Purchases

- An Agency Head *may* waive the provisions of DE Code Title 29, Chapter 69 where there is a critical need (§ 6907)
  - Limited to the materiel or service needed to address the emergency
    - Condition or contingency that could not reasonably be foreseen and guarded against
    - Documentation required
  - Time specific to address the emergency condition
    - Bring the procurement back within standard protocols in as timely a manner as possible
Sole Source Purchases

- An Agency Head may waive the provisions of DE Code Title 29, Chapter 69 where there is a Sole Source procurement (§ 6925)
  - Requires development of evidence that there is only one source for the product or service
    - Branding is not a sole source justification
  - Negotiations for best price are still required
  - Agencies may request GSS review & comment in making a sole source determination
Lifecycle of a Formal Procurement (ITB, RFP, Prof. Services RFP)

- Draft Bid Document (possible user group development)
- Possible Review by DTI (technology procurement)
- Review by Agency procurement officer
- Review by GSS
  - Possible review by other Authority Agency
- Public Advertising
- Questions accepted from potential bidders
- Pre-bid Meeting

last updated July 2017
Procurement Lifecycle part II

- Published Response to Bidder Questions
- Bid Opening
- Evaluation of bidder submissions
  - Possible user group involvement
- Possible bidder presentations
- Possible further DTI review (technology procurement)
- Negotiations
- Award Determination /Contract Execution
- Written notification to all bidders
Procurement Lifecycle part III

- Publication of contract / award notice
- Publication of vendor reporting
  - Tier 1: Vendor Usage Reports - Monthly
  - Tier 2: Subcontracting Report – Quarterly
- Contract management & evaluation
  - Monitor vendor performance and market conditions
  - Track opportunities for future improvements
- End of contract term decisions
  - Renew, re-bid, consolidate, allow to expire

last updated July 2017
Scope of Work - RFP

- Look at it as a one on one discussion with a potential vendor
  - State your case
    - This is what the end result needs to be (overview)
    - These are specific things that need to be part of the end result (requirements)
    - This is when I need it finished by (deadline)
  
- Ask your questions
  - Have you done this before? (experience)
  - How will you go about doing it for us? (methodology)
  - Who will be doing the work for us? (staff qualifications)
  - How long will it take you? (timeline)
  - What will you charge? (price)

- Make it easy for bidders to follow
  - Drive quality proposals

Check out other advertised solicitations for examples of structure and content.
## Review Considerations

<table>
<thead>
<tr>
<th>Procurement Type</th>
<th>Required Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Works / Construction</td>
<td>Division of Facilities Management</td>
</tr>
<tr>
<td>Auditing Services</td>
<td>Auditor’s Office</td>
</tr>
<tr>
<td>Legal Services</td>
<td>Attorney General’s Office &amp; Governor’s Office</td>
</tr>
<tr>
<td>Food Services in State Facilities</td>
<td>Division of the Visually Impaired</td>
</tr>
<tr>
<td>Vehicles under 10,000 G.V.W.</td>
<td>Fleet Services</td>
</tr>
<tr>
<td>Postage Equipment</td>
<td>Messenger Services</td>
</tr>
<tr>
<td>Copiers</td>
<td>Copier Resource Management Program</td>
</tr>
<tr>
<td>Information Technology Products and Services</td>
<td>Department of Technology &amp; Information</td>
</tr>
</tbody>
</table>

Most common occurrences, for a complete listing
See Budget & Accounting Manual Chapter 6 - Approvals

last updated July 2017
Public Advertising

• Formal Procurements must be advertised for a minimum of two weeks (DE Code)
  • The two weeks refers to the period of time beginning with the date the procurement becomes available for public review and ending with the date bids or proposals are due
  • Two weeks is a minimum period. Agencies are encouraged to consider longer periods when the scope of services includes numerous or complex requirements
• The approved advertising medium for the State is [http://bids.delaware.gov](http://bids.delaware.gov) (a component of MyMarketplace)
Bidder Questions

- The person identified in the bid document as the State contact for the procurement should collect all bidder questions.
  - Dependent on the structure of the bid document, there may be multiple opportunities for bidders to submit questions.
  - It is encouraged that questions be accepted only in written form via fax or e-mail.
Pre-bid Meeting

- Pre-bid meetings are an opportunity for face to face discussion between Agency representatives and potential bidders. These meetings are encouraged for bids with a complex or detailed scope of services.
  - Agency representation should include a designated scribe to record questions presented by bidders.
  - Meeting attendance needs to be documented and posted on the State procurement website
    - An attendance sheet template is available at: http://mymarketplace.delaware.gov
    - Agency Resources / Agency Bid Process Forms
Answers to Bidder Questions

- A listing of all questions and answers is to be posted on the State procurement website as an addendum to the original bid document
  - Addendum template available at http://mymarketplace.com
  - Agency Resources / Agency Bid Process Forms

- Answers are required to be provided for all questions submitted by bidders
  - This includes questions received by fax or e-mail as well as any questions posed during the pre-bid meeting
Bid Opening / Submission Evaluation

- All bids are to be opened at the time and place indicated in the bid document
  - There should always be at least 2 Agency representatives present for a bid opening

Bidder submissions **must** be evaluated based on the requirements in Delaware Code and scoring criteria established in the bid document

Submissions must be evaluated based on the Content of the submission – not hearsay
Determining the Award

- ITB (§6923) awarded based on the lowest price from a responsive and responsible bidder.

- RFP (§6924) and Professional Services RFP (§§6981, 6982) are awarded based on evaluator scoring of responsive and responsible submissions.
  - Scoring is based solely on content of the submission and the criteria established in the RFP.
### Example of Scoring Criteria (RFP)

<table>
<thead>
<tr>
<th>Item</th>
<th>Criteria</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Demonstrated experience in successfully providing services and equipment of a similar type on a similar scale</td>
<td>35</td>
</tr>
<tr>
<td>2</td>
<td>Methodology proposed in meeting the requirements set forth in the scope of services</td>
<td>25</td>
</tr>
<tr>
<td>3</td>
<td>Proposed timeline in meeting the requirements set forth in the scope of services</td>
<td>25</td>
</tr>
<tr>
<td>4</td>
<td>Appropriateness of costs as they relate to the proposed delivery of service and equipment</td>
<td>25</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>110</td>
</tr>
</tbody>
</table>
Notifying Bidders

- Every bidder must receive written notification of the award results
  - Bidders selected for award will receive:
    - An award letter
      - If there is a multiple award the letter should reflect such
    - Two copies of a contract for execution
  - Bidders not selected will receive a non-award letter
  - Templates for letters can be found at:
    http://mymarketplace.delaware.gov
    - Agency Resources / Agency Bid Process Forms
Interested in Learning More?

- Government Support Services offers a series of trainings dealing with contracting and procurement:
  - Module 1 – Procurement Basics
  - Module 2 – Formal Procurements Part 1
  - Module 3 – Formal Procurements Part 2

Classes are announced via contracting list serve
Contact info for central procurement office