



## Statewide Contract News

We hope your 2020 is off to a great start. Please be sure to keep in touch with us throughout the coming year. Let us know what contracts are working well to meet your needs and if there are others in need of some adjustment. Help us serve you as best we can.

If there is a contract that you would like to read more about, let us know. We can feature it as a highlight article in future editions of *DisPatches*.

### IT Updates

See the **“Currently Advertised Cooperative Contracts”** on Page 6 for an important notice about the State’s **Copy and Print Output Device Program**.

### MITMAP Updates:

We’re exploring a new approach to contracting for commoditized hardware, software, SaaS, and related implementation services with the South Carolina Master IT Manufacturer Agreement Program. It will be coupled with strategic eligible statewide term reseller contracts. Please see the Statewide Master IT Contract approach overview below.

### **STATEWIDE MASTER IT CONTRACT APPROACH OVERVIEW**

#### **I. South Carolina Master IT Manufacturer Agreement Program**

In accordance with SC Code of Laws §11-35-510, the State will conduct periodic, non-competitive recruitments to enroll Manufacturers of commercially-available Software, Hardware, Software as a Service, and/or related Implementation Service offerings in the South Carolina Master IT Manufacturer Agreement Program (MITMAP).

Enrollment in the MITMAP does not guarantee the offerings will be available under a statewide term contract. Furthermore, the MITMAP does not authorize enrolled manufacturers to sell their offerings to UGUs directly. Enrolled Manufacturer offerings must either be appropriately acquired through an eligible statewide term reseller contract or be separately procured under an authorized source selection method pursuant to the SC Procurement Code.

To enroll in the MITMAP, manufacturers must, at minimum:

Have a publicly available catalog.

Have a distribution channel consisting of two or more partners that can sell all offerings in catalog.

Agree to the South Carolina Statewide Master IT Agreement (MITA) terms and conditions without modification.

The MITA will outline the fundamental terms and conditions applicable to all Enrolled Manufacturer Offerings once acquired under an Eligible Statewide Term Reseller Contract.

#### **II. Statewide Master IT Resellers**

We are working to modify the MITMAP approach based on the feedback received in response to the Request for Information. As a result of the significant shift in approach, the anticipated timeline in the RFI documents will be amended. We plan to publish the Request for Comment documents by the end of January 2020. Please monitor SCBO and SC MITMAP solicitation webpages below for updates.

Manufacturers - <http://webprod.cio.sc.gov/SCSolicitationWeb/contractSearch.do?solicitnumber=5400018752>

Resellers – <http://webprod.cio.sc.gov/SCSolicitationWeb/contractSearch.do?solicitnumber=5400018751>

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## The Division of Procurement Services / Office of the State Engineer — Why We Do What We Do

The short answer is to be protect the public trust. The history of government procurement is replete with self-dealing and corruption. Every immoral act is a violation of the public trust, a poison that gives the citizens a bad taste about the integrity of their government. The goal of procurement is to combat dishonesty in the use of public funds. The third edition of “State & Local Government Procurement expands on this stating:

Most public procurement officials would probably agree that a critical, if not the most critical, aspect of what they do is to be good stewards of public funds – making sure that government users obtain good quality commodities, services, and construction that are appropriately priced through a process that is transparent and uncorrupted.

The South Carolina Consolidated Procurement Code expands even further, stating:

The underlying purposes and policies of this code are:

(a) to provide increased economy in state procurement activities and to maximize to the fullest extent practicable the purchasing values of funds while ensuring that procurements are the most advantageous to the State and in compliance with the provisions of the Ethics Government Accountability and Campaign Reform Act;

(b) to foster effective broad-based competition for public procurement within the free enterprise system;

(c) to develop procurement capability responsive to appropriate user needs;

(d) to consolidate, clarify, and modernize the law governing procurement in this State and permit the continued development of explicit and thoroughly considered procurement policies and practices;

(e) to require the adoption of competitive procurement laws and practices by units of state and local governments;

(f) to ensure the fair and equitable treatment of all persons who deal with the procurement system which will promote increased public confidence in the procedures followed in public procurement;

(g) to provide safeguards for the maintenance of a procurement system of quality and integrity with clearly defined rules for ethical behavior on the part of all persons engaged in the public procurement process; and

(h) to develop an efficient and effective means of delegating roles and responsibilities to the various government procurement

S.C. Code Ann. § 11-35-20(2)

No matter how you expand on the why we do what we do; however, at the very heart of the matter is the public trust. This determines how we do things and what we do.

In response to incidents of corruption and other acts of bad faith, governments started developing procurement codes intended to shine light on the procurement process and to prevent self-dealing by those charged with conducting the people’s business. The American Bar Association saw a need for to improve the procurement process at the state and local level and published its first Model Procurement Code for State and Local Governments in 1979. South Carolina was an early adopter of this Code, adopting the Consolidated Procurement Code in 1981. It is this Code that establishes the Division of Procurement Services, its roles, and responsibilities.

We want you to have a better understand of who we are. Therefore, over the next several editions of *DisPatches*, we will expand on what the Division of Procurement Services roles and responsibilities are, keeping in mind that the reason why we exist is to protect the trust of the citizens of this state in their government’s procurement system.





## News from the Office of the State Engineer

Every Monday (or most Monday's) Phil Gerald (pgerald@mmo.sc.gov) emails a Tip of the Day (TOD) from the experiences of the State Engineer's Office. The Tip of the Day was created about five years ago in an effort to provide agencies and A/E's with a "reminder" of what is contained in the OSE Manual, the SC Procurement Law, and the contracts used by OSE. Besides the silly anecdotes and scenarios, it also uses real-life situations that have been reported as "lessons-learned". The TOD's intent is to educate and entice the reader to highlight portions of the publications used in the business of state construction. If you would like to receive the Tip of the Day, send Phil your email address and he will add you as a blind copy recipient. Here is the TOD he sent on Jan 20, 2020:

"I don't want to jinx the rest of the year; so, let's get this subject out of the way. **Protests.** It's a word that strikes fear into the heart of an agency. Why? Because when a protest is received by the State Engineer, the solicitation process or award of a contract stops. Let's briefly address the two types of protest, who can protest, what is to be included in a protest, and trying to avoid a protest.

**Two items to begin:** 1) protest rights are not available when an Agency solicits a bid or proposal, or awards a contract, for less than \$50,000 (§ 11-35-4210(d)), 2) when counting business days or calendar days from a solicitation or posting, the first day is the day after the advertisement or posting. For example, a project is advertised in SCBO on Monday, we count the first day as Tuesday, the second is Wednesday, etc. (§ 11-35-310(13))

**Two types of protest.** The first type of protest is a Protest of a Solicitation. Here, the protestant recognizes something within the actual Invitation for Bids, Request for Proposal, Solicitation, or amendment that would cause them to be an aggrieved party. The aggrieved party must submit its' protest to the State Engineer within 15 calendar days of the date of the solicitation or posting of the amendment.

The second type of protest is a Protest of an Award. Here, an actual bidder or offeror is protesting that the state was incorrect in its decision to award to another party. The aggrieved party must provide a written notice of intent to protest to the State Engineer within 7 business days of the date of the posting of the Notice of Award/Intent to Award. The party then must perfect its protest in writing by providing the State Engineer with the grounds of the protest and the relief requested within 15 calendar days of the date of the posting of the Notice of Award/Intent to Award.

**Who can protest?** From SC Procurement Law §11-35-4210, "a prospective bidder, offeror, contractor, or subcontractor who is aggrieved in connection with a solicitation..." may protest the solicitation. "Any actual bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of a contract..." may protest the intended award or award. An actual contractor or subcontractor is someone who already has a contract with the state agency – presumably for some or all of the same work. §11-35-310(10) and (32).

**What information is to be included in the protest?** The protestant should realize that the State Engineer may have very little knowledge of the solicitation, or the project. Therefore, the protestant must explain in writing the specific nature of the controversy and the specific relief requested. Sufficient details must be provided such that the State Engineer, and any other interested party, will know every issue the protestant wants the State Engineer to decide."

**Trying to avoid a protest.** Unfortunately, we cannot stop anyone from protesting. However, we can make sure we are being fair and reasonable in the expectations of our solicitations. First, we should make sure that we are inviting competition and not trying to exclude firms that can perform the work. Second, we should not ask for extraneous information to be submitted with a bid because "we want to know". Third, decisions by State Engineers on past protests can give us information so as not to repeat history. Fourth, your OSE project manager is like Farmers Insurance, "we know a thing or two because we've seen a thing or two" and we can help guide away from pitfalls.

**Now the good news!** You do not have to commit this to memory. All of OSE's forms that could be associated with the possibility of a protest contain language that alerts the bidder, offeror, etc of their protest rights. Finally, Chapter 1 of the Manual is your first resource and reminder for Legal Remedies for Solicitations and Awards, and the OSE project manager is your second resource.



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### **Market Research and Agency Input Requests for NEW State Term Contracts (STC):**

*The Office of State Procurement (OSP) is seeking input on the following recommendations for new State Term Contracts (STCs). If you have any information you can share, please contact the appropriate procurement manager. Our goal is to put contracts in place that will meet your needs, but we need your input to ensure success.*

**Type A-2 Buses** – In conjunction with the SC Department of Education, we're exploring the opportunity to contract for Type A-2 buses. Operation of these buses would require a commercial driver's license (CDL), but they are smaller than a Type C or D and could potentially provide some flexibility in a bus fleet. Please contact Elicia Thompson ([ethompson@mmo.sc.gov](mailto:ethompson@mmo.sc.gov)) if you are interested in this type of bus or have any questions related to it.

### **IT Solicitations on hold awaiting approval of SaaS Piggyback:**

If Agencies are in immediate need of the below services pending approval of SaaS piggyback, it is recommended that you conduct the procurement in accordance with the SC Consolidated Procurement Code at this time. We will update accordingly when the piggyback has been approved.

**Proofpoint Software** – An email protection system that provides encryption and threat detection is pending solicitation upon approval of our SaaS piggyback or the MIPMAP solicitation process. Any questions or concerns please contact Carol Norfleet at [cnorfleet@mmo.sc.gov](mailto:cnorfleet@mmo.sc.gov) or 803-737-3224.

**Varonis Data Security** - Varonis Data Security protects enterprise data against insider threats, data breaches and cyberattacks. Any questions or concerns please contact Will Butler at [wbutler@mmo.sc.gov](mailto:wbutler@mmo.sc.gov) or (803) 737-9854.

### **Market Research and Agency Input Requests for existing State Term Contracts:**

**Self-Funded Web Portal** – The current contract 4400008796 resulting from solicitation 5400007500 expires 07/15/2021. OSP will be publishing an RFP for subject solicitation in July/August timeframe. If you have any input or suggestions for this RFP please contact Randy Barr, Sr. at [rbarr@mmo.sc.gov](mailto:rbarr@mmo.sc.gov) or 803-896-5232.

**Mail Services – Pre – Sort & Barcode** – The OSP will be publishing a STC solicitation for Mail Services in February 2020. If you have any comments or concerns about the way the existing contract is structured, please contact Elicia Thompson at [ethompson@mmo.sc.gov](mailto:ethompson@mmo.sc.gov) or 803-737-0687.

**Temporary Personnel Services** – Kelly Cobian ([kcobian@mmo.sc.gov](mailto:kcobian@mmo.sc.gov)) is requesting input for this contract. The current contract expires in Jun 2020 and she plans to resolicit in February 2020. Any input you could provide (suggestions, improvements, or success stories) is appreciated.

**Household Appliances** – Kelly Cobian ([kcobian@mmo.sc.gov](mailto:kcobian@mmo.sc.gov)) has begun her research into a new household appliance contract. We've already had some internal discussion about additional appliances, however, we would like to have any recommendations you may have. If you use this contract, or if you would be if there were additional offerings, please contact Kelly as soon as possible with your comments or questions.

**Large Tractors and Mowers** – DeAna Reed-Sharpe([drsharpe@mmo.sc.gov](mailto:drsharpe@mmo.sc.gov)) is working with SCDOT to finalize equipment specifications to be included in this solicitation, with an anticipated solicitation publication date of February 2020. If you have any questions, comments or input to provide, please contact her as soon as possible.

**Vehicle Rental Services** – The current contracts expire on November 30, 2020. Michael Speakmon ([mspeakmon@mmo.sc.gov](mailto:mspeakmon@mmo.sc.gov)) is beginning the business analysis phase of this project and is looking for your ideas for ways to

improve the contract. We are considering a nationwide component of this contract for travel outside South Carolina. Is this something you would like to see added to the contract? Are there other issues that you need to have addressed? If so, please contact Michael as soon as possible.

### **State Term Contracts that will NOT be renewed or resolicited:**

Nothing new to report!

### **Currently Published Solicitations:**

**Remanufactured Toner Cartridges (5400018519)** — The Remanufactured Toner Cartridges contract was published on September 11<sup>th</sup> and an award was made. Then, POW, the contract was subsequently suspended due to protest. It's now pending reinstatement. If you have any questions or concerns, please contact Will Butler at [wbutler@mmo.sc.gov](mailto:wbutler@mmo.sc.gov) or (803) 737- 9854.

**Telematics (After Market Fleet Monitoring) (5400018151)** — The RFP to establish a STC for Telematics is currently in the evaluation phase with an anticipated award in February. If you have any questions or concerns, please contact Will Butler at [wbutler@mmo.sc.gov](mailto:wbutler@mmo.sc.gov) or (803) 737-9854.

**Oracle (5400018160)** — The RFP for Oracle is currently opened and enjoying the evaluation stage. We anticipate award by February 2, 2020. Any questions or concerns, please contact Kristen Hutto at [khutto@mmo.sc.gov](mailto:khutto@mmo.sc.gov).

**Mosquito Control Chemicals (5400018451)** — We've received zero responsive offers for this solicitation. We're currently reevaluating the specifications and solicitation format and will publish another solicitation ASAP. Until such time as new contracts are awarded, users will need to procure the supplies they need in accordance with the Procurement Code.

### **Newly Awarded State Term Contracts (STC):**

**Hardware Maintenance Manager (5400018885)** — New Hardware Maintenance Manager contract awards became effective December 23, 2019. There were three awards. Details are now available at <https://procurement.sc.gov/files/contracts/HMM%20Contract%20sheet%20jan%2021%202020.pdf>. Contact Carol Norfleet at [cnorfleet@mmo.sc.gov](mailto:cnorfleet@mmo.sc.gov) or 803-737-3224, if you have any questions.

**Carbon Black Consolidated Security (5400018555)** – The Carbon Black Consolidated Security solicitation is awarded and became effective December 6, 2019. It's ready for use. Contract information is available at <https://procurement.sc.gov/files/contracts/carbon%20black%20dec%2012%202019.pdf>. Any questions or concerns, please contact Randy Barr, Sr. at [rbarr@mmo.sc.gov](mailto:rbarr@mmo.sc.gov) or (803) 896-5232.

**Type A-1 Buses (5400018792)** – Contracts for the Jacob's Law buses allow for a maximum of 14 passengers and do not require the driver to hold a commercial driver's license (CDL). The awards are posted and are final. The contract start date is February 22, 2020. We will update the contract sheet on that date.

**Furniture (5400018520)** – DeAna Reed-Sharpe completed awards for ALL of the contracts for furniture. The details are available on the contract sheet on our website. Contact the manufacturer directly for answers to any questions or to place an order. <https://procurement.sc.gov/files/contracts/Furniture%20CS%20jan%206%202020.pdf>

### **Currently Advertised Cooperative Contracts**

**Copier/Output Device NASPO Contracts (Nevada as Lead State to Agreement #3091)** — These contracts are extended to March 31, 2020. Participating Addendum for new NASPO Contracts awarded by Colorado, as Lead State on NP-18-01)

are to be negotiated and awarded prior to that expiration date. Questions may be directed to Carol Norfleet, [cnorfleet@mmo.sc.gov](mailto:cnorfleet@mmo.sc.gov), 803-737-3224.

**Copy and Print Output Device Program** – Reviews are underway on a statewide Request for Proposals for a comprehensive copy and print output device program contract. We hope to birth something which can bring copy, print, scan, and duplication devices and equipment, as well as managed print and cost per copy agreements, under one STC. The aim is to streamline the processes, customer convenience, and cost savings. A customer survey is about to go out and we encourage everyone to participate as we continue to gather info. Please help us decide how this RFP will be structured and awarded. Questions may be directed to Carol Norfleet, [cnorfleet@mmo.sc.gov](mailto:cnorfleet@mmo.sc.gov), 803-737-3224.

**Data Communications Products & Services NASPO Contracts (Utah as Lead State to Agreement #JP14001)** – Contracts under this Agreement will expire May 31, 2020 and a new RFP was issued by Utah under Agreement SK18001. **The State intends to position new contracts according to the needs of end users. Please provide information and feedback on products you continue to utilize, or plan to utilize in the future, from the vendors awarded contracts.** These contracts can be reviewed at <https://www.naspo.valuepoint.org/portfolio/data-communications-2019-2026/>. Questions may be directed to Carol Norfleet, [cnorfleet@mmo.sc.gov](mailto:cnorfleet@mmo.sc.gov), 803-737-3224.

**Computer Equipment (PCs, Servers, Storage, Peripherals) (NASPO)** – Our office is currently in the process of working with individual contractors (manufacturers) in order to extend these contracts beyond their current term. If you have any questions or concerns, please contact Will Butler at [wbutler@mmo.sc.gov](mailto:wbutler@mmo.sc.gov) or (803) 737-9854.



## ATTN: STATE GOVERNMENT AGENCIES

As promised, the long-awaited 2020 Edition of the *OSE Manual* is now uploaded on our website at this link: [Procurement.sc.gov/Manual](http://Procurement.sc.gov/Manual).

Please start using these forms immediately! Your grace period (the month of January) will soon come to a close, and come **FEBRUARY 1<sup>ST</sup>**, we will start returning out-of-date forms.

**\*\*That's 02/01/2020. The First of February. *Primero de Febrero.*\*\***

A lot of the changes were made quickly in May 2019 to comply with law revisions, so please make sure you read over **everything** before you submit anything to us.

As always, please let us know if you find any errors and let us know if you have any questions.

