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 (STC). 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.

Interagency Mail Services (IMS) (Courier Services) –

The State has completed evaluating the RFI responses and event response and other available services; will advise on how to structure a program; will obtain detailed proposals, including price quotes, from insurers for Cyber insurance, and present the proposals to agencies for acceptance or rejection. The insurance will cover first- and third-party risks related to unlawful electronic security breaches, fraud, financial loss, reputational damage, regulatory intervention, and other causes of loss. Services expected to be provided include, but are not limited to breach event response, crisis management, and other available services.

Information on the contract can be found on our website HERE. Agencies will complete the application for cyber liability insurance and submit the application to Willis. Willis will assist the agency with finalizing the application, send the application to the insurance market for quotes, and provide the quotes to the agency. Representatives from Willis will also schedule in-person meetings to answer any questions an agency may have about the coverage options and conduct additional negotiations on behalf of the agency if necessary. Willis will assist with binding coverage and issuing the policy should the agency decide to purchase cyber insurance.

Other services that Willis can provide are educational seminars concerning cyber breach avoidance and recovery, assistance in developing an incident response plan, and coverage gap analysis to help an agency determine where their exposure lies. Any questions regarding the contract can be addressed to me, Kimber Craig at kcraig@mmo.sc.gov or Alana Williams at awilliams@sfaa.gov.
The Chief Procurement Officer, in accordance with Section 11-35-4820 (Mandatory Opting) of the Consolidated Procurement Code, is requiring all local public procurement units to indicate their intent to participate prior to the publication of a solicitation. He is also extending this requirement to all governmental bodies who wish to participate in a resulting contract.

If your agency/political subdivision intends to participate in a State Term Contract for Courier Services, they must complete the following:

1. A letter signed by the head of the agency/political subdivision, or their designated representative, on their letterhead attesting that they will participate in the State Term contract for Courier Services should one be solicited and awarded.
2. A spreadsheet with the necessary information to provide to the Contractor should a contract be awarded. This information includes, among other things, the agency/political subdivision’s name, street addresses, operating hours and point-of-contact information.

Michael Speakmon has the documents necessary to meet the requirements above. You may request said documents via email at mspeakmon@mmo.sc.gov. Please do not make formatting changes to the spreadsheet as all received spreadsheets will have to be consolidated into one. You will receive further instructions at that time.

We must be in receipt of your intention to participate no later than September 5, 2019. At that time, we will evaluate the number of responses received and make a determination on how we will proceed.

IMPORTANT NOTE: In the spreadsheet, we are asking for information on agency points of contact (names, phone numbers and email addresses) which are details that are important if a contract is awarded. No one’s personal information will be published in any solicitation documents by this office.

Proofpoint Software - The OSP will be publishing a solicitation for a new STC for Proofpoint software which is an email protection system that provides encryption and threat detection in September timeframe. Please express your interest in this product and provide any information, questions or concerns to Carol Norfleet at cnorfleet@mmo.sc.gov or 803-737-3224.

SolarWinds Monitoring Software - The OSP is publishing a State Term Contract for SolarWinds Monitoring Software. The anticipated date of publish is August 26th with an award in October 2019. Any questions or concerns please contact Randy Barr, Sr., at rbarr@mmo.sc.gov or (803) 896-5232.

Constituent Management - The OSP will publish a solicitation for Constituent Management early September with an award date of late October. Any questions or concerns please contact Randy Barr, Sr., at rbarr@mmo.sc.gov or (803) 896-5232.

Carbon Black Consolidated Security - The OSP market research has determined that we will establish a State Term Contract for Carbon Black Security. We anticipate publishing a solicitation in the September timeframe with award in November 2019. Any questions or concerns please contact Randy Barr, Sr., at rbarr@mmo.sc.gov or (803) 896-5232.

Varonis Data Security - The OSP has determined, based upon market research, that a STC will be published. We anticipate publishing the solicitation in September/October timeframe. Any questions or concerns please contact Will Butler at wbutler@mmo.sc.gov or (803) 737-9854.

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

Remanufactured Toner Cartridges - The Remanufactured Toner Cartridges contract will be resolicited in September. If you have any concerns or comments about the way the existing contract is structured, please contact Will Butler at wbutler@mmo.sc.gov or (803) 737-9854.

Safenet Encryption Software - The Safenet Encryption Software contract will be resolicited in September. If you have any concerns or comments about the way the existing contract is structured, please contact Will Butler at wbutler@mmo.sc.gov or (803) 737-9854.

Hardware Maintenance Manager - The OSP will be
publishing a solicitation for a new STC for Hardware Maintenance Manager providers. If you have any concerns or comments about the way the existing contract is structured, please contact Carol Norfleet at cnorfleet@mmo.sc.gov or 803-737-3224.

**Office / Educational Furniture** – The OSP received multiple suggestions, ideas and concerns related to the two referenced contracts. Although incorporating everything that was suggested/presented is impossible, OSP remains committed to doing its best to bring the best possible solution to vendors and users alike in the form of a revised single solicitation.

As discussed in a previously held pre-solicitation meeting, the Office Furniture Contracts will not be renewed. The current terms for awarded contracts and emergency bridge contracts will conclude on December 17, 2019.

For the current Educational Furniture contract, OSP had intended to re-solicit for specialty items. To recognize effectiveness and efficiencies with this category of contracts, an alternative approach is being considered. The current terms for the awarded contracts under the Educational Furniture contract will not be renewed and will conclude on December 5, 2019.

The new solicitation approach is planned as follows:

**OSP will be issuing a new solicitation which will be structured as a Fixed Price Bid. The solicitation will replace BOTH the Educational and the Office Furniture contracts and will be a Statewide Contract for Furniture. The contracts resulting from the new solicitation will commence on December 6, 2019.**

The concept is to return the furniture contract to its former structure and remove the “office” and “educational” format. While weighing the options for a new Office Furniture and a new Educational contract for specialty items, it was realized that the originally planned approach could result in three separate contracts, each with its own reporting requirements, for many manufacturers. It was also determined that many vendors would be submitting additional bids for specialty lots and for the office furniture categories.

To reduce the duplication of effort and increased reporting requirements for all manufacturers, OSP will offer one opportunity to submit an offer which could result in one contract, one reporting requirement, etc. This will also increase efficiency for end users trying to find furniture on contracts, limiting their search from three different contracts into one for each manufacturer.

If you have any questions or concerns regarding this approach, please contact DeAna Reed-Sharpe via email at drsharpe@mmo.sc.gov immediately. The hope is that this revised approach will facilitate ease of use moving forward.

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

**QualysGuard Security Software** – The State Term Contract for QUALYS will not be resolicited based on the lack of evidence of end user interest to resolicit this as a State Term Contract. Please contact Will Butler at wbutler@mmo.sc.gov or Randy Barr at rbarr@mmo.sc.gov with any concerns or other input regarding this solicitation.

**Truckload Deliveries of Copy Paper** – This requirement has been included in the new Office Supplies solicitation, which will be effective before the current contract for truckload deliveries expires.

**Written Document Translation and Telephonic Interpretation Services** - Current Contract expires 10/31/2019. These contracts will be extended for six months, or until a new contract is awarded, to permit the State to participate in the advertised NASPO opportunity effective in March 2020. The resulting NASPO contracts will have a much wider array of services than our existing contracts including, but not limited to a larger number of available languages, American Sign Language (ASL) interpretation, and live video remote interpretation. Please see the contract sheet for details of the extension, and keep an eye on DisPatcheS for information about the new contract.

**Currently Published Solicitations:**

**Vehicles** – This year’s vehicle solicitations were published on August 23, 2019, with a bid opening date of October 1, 2019, and an award posting date October 11, 2019. All contracts should be effective and available for use on November 1, 2019.

All dates are subject to change, but we will do our best to adhere to the established schedule.

**Bottled Water (5400018242)** – DeAna Reed-Sharpe, drsharpe@mmo.sc.gov, issued this solicitation on July 18, 2019, with an anticipated bid opening on September 3, 2019. This solicitation is to replace the existing Bottled Water contracts that expire on December 15, 2019. Please note this contract is available for use at any time and is NOT
Answer to Part 4: After receiving Joe’s written request for bid correction and supporting documentation, Billy consulted his legal counsel and the Chief Procurement Officer for Construction (CPO). Their legal research found that the South Carolina Supreme Court had previously addressed the question of an upward correction to a low bid.

In 2005, the South Carolina Supreme Court (Court) addressed the question of whether a low bidder could make an upward correction in its bid in the context of a Large School District Procurement Code. *Martin Engineering v. Lexington County Sch. Dist. One*, 365 S.C. 1, 615 S.E.2d 110 (2005). As mandated by Section 11-35-70 of the Consolidated Procurement Code, Procurement Services reviewed the District Code and found it to be “substantially similar” to the Consolidate Procurement Code. In *Martin Engineering*, Sharp gave a low bid of $16.3 million on the project and Martin Engineering gave the second low bid of $17.375 million. Immediately after bid opening, Sharp notified the District that it had inadvertently left the roofing contractors bid amount out of its total bid price and asked the District to allow Sharp to correct its bid by adding $614,500 to its bid for a corrected bid price of $16,913,500. Sharp’s mistake was not evident from examining the bid document. None the less, the District granted Sharp’s request and awarded a contract to Sharp. Martin Engineering objected.

The District Code states:

> Corrections or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards or contracts based on such bid mistakes may be permitted where appropriate.

> After bid openings, no change in bid prices or other provisions of bids prejudicial to the interest of the school district or fair competition will be permitted. A bidder must submit a written request to either correct or withdraw a bid to the school district. Each written request must document the fact that the bidder’s mistake is clearly an error that will cause him substantial loss. In order to maintain the integrity of the competitive sealed bidding process, a bidder will not be permitted to correct a bid mistake after bid opening that would cause such bidder to have the low bid, unless the mistake, in the judgment of the school district, is clearly evident from examining the bid document: for example, extension of unit prices or errors in addition. All decisions to permit the correction of (sic) withdrawal of bids, or to cancel awards or contracts based on bids mistakes, will be supported by a written determination. (Emphasis supplied.)

Martin Engineering argued that the correction caused Sharp to have the low bid and this language only allowed such a bid correction when the mistake is “clearly evident from examining the bid document.” The Court rejected this argument, finding that the correction did not cause Sharp to have the low bid since Sharp already was the low bidder.

The Court found the evidence of Sharp’s mistake to be clear and the intended bid evident from an examination of Sharp’s bid preparation documents, in particular the roofing subcontractor’s bid, which was submitted to several of the bidders. Moreover, the Court found that correction under these facts:

> “[N]either jeopardized the integrity of the sealed bidding process, nor was it prejudicial to the interest of the District or fair competition. To the contrary, to accept Martin’s argument that District must reject Sharp’s bid and accept its bid, some $461,500.00 higher than Sharp’s corrected bid, would clearly be prejudicial to the District requiring it to expend substantially more money.”

After a thorough evaluation of Joe’s written request, bid preparation documentation, Joe’s notarized declaration of facts, and applicable law, the CPO, Billy, and legal counsel all agreed that:
The mistake was one of fact
The mistake would cause Joe substantial loss
The evidence of the mistake and the intended amount of the bid was clear and convincing
Joe’s corrected bid was significantly lower than the next lowest bid; therefore, correction was not prejudicial to the
interest of Myrtle College and fair competition

Therefore, the CPO prepared a written determination of appropriateness allowing Joe to correct his bid.

For a detailed listing of documentation and evidence OSE requires and factors it considers when reviewing a request to
correct a bid, see Chapter 6, Part 6.8.2(C) of the Manual for Planning and Execution of State Permanent Improvements.

A Little Extra Drama for These Characters (Just for Fun!)

After all of “Joe the Contractor’s” bid mistake woes, he was finally found to be a responsive and responsi-
sible low bidder for a seven story parking garage at the Marine College of the Lowcountry. Because
Joe had lost so many projects before this award, he had spent many hours reading the contracts and
was well versed in the language of the SCOSE editions of the AIA contracts.

When the Agency sent Joe the contract for the parking garage, he immediately signed the contract, ob-
tained his performance and payment bonds, secured the proper insurance, bought a Builder’s Risk poli-
cy, and forwarded all documentation to Captain Fred at the College for full execution of the con-
tract. Several days later Joe received his Notice to Proceed and he assembled his Schedule of Values,
his list of subcontractors and a Construction Schedule for the 1,095 day project. Joe made sure that
each portion and division of the contract was listed in the Schedule of Values so the architect and
Agency could easily identify the work being performed.

The project was proceeding well until the 288th day of construction. One day, the timber piling subcon-
tractor (Woody) was talking to the stormwater drainage subcontractor (Piper). They were discussing
their work at the site and noted that they had both finished their work for the parking garage on the
102nd day; yet, neither had received all of their money. In fact, the College was holding the 3.5% re-
tainage as required by SC Law 11-35-3030. Woody and Piper stormed into Joe’s office and demanded
the retained funds. Joe smiled, winked, and said, “Don’t worry, I think I know how to get the money.”

How was Joe going to be able to convince the Agency to release the retained funds to his pile
subcontractor and storm drainage subcontractor?
limited to emergency situations only. There are stipulations for pricing and delivery under emergency circumstances, but the contract is available for general use as well. Please contact DeAna should you have any questions.

**Airport Pavement Rejuvenation (5400018269)** – This is a new state term contract to replace an existing agency contract and is designed to be used in conjunction with the State’s contracts for Airport Pavement Maintenance (details located on our website). Michael Speakmon, mspeakmon@mmo.sc.gov, is the responsible procurement officer. The solicitation was posted on August 2, 2019, with an anticipated award date of September 25, 2019.

**Sandbags (5400018219)** – This is a new state term contract that was developed by Kelly Cobian, kcobian@mmo.sc.gov, and the Emergency Management Division (EMD). It is primarily designed for use during emergency situations but is also available for general use. This contract will establish pricing for empty or filled sandbags in various quantities and under different circumstances. Please contact Kelly for additional information and details. The solicitation was published on August 7, 2019 with an anticipated award date of Sept. 19, 2019.

**Building Inspection Services (5400018150)** – DeAna Reed-Sharpe, drsharpe@mmo.sc.gov, published this solicitation on July 18, 2019, with an anticipated award date of September 19, 2019. This solicitation is to replace the existing contracts for the same services which expire on December 15, 2019.

**Water Activated Pothole Patching (5400018089)** – Kelly Cobian, kcobian@mmo.sc.gov, published this solicitation on July 24, 2019, with an anticipated award date of September 16, 2019. This was previously a DOT agency contract that has been added as a State Term Contract for use by all entities in the State. The current DOT contract expires on December 21, 2019, and we anticipate the resulting contracts to be available for use on December 22, 2019.

**Duo Multi - Factor Authentication - (5400018082)** The Duo Solicitation offers were received and are being reviewed with an ITA being published by August 21st. Please contact Randy Barr, Sr., rbarr@mmo.sc.gov or 803-896-5232 if you any questions or concerns.

**Ruckus Wireless (5400018201)** The Ruckus Wireless Solicitation offers were received and are being reviewed with an ITA being posted by August 30th. Any questions or concerns please contact Randy Barr, Sr., at rbarr@mmo.sc.gov or (803) 896-5232.

**PC Matic Pro (5400018199)** - The PC Matic Pro Solicitation was published on July 15th and offers deadline on August 26th with an anticipated award date of September 6th. Any questions or concerns please contact Randy Barr, Sr., at rbarr@mmo.sc.gov or (803) 896-5232.

**Rapid 7 Vulnerability Security Software (5400018449)** - The Rapid 7 Solicitation had to be resolicited on August 16th due to offers received which were non-responsive. The existing contract was extended to January 2020 or until a new contract is in place. Any questions or concerns please contact Will Butler at wbutler@mmo.sc.gov or (803) 737-9854.

**Symantec Product Services (5400018021)** – The IFB for Symantec was published on May 23rd, 2019 and subsequently all responses received were determined non-responsive. A new solicitation will be published after completion of a SaaS Term agreement. We anticipate by the second week of September. Any questions or concerns please contact Kristen Hutto at khusoto@mmo.sc.gov.

**Telematics (After Market Fleet) (5400018151)** – The RFP to establish a STC for Telematics was published on August 15th with an anticipated award in December 2019 timeframe. Any questions or concerns please contact Will Butler at wbutler@mmo.sc.gov or (803) 737-9854.

**Oracle (5400018160)** – The RFP for Oracle will publish on August 30, 2019. We anticipate award by January 2, 2020. Any questions or concerns please contact Kristen Hutto at khusoto@mmo.sc.gov.

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

**Pass Thru Ovens (5400017852)**. Kelly Cobian (kcobian@mmo.sc.gov) published the intent to award for these contracts on August 16, 2019. Details concerning the can be found on our website. Barring a protest, contracts will be effective and active on August 27, 2019.

**Office Supplies/Truckload Copy Paper (5400017374)** – DeAna Reed-Sharpe, drsharpe@mmo.sc.gov, posted the intent to award for these contracts on August 16, 2019, and they will be effective on August 28, 2019, and available for use beginning on September 29, 2019.

**Herbicides, Adjuvants and Blends (5400017909)** – Kelly Cobian posted the intent to award for these contracts on August 20, 2019, with an effective date of August 30, 2019. We do not anticipate an interruption in services and the contracts should be available for use on September 9, 2019.
All Terrain Vehicles (5400017820) – All contracts have been awarded and will be effective beginning on 10/10/2019. The contract sheets on the website will be updated the same day the new contracts become effective. IMPORTANT NOTE: Previous versions of this contract had a trailer available for purchase along with the ATV. The State now has contracts in place for trailers under Lot 5, of the Grounds Maintenance Equipment – Phase II contracts, so they are no longer available under the ATV contract. You may find GME-Phase II contract sheet by following this link: https://procurement.sc.gov/files/contracts/grounds2-%20may%202019.pdf

Body Cameras/In Car Video (5400014480) - The RFP for Body Camera/In Car Video, SaaS; Video Storage was published on March 18th, 2019. The contract was awarded on May 31st, 2019, but subsequently protested on June 10th. The RFP Panel will rescore on August 21st in accordance with the CPO decision from the protest. The ITA will be posted on August 23rd and we anticipate award being final September 3rd. Any questions or concerns please contact Randy Barr, Sr., at rbarr@mmo.sc.gov or (803) 896-5232.

Currently Advertised Cooperative Contracts

The following cooperative contracts are currently advertised in SCBO and the State intends to participate in the resulting contracts when awarded, if it is determined to be in the interest of the State. Since we have no control over when the contracts are actually issued, we will have no further information until such time as they are issued. NOTE: Once the bid opening has occurred, it is difficult to get updates on cooperative contracts until they are awarded. We will continue to monitor the award of the contracts below and provide updates as necessary.

If you have any questions about these solicitations, and if you would be interested in participating in the same, please contact Michael Speakmon at mspeakmon@mmo.sc.gov.

NASPO – Equipment Rental (RFP PCA-19-01) – Contract for the rental of equipment (tractors, light sets, generators, lifts, fork lifts, etc.) Ad was placed on 4/24/2019, and the estimated bid opening date is 6/6/2019. This solicitation is currently under evaluation.

MMCAP – Specialty Pharmaceuticals (Reference #27888) – This will be a new contract should the State determine participation is in its interest. Ad was placed on 04/30/2019, and this bid has already opened. This solicitation is currently under evaluation.

MMCAP – Dental Products and Services (Reference #28028) – The State is already participating in this contract. This is just the updated version. Ad was placed on 05/21/2019 and estimated bid opening date is 07/01/2019. This solicitation is currently under evaluation.

MMCAP – Pharmaceutical Waste Disposal (Reference #27933) – This will be a new contract should the State determine participation is in its interest. Ad was placed on 05/06/2019, and the estimated bid opening date is 06/18/2019. This solicitation is currently under evaluation.

MMCAP – USP Chapter 800 Implementation and Compliance Resources (Reference #28026) – This will be a new contract should the State determine participation is in its interest. Ad was placed on 05/24/2019, and the estimated bid opening date is 06/25/2019. This solicitation is currently under evaluation.

MMCAP – Distribution of Vaccines Including Influenza Vaccine (Reference #28099) – The State is already participating in this contract. This is just the updated version. Ad was placed on 06/06/2019 and estimated bid opening date is 7/23/2019. This solicitation is currently under evaluation.

MMCAP – Animal Healthcare Products and Services Distribution (Reference #28215) – As of August 21st, MMCAP has decided to cancel, revise, and reissue this solicitation.

NASPO – Grounds Maintenance Equipment (Reference E194-377) – The State already has contracts for this type of equipment in place. However, the NASPO contract is focused more on larger equipment that may not be currently available on the State’s contracts. An ad was placed on 7/15/2019 with an anticipated bid opening of 8/21/2019.

MMCAP – Biological and Pharmaceutical Waste Disposal (Reference 28312) – This would be a new contract for the State should we choose to participate. The ad was placed on 8/6/2019 with an anticipated bid opening of 9/5/2019.
NEW NAMES AT SFAA DPS:

2019 has been a year of growth for DPS. We thought we take a moment to make some overdue introductions:

Ellicia Thompson (ethompson@mmo.sc.gov) has joined us as a Procurement Manager. Ellicia most recently worked for the SC Department of Probation Pardon and Parole Services (nearly 13 years) in three different positions of increasing As a Procurement Manager I, she had supervisory responsibilities, oversaw the PCard program, and produced required reports on sole source, emergency, and minority procurements. Ellicia performed annual contract reviews with Procurement Managers and purchased equipment for the agency. She was with the U.S. Naval Reserves from 2001 until 2009. Ellicia received her Bachelor’s from the University of South Carolina in Art Studio and Graphic Design.

Nakendra Perry (nperry@mmo.sc.gov) joined DPS as a Procurement Manager on the Agency Education and Law Enforcement Sourcing Team in March. Nakendra most recently worked as a Senior Contracts Administrator at Lexington Medical Center. Prior to this she worked at SCANA for 13 years in various procurement positions most recently as a Senior Procurement Specialist. She has experience processing procurements for goods, services and construction, developing specifications/scope of work, pre-bid conferences, evaluation of offers, awarding solicitations, and contract administration. She is a graduate of Limestone College with a Bachelor’s degree in business administration.

Brittany Sloan (bsloan@mmo.sc.gov) joined us this month as a Procurement Manager in our Education and Law Enforcement Sourcing team as well. She has a decade of experience in the procurement field. Her previous responsibilities include contract management, facilities management P-Card system management, creating and issuing solicitations and processing small purchases. She is certified in CPR, First Aid and AED and is also a Notary Public. She’s worked with the South Carolina Department of Revenue, Richland County Government, South Carolina Department of Mental Health and in the medical industry. She studied Psychology at Midlands Tech and probably has no idea yet just how much that’s going to come in handy at her new place of employment!

Please join us in welcoming these new members to our team. DPS is very fortunate to have them!

What is that “A” in a box all about?

A³ or “A cubed” is our brand! It summarizes our mission statement and serves as an ever present reminder of the commitment the Division of Procurement Services has made to itself, our State Government colleagues, and the public. In short, A³ stands for:

Acquire — We provide efficient, innovative, and responsive services to acquire information technology, construction, and goods and services through effective broad-based competition.

Administer — We provide guidance and oversight to promote integrity, ethical behavior, and increased public confidence in the acquisition process.

Advise — We provide training and advice to ensure compliance with law, policies, and practices.