

The 10% Rule, STC Use, and Multistate Agreements

*By Delbert H. Singleton, Jr., Director
Division of Procurement Services*

A reminder...

Often in the world of contracting, market conditions can, and do, change rapidly. It is not unheard of that, for some contracts, before the ink is barely dry, market pricing changes significantly. In instances where “the same supplies, services, or information technology are offered at a price that is at least ten percent less than the term contract price, [an agency] may purchase from the vendor offering the lower price after first offering the vendor holding the contract the option to meet the lower price.” This is what we commonly call the 10% rule found in South Carolina Code of Laws §11-35-310(37). This allows agencies to gain the benefit of lower market conditions under the same terms and conditions as the awarded contract.



Delbert Singleton,
Division Director

Another reminder...

Section 11-35-310(37) makes it mandatory that governmental bodies, as defined in §11-35-310(18), procure supplies, services, or information technology needs from the State’s established term contracts during the contract term. **However**, it is not mandatory for local governmental entities to purchase off the State’s term contracts. Local governmental entities purchasing off state term contracts should consult their local governing body’s policies regarding purchasing off the State’s term contracts.

A final reminder...

The State of South Carolina often participates in multistate cooperative purchasing with sister states. We do so through the National Association of State Procurement Officials (NASPO). NASPO is composed of the 50 states, the District of Columbia, the U.S. Virgin Islands, Puerto Rico, and Guam. The Division of Procurement Services’ authorization to participate in cooperative purchasing on behalf of the State is found in Article 19 of the Code §11-35-4810 et. seq.

It is not uncommon for our office to be asked by contract holders or an agency to participate in a NASPO contract after the contract has been solicited and awarded, but in which we did not participate. The State’s procurement code does not allow us to participate in a cooperative contract unless we have done so under the requirements of §11-35-4810. Plain speak - we cannot sign a participating addendum after the fact nor give approval that that be done. It is not lawful. So, if there are multistate cooperative contracting opportunities you think we should pursue as being in the interest of the State, please let us know.





Backhoes/Motor Graders/Loaders is Now Heavy Construction & Industrial Equipment

We have issued two Participating Addendums (PAs) so far under this NASPO offering; one to Clark Equipment Company (Bobcat) and one to JCB, Inc. We are currently negotiating an additional PA with John Deere and hope to have that completed soon. NASPO is still in negotiations with additional vendors, and we will work to issue PAs to those vendors as soon as the awards are published by NASPO.

These contracts offer a very wide array of equipment, many of which we have not had on contract before, so we encourage you to check out the details on our website at [this link](#).



The Monthly Statewide Term Contract Town Hall

The next Town Hall will be Thursday, March 13, 2024, at 10:00 AM.



YOU can help set the agenda for the meeting by emailing any specific questions you may have a few days before the meeting. We didn't receive any questions via email last month, but we wanted to remind you that it is always an option. Email your questions ahead of time to one of the following people:

G&S Questions – mspeakmon@mmo.sc.gov

IT Questions – rbarr@mmo.sc.gov

[Click on this link](#) to join the meeting, registration is no longer necessary. You can also find a link to the Town Hall located on the DisPatches Newsletter page on our website at this location:

<https://procurement.sc.gov/dispatches>

We look forward to seeing you on March 13, 2024!

Market Research and Agency (YOU!) Input Requests for existing State Term Contracts

Mobile Device Protection Plan (Expires 7/5/2024) – Ginger Hardee (gghardee@mmo.sc.gov) is finalizing her research on this so please reach out to her ASAP if you have any information you think would be helpful to her.

Trash Can Liners (Expires 9/8/2024) – Ginger Hardee (gghardee@mmo.sc.gov) is completing her research into these contracts so please reach out to her if you have any input that would be helpful. Are there liners you wish were included? Let us know and we can look at adding them. Let's collaborate and work smarter, not harder!

ADA Buses (Expires 10/31/2024) – Portia Davis (pdavis@mmo.sc.gov) is working with the transit folks at SCDOT on this. There have been some major changes in their department and we're working with them to do a major overhaul on how we solicit for these buses, part of which is changing WHEN we solicit for them to better meet the needs the vendor community. More to follow on this one.

Microsoft Software (Expires 12/26/2024) – We anticipate publishing this solicitation in May/June with an anticipated award date of September 2024. If you have any questions or concerns, please contact Stephen Taylor at staylor@mmo.sc.gov. If you're a current user of the Microsoft Software contract, we'd love to hear from you to ensure the new state term contract will effectively meet your needs.

Tenable Products & Services (Expires 07/04/2024) – We anticipate publishing this solicitation in early March 2024 with an anticipated award date of mid-May 2024. If you're a current user of this contract, please let us know what has worked for you. If you haven't used it because it didn't fit your needs, please provide us some feedback so we can improve the new solicitation. If you have any questions or concerns, please contact Lillanea Bouknight at lbouknight@mmo.sc.gov.

Geographic Information System (GIS) Software (Expires 01/14/2025) – We anticipate publishing this solicitation in August

2024 with an anticipated award date of November 2024. If you're a current user of this contract, please let us know what has worked for you. If you haven't used it because it didn't fit your needs, please provide us some feedback. If you have any questions or concerns, please contact Lillanea Bouknight at lbouknight@mmo.sc.gov.

Rapid 7 (Expires 09/17/2024) – We anticipate publishing this solicitation in April 2024 with an anticipated award date of June 2024. If you have any questions, input, or concerns, please contact Yolanda Cohen at ycohen@mmo.sc.gov. If you're a current or potential user of this contract, we'd love to hear from you to ensure the new contract meets your needs.

Communications Equipment and Services (Print & Mail Services) (Expires 04/15/2024) – A change order has been submitted to extend the expiration date to October 15, 2024. We anticipate publishing this shared service solicitation in late March or early April, with an anticipated award date of August 2024. If you have any feedback, questions, or concerns, please contact Lillanea Bouknight at lbouknight@mmo.sc.gov.

State Term Contracts which will NOT be renewed or resolicited

Traffic Signal Heads & Lenses (Expires 8/18/2024) – We don't intend to resolicit these items because they now fall under the new [Traffic Control Devices contract](#). If you think there are items on this contract that aren't available on the traffic control devices contract, reach out to Michael Speakmon (mspeakmon@mmo.sc.gov) as soon as possible to have that conversation.

Classroom Training – Classroom Training sunsets this month since we didn't receive compelling information prompting us to proceed with a new solicitation.

Privileged Access Management for CyberArk – Privileged Access Management for CyberArk will be sunset this month for similar reasons as the above.

LogRhythm, Inc (Expires 04/08/2024) – LogRhythm is a multi-agency, term contract for higher education. It will be sunset on April 8, 2024. This decision was made based on the results of financial information provided in the Business Analysis. Should you have any questions or concerns, please contact Yolanda Cohen at ycohen@mmo.sc.gov.

Currently Published Solicitations

Office Supplies & Paper (5400026238) – DeAna Reed-Sharpe (drsharpe@mmo.sc.gov) is in the evaluation phase of this solicitation and we anticipate the awards to be posted as scheduled on March 7, 2024.

Fuel Card Management (5400026257) – Michael Speakmon (mspeakmon@mmo.sc.gov) is evaluating offers received and we anticipate the award to be posted as scheduled on March 11, 2024.

Bulk Gases (5400026360) – Ginger Hardee (gghardee@mmo.sc.gov) is in the evaluation stage for this and we anticipate publishing the award as scheduled on February 27, 2024.

Asbestos, Lead Paint and Mold Collection & Testing (5400026429) – DeAna Reed-Sharpe (drsharpe@mmo.sc.gov) published Amendment #1 on February 16, 2024, with the bid opening still scheduled for March 7, 2024.

Telematics (5400026434) – Michael Speakmon (mspeakmon@mmo.sc.gov) is evaluating offers he received.

Cross Cut Shredders (5400024690) – Portia Davis (pdavis@mmo.sc.gov) is evaluating offers she received, and we anticipate posting the award February 28, 2024 as scheduled.

IBM (5400026410) Yolanda Cohen published this solicitation on February 14, 2024, and the Non-Mandatory Pre-Bid Conference will be held February 27, 2024, at 10:00 AM. If you have any questions or concerns, please contact Yolanda Cohen at ycohen@mmo.sc.gov.

Fortinet Products and Services – This solicitation was published January 22. The opening will be held March 11th. We have an anticipated award date of April 1, 2024. If you have any questions or concerns, please contact Stephen Taylor at staylor@mmo.sc.gov.

Learning Content Management Systems – This solicitation was published February 5. The opening will be held March 18 and we have an anticipated award date of mid-May 2024. If you have any questions or concerns, please contact Stephen Taylor at staylor@mmo.sc.gov.

Newly Awarded State Term Contracts (STCs)

IT Equipment Leasing (5400025256) – Stephen Taylor (staylor@mmo.sc.gov) published the Intent to Award November 7, 2023. The term of the contract began February 7 of this year. If you have any questions or concerns, please contact Stephen Taylor at staylor@mmo.sc.gov.

One Card Identification Systems (5400025634) – Stephen Taylor (staylor@mmo.sc.gov) published the Intents to Award December 21, 2023 for Smiths Addressing Machine Services, The CBORD Group Inc., and Atrium Campus. The term of the contracts started January 8, 2024. If you have any questions or concerns, please contact Stephen Taylor at staylor@mmo.sc.gov.

Electronic Transcript Services – (5400026118) – Randy Barr, Sr. posted the Intent to Award January 26 and the contract became effective February 12. Details can be found on our website. If you have any questions or concerns, please contact Randy Barr, Sr. at rbarr@mmo.sc.gov.

Service Now – (5400025836) – Randy Barr, Sr. posted the Intent to Award January 8 and the contract became effective January 19. Details can be found on our website. If you have any questions or concerns, please contact Randy Barr, Sr. at rbarr@mmo.sc.gov.

Web Conferencing (5400026215) – Randy Barr, Sr. posted the Intent to Award January 26 and the contract became effective February 19. Details can be found on our website. If you have any questions or concerns, please contact Randy Barr, Sr. at rbarr@mmo.sc.gov.

Cooperative Contracts Updates



NASPO PCs, Servers, Storage, Peripherals – NASPO PCs, Servers, Storage, Peripherals – Howard and IBM are still in negotiations with the Lead State. Although, Microsoft has successfully completed negotiations with the Lead State, they are now in negotiations with the State of South Carolina via the Participating Addendum. Due to the inability to secure these contracts prior to the expiration date of January 31, 2024, an Emergency Procurement was executed effective February 1, 2024, until July 4, 2024, or until new contracts are in place while the Lead State continues negotiating the NASPO Master Agreements and the subsequent PAs with the State. If you should have any questions and/or suggestions, feel free to reach out to Yolanda Cohen at ycohen@mmo.sc.gov.

Dynabook (NASPO PCs, Servers, Storage, Peripherals) – A new Participating Addendum was executed on January 26 with contract number 4400033860. If you should have any questions or concerns, please contact Yolanda Cohen at ycohen@mmo.sc.gov.

NASPO Public Safety Video Systems – A South Carolina Participating Addendum has been sent to Coban Technologies and is currently under negotiation. If you should have any questions or concerns, please contact Yolanda Cohen at ycohen@mmo.sc.gov.



SURVEY!

Temporary Medical Services – Do you currently use our Temporary Medical Service Statewide Term Contracts? Would you like to see additional positions listed? **Please complete our survey By clicking or pasting in your browser:**

<https://www.surveymonkey.com/r/Y3KB5LP>

We're currently in the market research phase for Temporary Medical Services. So, **now** is the time to add any additional positions that are not currently listed. Also, please give any feedback regarding the solicitation to Portia Davis at pdavis@mmo.sc.gov.



Division of Procurement Services Training Opportunities



The Division will offer the following trainings in April. Courses listed as face-to-face classes will be held at the Division of Procurement Services, 1201 Main St. Ste. 600, Columbia, SC 29201.

Acquisition Planning and Market Research — 9 a.m. – 12:30 p.m. Friday, April 5 (online course)

Ethics in Public Procurement — 9:30 a.m. – 12:30 p.m. Tuesday, April 9 and Wednesday, April 10 (online course. Participants must attend both sessions to receive credit)

Specifications and Scopes of Work — 9 a.m. – 4 p.m. Thursday April 11 (face-to-face)

Legal Aspects and Compendium Series — 9 a.m. – 4 p.m. Monday, April 15, Thursday April 25, Thursday, May 2, and Monday May 6 (face to face – participants must attend all 4 sessions to receive credit for the course).

Invitation for Bids — 9 a.m. – 4 p.m. Thursday April 25 (face-to-face)

All learning events will be available on the DPS Courses and Registration page:

<https://training.procurement.sc.gov/training/courses>

They will open on March 4 and close on March 22. Please note that Division training is limited to government procurement officials within the state of South Carolina only.

