

So, what's this “Special Standards of Responsibility” clause all about and when do I use it?

By Randy Barr, Sr., CPPO

Special Standards of Responsibility - This clause falls under the State's Qualifications clauses but is optional as to whether you include it in your solicitation. So, then the questions would be: What is it? When do I use it? Why would I NOT use it?

What Is It

Section V of a solicitation for the State is the area referencing Contractor Qualifications. This section establishes qualifications of offerors, information that is required to evaluate responsibility, and any special standards of responsibility that an offeror must possess to be considered responsible. Unless an Offeror possesses the noted mandatory minimum qualifications, they should not submit an offer. When you create mandatory minimum qualification requirements, you are establishing “**Special Standards of Responsibility.**” Offerors who do not have the required qualifications **MUST** be deemed non-responsible.

When and How Do I Determine the Minimum Qualifications?

The Code has given us clear guidance on how the minimum qualifications list is determined. Regulation 19-445. 2125 (f) states;

“When it is necessary for a particular acquisition or class of acquisitions, the procurement officer may develop, with the assistance of appropriate specialists, special standards of responsibility. Special Standards may be particularly desirable when experience has demonstrated that unusual expertise or specialized facilities are needed for adequate contract performance. The special standards shall be set forth in the solicitation (and so identified) and shall apply to all offerors. A valid special standard of responsibility must be specific, objective and mandatory.”

So, the minimum qualifications list does not come from our likes and dislikes, but from a bona fide list of requirements that are necessary for this contract to be successful and to help ensure adequate contract performance.

Examples of a Special Standards of Responsibility

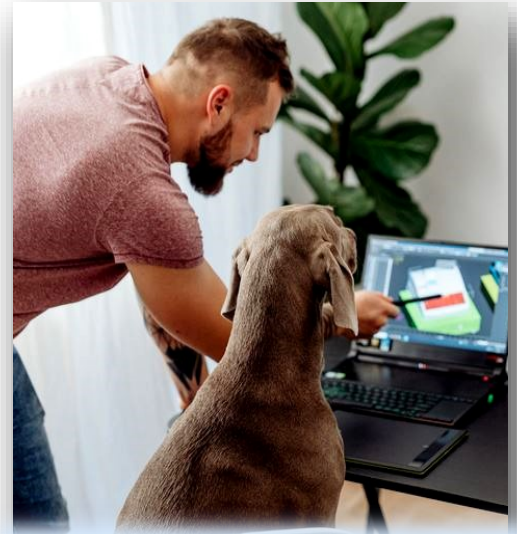
The following are examples of the **QUALIFICATIONS – SPECIAL STANDARDS OF RESPONSIBILITY (MAR 2015) clause # 5010-2**

Example 1. STC Check Point Products and Services:

This section establishes special standards of responsibility. UNLESS YOU POSSESS THE FOLLOWING MANDATORY MINIMUM QUALIFICATIONS, DO NOT SUBMIT AN OFFER:

Offeror must be a Star 2 or higher certified partner of Check Point Software Technologies and have at least one (1) certified Check Point Engineer on staff for the duration of the contract.

Note regarding this “Special Standard”: In this case we want to make sure the offeror has a standing and good relationship with the Manufacturer and has a track record of sales with the Manufacturer. Having a Check Point Engineer is necessary to be able to recommend the correct products and services for an Agency IT configuration.



Offerors who don't have the required qualifications must be deemed *non-responsible*.

Example 2. Orientation & Mobility Services for South Carolina Commission for the Blind (SCCB):

- (a) This section establishes special standards of responsibility. **UNLESS YOU POSSESS THE FOLLOWING MANDATORY MINIMUM QUALIFICATIONS, DO NOT SUBMIT AN OFFER:**

Certification by the Academy for Certification of Vision Rehabilitation and Education Professionals (ACVREP), or National Orientation and Mobility Certification (NOMC) and one year of full-time experience teaching O&M skills to the blind and visually impaired for an entity that Vocational Rehabilitation recognizes, such as a rehabilitation center, Community Rehabilitation Provider, a Veterans Administration hospital, or an educational setting.

The Offeror and Offeror's subcontractors must not appear on the Child Abuse and Neglect Central Registry and their SLED background checks must show they have not been convicted of, or pled guilty to, or nolo contendere to, a felony or a crime involving drugs or moral turpitude.

Note regarding this "Special Standard": In this case, the minimum qualifications ensure that the offeror can perform the special task of working with the blind and has the required skills and certifications to perform. Additionally, they will be in the presence of children and we want to make sure that the background check has certain stipulations.

The second part of clause # 5010-2 QUALIFICATIONS – SPECIAL STANDARDS OF RESPONSIBILITY addresses required information that is needed to conduct a proper evaluation of Special Standards:

(b) Provide a detailed, narrative statement with adequate information to establish that you meet all the requirements stated in subparagraph (a) above. Include all appropriate documentation. If you intend for us to consider the qualifications of your key personnel, predecessor business(es), or subcontractor(s), explain the relationship between you and such person or entity.

Note regarding part (b) of the clause: If you receive an offer and it does not provide a detailed narrative statement of the information requested, it is considered a minor informality. We can afford them the opportunity to provide the required information, before the intent to award date. If information is not received prior to that, they will be deemed non-responsible.

Why Would I Not Use It

Remember this is an optional clause and should not be used if it is not necessary. Why? I am glad that you asked... The imposition of special standards limits competition.

Section 11-35-2730 of the SC Consolidated Procurement Code states:

All specifications shall be drafted as so to assure cost effective procurement of the state's needs and shall not be unduly restrictive.

As a Procurement Manager and the State's representative, you need to be sure it is necessary before utilizing the special standards of responsibility clause. If it is done unnecessarily, it limits competition and can drive up the cost of the product or services being offered to the State. As State Agents, we are mindful of this and want to be good stewards of the State's funds. Always be prepared to defend why your minimum qualifications are necessary if you choose to use them.





Statewide Contract News

SPECIAL NOTICE



STC Deliverable-based IT Consulting & Professional Services -- We anticipate publishing a new statewide solicitation for deliverable-based IT consulting and professional services in early October. The intent is that the contracts awarded pursuant to this solicitation will eventually replace the contracts awarded pursuant to STC Third Party Consulting (Solicitation 5400015645).

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.

Emergency Restoration Services – Don't miss your chance to contribute to the formation of a new state term contract that could greatly benefit your entity during/after an emergency. Services could include fire damage restoration, water damage remediation, mold remediation, associated equipment rental, and specialty services. If you currently have this type of agreement in place, we'd love to see your scopes of works/contracts. If you anticipate a need/use of this type of agreement, we'd love to hear what you would like included. Please contact Ellicia Howard at ehoward@mmo.sc.gov with your contact information and any supporting documents you might have.

Telematics (Fleet Monitoring) – Will Butler (wbutler@mmo.sc.gov) is requesting fleet-size data from all potential users of the upcoming STC for aftermarket telematics solutions for vehicles, "yellow iron" powered assets, and non-powered assets. Please include specific information about your fleet if available, such as breakdowns by vehicle type and what proportion is leased/owned. Please email Will Butler with information about your fleet management needs as quickly as possible.

Propane – Our beloved Michael Speakmon requests sample solicitations and contracts if your entity currently has propane contracts in place. We're exploring whether the need is great enough (and the market stable enough) to consider this as a new STC. Let us know how you currently procure this resource and if this would be a helpful STC for your entity. (mspeakmon@mmo.sc.gov)

Procurement Professionals, please reach out to your Information Technology Department with the following market research requests:

CradlePoint – Randy Barr (rbarr@mmo.sc.gov) remains in the market research phase of creating a new STC for "Cradlepoint." If you currently use Cradlepoint devices, or anticipate that you will in the coming months, please email Randy Barr with details. We'd also like to have copies of your specifications and any supporting details you have to best formulate a STC that will meet everyone's needs.

VM Ware -- Randy Barr (rbarr@mmo.sc.gov) remains in the market research phase of creating a new STC for "VM Ware" based on potential end-user need. Please email Randy with information on any VM Ware usage you currently have or anticipated usage going forward.

Varonis -- Randy Barr (rbarr@mmo.sc.gov) remains in the market research phase of creating a new STC for "Varonis" based on end-user feedback. Please email Randy Barr with input, if you're a current user or would like to see this as a new STC. Your feedback and involvement are key to a successful contract.

As with all requests, we would appreciate specifications, usage data, lessons learned through existing contracts, and any other information your IT Professionals or End Users could share when we are conducting market research.

Market Research and Agency Input Requests for existing State Term Contracts

Procurement Professionals, please reach out to your **Information Technology Professionals** with the following market research requests



STC IT Temporary Staff Augmentation – Managed Services Provider (MSP)

(5400010842 with TAPFIN) -- The existing contract expires July 31, 2022. If you have any input, questions or concerns regarding how the existing contract is structured or functioning, the Beeline tool, policies and procedures, or processes, please contact Carol Norfleet at cnorfleet@mmo.sc.gov by November 1, 2021.

STC IT Temporary Staff Augmentation – Supplier Contracts (5400008056) -- The existing contract is in force until August 8, 2022 or until new contracts are positioned. If you have any input, questions, or concerns regarding how the existing contract is structured, please contact Carol Norfleet at cnorfleet@mmo.sc.gov by December 1, 2021.

STC Citrix Software (5400012348) -- The existing contract expires April 7, 2022. If you have any input, questions, or concerns regarding how the existing contract is structured or functioning, please contact Kristen Hutto at khutto@mmo.sc.gov by October 4, 2021. OSP is considering combining this contract with the Citrix Netscaler contract. If you see any reason why this would not be successful, please reach out to Kristen ASAP.

STC One Card Identification Solution (5400021922) -- The existing contracts expire July 5, 2022. We are re-soliciting as a solutions-based RFP and plan to incorporate **mobile credentials** as an option. We need user input on any necessary minimum functionality. If you have any input, questions, or concerns regarding how the new contracts will function and be structured, please contact Kristen Hutto at khutto@mmo.sc.gov by October 15, 2021.

STC HPE Networking Hardware & Services (5400012590) -- The existing contracts expire June 30, 2022 and we're in the throes of market research for the new solicitation. If you have any input, questions, or concerns regarding how the new solicitation (and its resulting contracts) should be structured or improved, please contact Kristen Hutto at khutto@mmo.sc.gov by October 30, 2021.

STC Palo Alto Networks Products & Services (5400013452) -- The existing contracts expire June 30, 2022 and we're also in the thick of the market research for the new solicitation. If you have any input, please contact Kristen Hutto at khutto@mmo.sc.gov by October 30, 2021.

Information Security and Privacy Services (Expires 04/21/2022) – This office still needs your input on the current “ISPS” contracts, including and what you'd like to see in the new contracts. Is there a service you need that does not fall under one of the 7 lots below? Let us know, especially if you're part of a local government entity or a political subdivision!

The ISPS services provided under this contract portfolio are currently divided into 7 Lots:

Lot 1 – Security Monitoring Analytics	Lot 2 – Security Incident Response Management
Lot 3 – Security Infrastructure Support	Lot 4 – Distributed Denial of Service
Lot 5 – Security Assessments and Other Consulting	Lot 6 – Application Security Assessment and Remediation
Lot 7 – Privacy Support Services	

If you have any input, questions, or concerns regarding how the existing contract is structured or functioning, or the services delivered under this contract (in general or for a particular ISPS contractor), please contact Will Butler at wbutler@mmo.sc.gov.

Storage / SAN Products – Dell/EMC (Expires 06/30/22) – Will Butler (wbutler@mmo.sc.gov) is conducting market research into these products including, but not limited to, storage hardware, software, and related services. If you have any input regarding the current contracts or these products, please contact Will as soon as possible.

Storage / SAN Products – NetApp (Expires 06/30/22) – Will Butler (wbutler@mmo.sc.gov) is conducting market research into these products including, but not limited to, storage hardware, software, and related services. If you have any input regarding the current contracts or these products, please contact Will as soon as possible.

Storage / SAN Products – Hitachi (Expires 9/22/22) – Will Butler (wbutler@mmo.sc.gov) is conducting market research into these products including, but not limited to, storage hardware, software, and related services. If you have any input regarding the current contracts or these products, please contact Will as soon as possible.

Interview Room / In-Car (Local Storage Only) / In-Bus Digital Video Recording Systems (Expires 06/11/22) – With the current contracts scheduled to expire June 11, 2022, this office continues to conduct market research. **We're especially interested in gauging the ongoing need for video recording systems which utilize on-premise premise local storage (e.g. hard drives) as opposed to cloud-based storage.** Please email Will Butler at wbutler@mmo.sc.gov with any input.

EMC Products (Expires 06/30/22) – Will Butler (wbutler@mmo.sc.gov) continues market research into these products including, but not limited to, storage hardware, software, and related services. If you have any input regarding the current contracts or these products, please contact Will as soon as possible.

NetApp Products (Expires 06/30/22) – Will Butler (wbutler@mmo.sc.gov) continues market research into these products including but not limited to storage hardware, software, and related services. If you have any input regarding the current contracts or these products, please contact Will as soon as possible.

Existing Goods & Services STCs that need your input

Traffic Signal Controllers (Expires 4/4/2022) – Portia Davis (pdavis@mmo.sc.gov) continues her research into the next iteration of this contract. DOT creates and monitors the specifications for this contract so if you have any input concerning the specifications, please let Portia know so she can contact DOT and provide them with your input.



Industrial Gases – Cylinder Exchange (Expires 4/30/2022) – DeAna Reed -Sharpe (drsharp@mmo.sc.gov) is launching research into the next version of this contract too. The contract seems to be working well as currently constructed and we seem to have a good list of gasses that are specifically priced. We also have other gasses available at a discount. Are there some gasses that are being used on a regular basis that we can add? Are there gasses that are somehow not covered by the contract that we need to look at? It isn't a lot of hot air to say we care. Please contact DeAna ASAP.

LIDAR and RADAR (Expires 5/24/2022) – Portia Davis (pdavis@mmo.sc.gov) is responsible for this contract. The Department of Public Safety is responsible for producing the qualified products list. If your local law enforcement agency wants a specific product included, they need to reach out to their counterparts at the Department of Public Safety to have those products tested and approved.

E10 Ethanol Blended Gasoline (Expires 7/10/2022) – Ellicia Howard (ehoward@mmo.sc.gov) is beginning her analysis into the next iteration of this contract and would appreciate any input that your organization may have.

Meals, Ready-to-Eat – Emergency Supplies (Expires 7/29/2022) – Portia Davis (pdavis@mmo.sc.gov) is beginning to develop the business case for continued contracting for MREs. While it's pretty much a no-brainer that we'll continue providing these, now is the time to share your thoughts on the quality of MREs on contract and offer ideas for improvements.

State Term Contracts that will NOT be renewed or resolicited

Nothing new to report

Currently Published Solicitations

STC Cisco Hardware and Software Products and Services -- We published a Fixed Price Bid solicitation (Enter **5400021841** at [SC Contract Search](#)) for Cisco Hardware and Software Products and Services. Amendment 1 was published September 17 and the deadline for submission was September 29. Significant in the Amendment: a lot was added for Design, Integration and Installation (DII) hourly rates and clarification added for warranty coverages. Please contact Carol Norfleet at cnorfleet@mmo.sc.gov if you have any questions about the solicitation or Amendment 1.

STC Digital Fingerprinting Services & SLED Concealed Weapon Permit System (5400021691) -- This solicitation was published on September 10, 2021 with an opening date of October 14, 2021. We anticipate an award date of November 23, 2021. If you have any questions or concerns, please contact Kristen Hutto at khutto@mmo.sc.gov.

STC Barracuda (5400021840) -- This solicitation was published on August 9, 2021 with bid opening on September 15, 2021. This is currently in the evaluation stage and we anticipate an award date of early October 2021. If you have any questions or concerns, please contact Randy Barr, Sr. at rbarr@mmo.sc.gov.

STC Print Management Program (5400019474) -- This solicitation was published on July 29, 2021 with bid opening on October 20, 2021. We anticipate an award date of late December/early January 2022. If you have any questions or concerns, please contact Randy Barr, Sr. at rbarr@mmo.sc.gov.

Digital Government Services (Formerly: Self-Funded Web Portal) -- Solicitation **5400021069** is in the evaluation phase with an award date tentatively scheduled for December 2021. This will allow a six-month period for transitioning as appropriate.

For details on this State Term Contract, please visit SFAA's Procurement Services Web Portal webpage, <https://procurement.sc.gov/files/contracts/Web%20Portal%20Update%20020421.pdf>. Additional updates will be provided as necessary. If you have any questions or concerns, please contact Kimber Craig, at kcraig@mmo.sc.gov.

Paper Towels, Toilet Paper, Dispensers (5400021900) – DeAna Reed-Sharpe (drsharpe@mmo.sc.gov) posted the new solicitation on August 18, 2021. The pre-bid was held August 30, 2021, and the bid opening is scheduled for October 20, 2021. A link to the solicitation document is [here](#).

Household Appliances (5400021924) – Portia Davis (pdavis@mmo.sc.gov) published the third attempt to solicit for these products August 23, 2021. The pre-bid meeting is scheduled for September 8, 2021, and the bid opening is scheduled for October 6, 2021. The new solicitation document **5400021924** can be reviewed [here](#).

Vehicles – The Goods & Services Team published the annual solicitations for vehicles on August 19, 2021. The bid opening date is scheduled for October 1, 2021. A link for each solicitation is below:

Sedans & Crossovers [5400021884](#) **Law Enforcement** [5400021790](#)

Vans [5400021805](#)

Pickups

[5400021774](#)

SUVs [5400021749](#)

Cab & Chassis [5400021775](#)

Truck Bodies [5400021785](#)

Newly Awarded State Term Contracts (STCs)

STC Recovery Audit Services (5400021878) -- The award date for this solicitation was September 28, 2021. However, new contracts will begin on October 24, 2021, the day after expiration of the existing contracts. If you have any questions or concerns, please contact Kristen Hutto at khutto@mmo.sc.gov.

PLEASE NOTE: State agencies are required to participate in the recovery audit program required by annual proviso (2021/2022 Proviso 117.85). Recovery audits apply only to payments made more than one hundred eighty days prior to the date the audit is initiated and cover at least three complete fiscal years. Not all state agencies are on the same three-year cycle, however, many state agencies completed a recovery audit in 2019 for fiscal years 2016 through 2018 (i.e., July 1, 2015 through June 30, 2018). Therefore, those state agencies should be gearing up to engage a recovery audit firm to complete recovery audits for fiscal years 2019 through 2021 (i.e., July 1, 2018 through June 30, 2021) in 2022. Every state agency is responsible for maintaining their compliance with the proviso requirements so verify the date of your agency's last completed recovery audit and take action as appropriate.

STC Check Point Products and Services (5400021588) – Will Butler published the awards for Check Point Products and Services on August 31. The new contracts are now in effect. Please contact Will (wbutler@mmo.sc.gov) with any questions.

Purchase Card Program (Pcard) (5400020074) -- This contract was awarded August 30 with the contract term beginning October 1, 2021 through September 31, 2028. Information regarding the solicitation can be accessed [here](#) and the contract page will be updated on October 1. Bank of America remains the supplier for the P-Card program.

Microscopes (5400021700) – At the time of writing, Portia Davis (pdavis@mmo.sc.gov) is in the evaluation phase for this solicitation but will publish the Intent to Award on September 29, 2021.

Awarded Contracts

ADA Buses (5400021385) – Portia Davis (pdavis@mmo.sc.gov) is expected to make an award on October 19.

Currently Advertised Cooperative Contracts

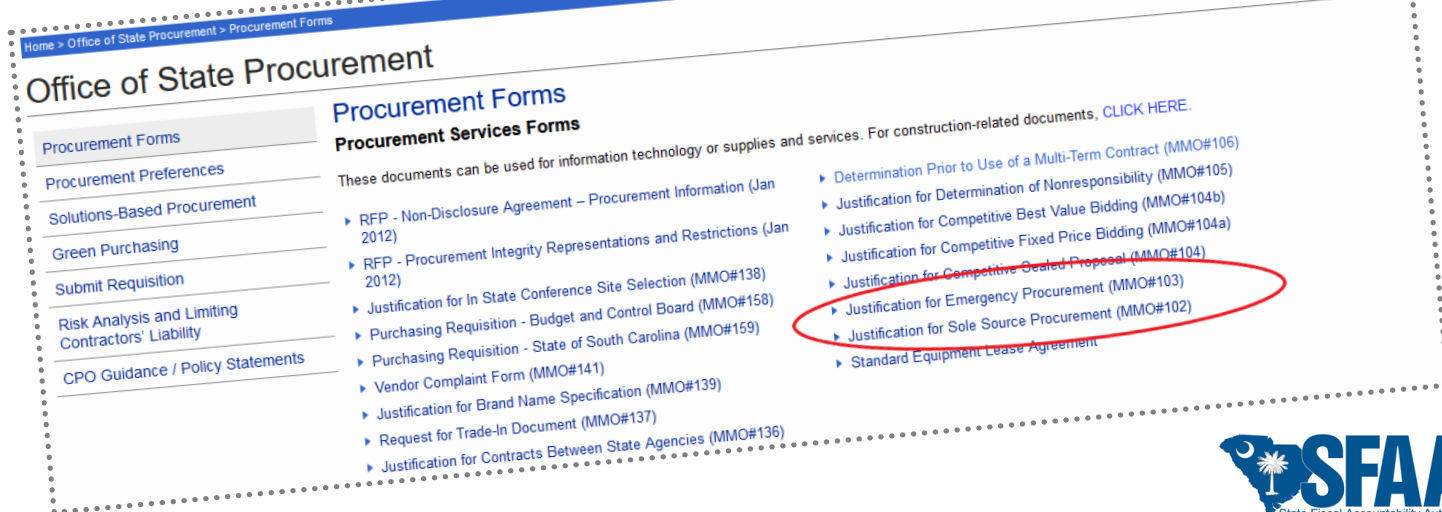
PCs, Servers, Storage, Peripherals – Our office has extended our current Participating Addenda for the NASPO Value-Point Computer Equipment portfolio in alignment with the Master Agreements, which have been extended through July 31, 2022. If you have any questions or concerns, please contact Will Butler at wbutler@mmo.sc.gov.

Mailing Equipment, Supplies, and Maintenance -- Our office has posted an Intent to Participate in the upcoming NASPO Mailing Equipment, Supplies and Maintenance Solicitation. If you have any questions or concerns, please contact Carol Norfleet at cnorfleet@mmo.sc.gov.



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Office of State Procurement

Procurement Forms

Procurement Services Forms

These documents can be used for information technology or supplies and services. For construction-related documents, [CLICK HERE](#).

- ▶ RFP - Non-Disclosure Agreement – Procurement Information (Jan 2012)
- ▶ RFP - Procurement Integrity Representations and Restrictions (Jan 2012)
- ▶ Justification for In State Conference Site Selection (MMO#138)
- ▶ Purchasing Requisition - Budget and Control Board (MMO#158)
- ▶ Purchasing Requisition - State of South Carolina (MMO#159)
- ▶ Vendor Complaint Form (MMO#141)
- ▶ Justification for Brand Name Specification (MMO#139)
- ▶ Request for Trade-In Document (MMO#137)
- ▶ Justification for Contracts Between State Agencies (MMO#136)
- ▶ Determination Prior to Use of a Multi-Term Contract (MMO#106)
- ▶ Justification for Determination of Nonresponsibility (MMO#105)
- ▶ Justification for Competitive Best Value Bidding (MMO#104b)
- ▶ Justification for Competitive Fixed Price Bidding (MMO#104a)
- ▶ Justification for Competitive Sealed Proposal (MMO#104)
- ▶ Justification for Emergency Procurement (MMO#103)
- ▶ Justification for Sole Source Procurement (MMO#102)
- ▶ Standard Equipment Lease Agreement