



New Classes for South Carolina's TITANS OF PURCHASING



The Division of Procurement Services will hold four classes in March at their headquarters, 1201 Main St. Ste. 600, Columbia. Come join the growing force of SC's purchasing titans:

The two-day [Contract Administration](#) course will be held Tuesday and Wednesday March 5-6 from 9:00 a.m. – 4:30 p.m. each day. The class fee is \$120. Registration can be found [here](#).

The two-day [SC RFP Process course](#) will be held Tuesday and Wednesday March 19-20 from 9:00 a.m. – 4:30 p.m. each day. The class fee is \$120. Registration can be found [here](#).

The one-day [Business Practices and Source Selection Methods](#) course will be held Wednesday March 27 from 9 a.m. – 4:30 p.m.. The class fee is \$60. Registration can be found [here](#).

The one-day [Introduction to the SC Procurement Code](#) course will be held Thursday March 28 from 9:00 a.m. – 4:30 p.m.. The class fee is \$60. Registration can be found [here](#).

Registration is limited and the courses are expected to fill quickly. Please register today.

➡ DPS Roadshow Update: REGISTRATION IS CLOSING

With just TWO FREE SESSIONS LEFT, the South Carolina Division of Procurement Services will again be on the road early in 2019 for presentations and general Q & A sessions.

Who is our audience?

Procurement and facilities/engineering professionals with State agencies, higher education Institutions, school districts, municipalities, counties, and other governmental entities.

What will be covered?

- Who we are / What we do / How we can better serve YOU

Where and When?

- **Greenville** – Thursday, March 14, 9:00 a.m. to 12:00 p.m., CU-ICAR Campus, 5 Research Drive, AT&T Auditorium, Greenville, South Carolina 29607
- **Florence** – Tuesday, April 02, 2019, 9:00 a.m. to 12:00 p.m., Florence Darlington Technical College, Southeastern Institute of Manufacturing and Technology (SiMT), 1951 Pisgah Road, Florence, South Carolina, 29501

How do I sign up and how much is it?

Select your date above and register [HERE](#). **The events are free to participants.**

Can I submit questions?

Yes, we encourage questions in advance to facilitate the event. Please send to dps@sfaa.sc.gov. Please sign up as soon as possible to ensure your place. If you have any questions, please submit them to dps@sfaa.sc.gov and we look forward to seeing you at one of the events!





Updated State Term Contract Sheets – We have experienced some personnel changes in the last year, and many of our State Term contracts have changed ownership based on those personnel changes. All of our State Term contract sheets, both Goods & Services and IT, have been updated on our website to reflect the proper Procurement Manager. Please direct all questions to the relevant Procurement Manager for each contract using the updated contact information on the contract sheets.

Travel Management Services – The State is currently negotiating a Participating Addendum (PA) for the NASPO Travel Management Services contract. The purpose of this contract is to permit users to make airline, hotel and rental car arrangements through one contractor. The scope of the contract does not include an all-inclusive travel management program, just the use of the contractor for travel services. This will be a non-mandatory contract.

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.

Duo - We are in the process of conducting market research and evaluation of establishing a state wide for the Security Software called Duo. We have had several inquiries across multiple agencies. Please contact Randy Barr, Sr., rbarr@mmo.sc.gov or 803-896-5232 if

you would like to discuss this or let us know whether you are also using this software. Market research is being conducted for sixty days. **Please share all information, interest, or concerns you may have by March 22nd**, so that an informed decision can be made on whether to move forward or not. Thank you for your help!

Mobile Device Protection – The OSP is currently conducting market research to establish a new STC in response to Proviso 117.148 for Mobile Device Protection that would provide for protecting mobile devices, including but not limited to, cellular phones, tablets, laptops and chrome books. If you have input or questions please contact the Procurement Manager, Randy Barr, Sr., at rbarr@mmo.sc.gov or 803-896-5232 with any questions or concerns. Market research is being conducted for sixty days. **Please share all information or concerns you may have by March 22nd**, so that an informed decision can be made on how to move forward. Thank you for your help!

Mass Notification Services – The OSP is currently conducting market research to determine if there is enough need to establish a new State Term Contract for Mass Notification Software. Please let us know if you are currently utilizing this type of service/software, and if so, who your provider is, cost, functionality and etc. If you are not currently a user, are you interested in such a product/service? What functionality would you require? Please submit your information, concerns or questions to Randy Barr, Sr., at rbarr@mmo.sc.gov or 803-896-5232. Market research is being conducted for sixty days. **Please share all information or concerns you may have by March 22nd**, so that an informed decision can be made on whether to move forward or not. Thank you for your help!

Proofpoint Software - We are looking at establishing a new STC for Proofpoint software which is an email protection system that provides encryption and threat detection. 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. Market research is being conducted for sixty days. **Please share all information or concerns you may have by March 22nd**, Thank you for your help!

(Continued on next page.)

Interagency Mail Services (IMS) (Courier Services) – Michael Speakmon (mspeakmon@mmo.sc.gov) is preparing the scope of work for this solicitation with the intent to publish a Request for Information (RFI) and/or an RFP **before the end of February 2019**. If you are interested in potentially participating in this contract, please reach out to Michael so we can make an informed decision on how best to move forward. Thank you for your feedback!

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

Industrial Gases – The new solicitation was issued on 2/11/2019. Opening expected to occur on 3/27/2019 and award on 4/3/2019. Please express any questions or concerns to Rob Malpass at remalpass@mmo.sc.gov.

Currently Published Solicitations:

Safenet Two – Factor - Office of State Procurement (OSP) has resolicited the Safenet Two-Factor Authentication Software. Any questions or concerns please contact Will Butler at wbutler@mmo.sc.gov 803-737-9854.

CyberArk Software – Privileged User Management Software – OSP has published the solicitation for CyberArk Software. Any questions or concerns please contact Kristen Hutto at khutto@mmo.sc.gov or 803-737-7685.

Newly Awarded State Term Contracts (STC):

Web Conferencing Services. – Contracts have been awarded and will be effective February 19, 2019. Please contact Randy Barr, Sr., at rbarr@mmo.sc.gov or 803-896-5232 with any questions or concerns.

Electronic Transcripts Services – Contracts have been awarded and will be effective February 12, 2019. Please contact Randy Barr, Sr., at rbarr@mmo.sc.gov or 803-896-5232 with any questions or concerns.

Cross Cut Shredders – Contracts have been awarded and has been effective since February 4, 2019. Please contact Carol Norfleet at cnorfleet@mmo.sc.gov or 803-737-3224 with any questions or concerns.

Classroom Training – Contract has been awarded and was effective February 20, 2019. Please contact Carol Norfleet at cnorfleet@mmo.sc.gov or 803-737-3224 with any questions or concerns.

Automatic External Defibrillator (AED) & Accessories – The State now has completed their awards for AED & Accessories with contacts with Cardiac Science and Physio-Control. These are non-mandatory contracts and details can be found at [this link](#). Kelly Cobian can assist with any questions you may have regarding these contracts at kcobian@mmo.sc.gov or 803-737-5473.



What is



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.

Calibrations

News from the Office of the State Engineer

HOW DO WE PROCURE CONSTRUCTION-RELATED PROFESSIONAL SERVICES?

Construction-Related Professional Services are those related to Architectural, Engineering, Land Surveying and Construction Management-Agent services. These services are procured under Article 9 of the SC Consolidated Procurement Code, not Article 5.

Section 11-35-3220 of the Procurement Code outlines the Qualification-Based Selection Procedures for these procurements and Section 11-35-3230 explains the exemption for small professional services contracts that do not exceed \$25,000. OSE has expounded on all of these procedures in Chapter 4 of the OSE Manual for Planning and Execution of State Permanent Improvements, providing a detailed process (and forms) for agencies to use for each type of procurement.

If you have any questions about these services or these processes, please contact an OSE project manager and we will be happy to help you.



REQUESTING A SUBSTITUTION

During pre-bid conferences for construction projects, we remind the bidders of the important bidding requirements that are already contained in the Project Manual. We also review the scope of the project as shown in the plans and specifications. One of the items we review is the opportunity bidders have to review the plans and specifications and request a substitution of products, materials, or equipment. As allowed by Section 3.3 of the A701, SCOSE Edition, it is the responsibility of the bidder to provide all information necessary to prove to the A/E that the proposed substitution is "as good or better than" what is specified.

Requests for substitution are submitted to the A/E at least 10 days prior to the bid date. The A/E will review the documentation and include the approved substitutions in future addenda. Can anyone request a substitution? Since the A701 is not restrictive in assigning this duty to only prime bidders, any bidder (Prime, Sub, or Material Supplier) can request a substitution.



SAVE THE DATES! The Office of State Engineer will be hosting its State Facility Directors Conference at Hickory Knob State Park on October 16-18, 2019. The State Facilities Directors Conference has always been a great opportunity for the facility directors of State Government agencies to share information with each other and with the Office of State Engineer. We try to tailor the topics presented to the "real world" questions and concerns that occur at the state agency level. As you plan your attendance, please share with Margaret Jordan (803-737-0773) or Phil Gerald (803-737-3222) the topics that you would like to have presented at the conference. October is a busy month at Hickory Knob, so call them and get your reservations in early. (Note: This conference is limited to employees of SC State Government agencies only.)



Using the Temporary Personnel Services State Term Contract

We get several questions throughout the year concerning this contract so we are presenting this FAQ format to respond to the questions we receive most frequently. Note: Much of this information can be found on the associated contract sheet using [this link](#).

The purpose of the Temporary Personnel Services contract is to provide Using Governmental Units (UGUs) an easy method, within the Code, to procure qualified people to fill specific positions of a TEMPORARY nature, and not to circumvent the typical hiring processes of any agency, or to use the contractors as “talent agencies” to search for qualified candidates for permanent positions. The types and number of positions on the contract are well defined and very limited, as this is not meant to be an “all-inclusive personnel services” solution for any UGU. Just because a vendor is “on contract” does not mean that the contractor can provide services for ANY position the UGU may have, only the positions specifically listed on the contract. Any positions not already defined in the contract must be procured in accordance with the Procurement Code.

How much do I have to pay for each position? Each position under contract has an established hourly rate that is the MINIMUM that must be paid to each temporary employee. Agencies may choose to pay more than this amount if they wish, and they will negotiate that with the contractor. Each vendor has a Blue Collar and/or White Collar markup that may be applied to each position to cover the costs of that position. The markup is expressed as a percentage of the hourly rate for that position. For example, if the hourly rate is \$10, and the markup is 45%, the agency will pay a total of \$14.50 per hour in total costs for that position.

Will we need to sign any additional documents with terms and conditions to use any of the contracts? No, UGUs will NOT be required to sign any additional documents for use of the services provided by any contract. Contractors may provide additional documentation providing details of the contract, but those documents may not impose terms and conditions not already in the contract.

The contractor I want to use does not have an award for my county, can I use them anyway? No. Contracts are evaluated and awarded based on the offers received in response to the solicitation. If your preferred vendor is not on contract in your county, you must use a vendor who is on contract. However, you can always refer the vendor to our office to discuss how they could potentially be placed on contract for that county.

An awarded contractor in my county does not have the position available that I need. Can I go off contract? That depends. Each county has multiple vendors awarded so this issue rarely comes up. However, should a situation

arise where all of the awarded vendors in one county cannot provide a position that is approved on contract, the UGU may go off contract and procure the position they need in accordance with the Procurement Code.

The position I need is not on contract, but the contractor in my county can fill the position. Can I go ahead and use that vendor under the contract? No. Contracted vendors may only provide the positions identified on the contract under the terms of the contract. Any position required that is not on contract must be procured in accordance with the Procurement Code.

Why aren't there more positions on the contract? The State cannot anticipate every need, of every agency, under every circumstance. The positions on contract are enough to fulfill most agencies' temporary needs. Positions requiring a very detailed job description, certification(s) or that require a great deal of supervision and oversight are outside the intent and scope of this contract.

We are very happy with our temporary worker and want to hire them as a permanent employee. Is that possible? Most likely, yes. There are provisions in the contract for permanently hiring personnel working under the contract. Refer to the “General Instructions” portion of the contract sheet for detailed information on permanently hiring temporary personnel.

When I'm processing my temporary employee's timecard, the contractor's timecard system makes me click on something to accept their terms and conditions. Isn't that contrary to what the contract says about accepting additional terms and conditions? Yes, but it's OK to do it anyway. The contract permits the contractor to use an electronic timecard system as part of the contract. Most contractors use a third party system that has standard terms and conditions based on the contract the contractor has with the third party vendor. It's not always possible to change what appears on the contractor's screen when you submit the timecard, so it is most likely standard language that appears on every timecard for that contractor.

The bottom line is, that by clicking that you agree to those terms and conditions when submitting the timecards, you are not affecting any terms and conditions of the State's contract, so in this instance, it is permissible to do so. Please refer to the “Contract Documents & Order of Precedence” clause in Section VIIA of the contract for details concerning this topic.

DeAna Reed-Sharpe can assist with any additional questions you may have regarding these contracts by contacting her at drsharpe@mno.sc.gov or 803-896-6389.



THREE'S COMPANY

Understanding DPS' Third Party Consulting Contracts

When the Office of State Procurement re-solicited the Third Party Consulting statewide contracts, we made some pretty significant changes to maximize competition, streamline the selection process, and ultimately better meet an agency's needs. As in the past, these contracts allow an agency to gain insight from consulting firms across a range of issues related to operational, financial, and knowledge management. By taking advantage of these firms' specialized knowledge and experience, an agency can accept the recommendation that would improve performance, reduce operational costs, and enhance the quality and effectiveness of that agency's programs and services.

As a Fixed Price Bid contract, there are many approved vendors available from which an agency will complete a required secondary tier of competition. This is referred to as the Job Order process and will be conducted prior to issuing a purchase order for performance under these contracts.

In the solicitation, Ceiling Hourly Rates were established for Personnel Categories. Each approved vendor was required to meet or beat the Ceiling Hourly Rates in their bid. The Personnel Categories have:

- associated education and/or experience requirements,
- bodies of knowledge related to their corresponding Consulting & Assessment Categories with which they should be familiar,
- and specific types of tasks that they must be able to perform.

In this article, a "resource" refers to a particular Personnel Category within a designated Consulting & Assessment Category.

Instead of an agency trying to identify the type and number of resources to adequately meet its consulting needs, the Job Order process will be used to have the contractors propose their best solution. Stated differently, the solution is essentially each vendor's proposed approach to provide the agency's desired consulting services. It will include their strategic mix of the type and number of proposed resources, factoring in the number of hours required of each resource to complete the identified tasks, and the overall effect on total price, quality, and desired performance timeframe.

To start the Job Order process, an agency will draft a **Scope of Work** (SOW) for the desired consulting and assessment services and attach it to the completed **Job Order Request** (JOR) form. The agency is required to send the JOR to **at least two vendors on contract**, but is encouraged to send to as many as practicable to maximize competition. These vendors will respond with **Job Order Quotes** (JOQ) that include a solution as described above and resumes of the proposed resources. Absent the necessity for other evaluation considerations, the vendor with the lowest priced JOQ should be issued the Job Order. A written justification is required if an agency finds it necessary to consider other factors in the evaluation of the JOQ and selects a vendor other than the one who provided the lowest priced JOQ. Once an agency has selected the most advantageous JOQ, they will fill out and submit the **Job Order form** with all applicable documentation to the assigned SFAA Procurement Officer for approval. **The JO form and all exhibits must be signed by all three parties and attached to the purchase order.**

A list of the current approved vendors with their contact information, awarded Consulting & Assessment Categories, and offered hourly rates can be found on the [Third Party Consulting](#) statewide contract page. More details about the contracts can also be accessed [here](#). Kristen Hutto can further assist as necessary by contacting her at khutto@mmo.sc.gov.