Monthly Journal of the Division of Procurement Services October 2018





### **DPS is Hiring!**

- ⇒ Procurement Manager II Statewide Contracts Information Technology Team
- ⇒ Procurement Manager II Statewide Contracts Goods & Services Team
- $\Rightarrow$  Procurement Manager II

Agency Sourcing Team

⇒ Procurement Manager II / Team Lead

Agency Sourcing Team

### **Click here for details**

### DPS, OSE STAFF ANSWER THE CALL — WORK 'ROUND-THE-CLOCK THROUGH HURRICANE FLORENCE

It started with an e-mail. On August 30, 2018, the South Carolina Emergency Management Division sent the following routine e-mail to EMD Staff, the State Emergency Response Teams (SERT), and County Directors:

#### "Good morning,

SCEMD's Assessment: Potential Tropical Cyclone 6 is not expected to impact South Carolina at this time, but SCEMD will continue to monitor the forecast. Additional updates will be sent out if the forecast changes. To follow Potential Tropical Cyclone 6, please visit the National Hurricane Center website"

A storm was potentially developing off the coast of Africa and staff at the PSD began preparations for possible activation of the State Emergency Operations Center (SEOC). During an emergency event, OSE supports ESF-3 – Public Works & Engineering (OSE) and Procurement Services supports ESF-7 – Finance & Administration.

By September 5, Potential Tropical Cyclone 6 had developed into Category 4 Hurricane Florence. The State Emergency Operations Center (SEOC) began 24 hour operations on September 9. You may have spotted one of our staff working in the background at the SEOC during media coverage of Hurricane Florence. As of September 24, our staff has worked more than 700 hours at the SEOC in sup-

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#### Hurricane Florence Continued from page 1

port of the event.

By the time Hurricane Florence made landfall on September 14, Governor Henry McMaster had declared a state of emergency, ordered the evacuation of coastal South Carolina residents, and ordered school and state office closures in 26 counties.

During the emergency, DPS folks were hard at work helping South Carolina prepare and respond to Hurricane Florence. As of September 24, we worked more than 75 resource requests from across the state with a total cost in excess of \$18 million. Most purchases were related to damage control, sheltering/support operations, and search/rescue operations. Our largest purchases were sandbags (more than 1,000,000 – yes that's a million), bottled water (60 truckloads), and MREs (45 truckloads). Other purchases included glow sticks used in nighttime search & rescue operations, FEMA marking stickers, radio batteries, transportation management services, gravel, sand, portable toilets, interpreter services for press conferences, landfill dumping of storm debris, and decontamination supplies.

It still isn't over since operations are continuing as South Carolina experiences major flooding in the Pee Dee region due to record amounts of rainfall across North and South Carolina. Our staff will continue to work shifts at the SEOC until the emergency has passed.

And, it all started with an e-mail.

# Get the FAQs! — Frequently asked Questions About Statewide Contracts

#### What is the "ten percent" rule?

For "governmental bodies" covered by the Consolidated Procurement Code, use of term contracts is mandatory—with one exception. If an agency finds another vendor willing to sell the same supplies, services or information technology at a price that is at least 10% less than the contract price and under the same terms, the agency "may purchase from the vendor offering the lower price after first offering the vendor holding the term contract the option to meet the lower price." If the term contract vendor meets the price, then the purchase must be made from the contract vendor otherwise, the product may be purchased from the non-contract vendor provided the transaction and the process is properly documented sufficient to satisfy the requirements of an external audit. See, S.C. Code Ann. § 11-35-310(35).

#### How does the "ten percent" rule apply to political subdivisions?

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The answer depends on each political subdivision's own rules. State law does not make the "ten percent" rule applicable to political subdivisions. While state law allows political subdivisions to use statewide contracts, a political subdivision could adopt rules that restrict or prohibit such participation. Likewise, state law does not provide for political subdivisions to use the "ten percent" rule, but a political subdivisions own rules could.

#### Can I make purchases for my personal use through my approved organization?

No, never. Individual people are not authorized to buy through state government.

#### Should I sign additional licensing, purchasing or other agreements at the time I buy or take delivery?

No. You are not obligated to nor should you agree to other or additional terms of acceptance of the product or service other than those terms which are expressly referenced in the statewide term contract. This applies to all types of goods, including computer software and copying machines. The state has already negotiated specific terms regarding warranties and use, particularly for most

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**Statewide** 

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### State Term Contracts – Goods & Services

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**Low Speed Electric Vehicles (LSV)** – Current Contract expired 9/22/18. We are not resoliciting this contract due to extremely low demand.

**Professional Tools & Diagnostic Equipment (formerly Hand & Power Tools)** – The State issued two participating addendums for the NASPO power tools contract; one with Snap-On and one with Northern Safety Company. Details pertaining to ordering from either vendor can be found on the Goods & Services portion of our website. These are non-mandatory contracts but our customers are encouraged to use them.

**Solicitation for Rock Salt** – DPS is scheduled to award a Statewide contract for Rock salt on 9/27/18. Check our website in early October for the contract sheet with details on the award and ordering instructions.

**Vehicles** – Current Contracts expire 10/31/2018. Solicitations have been issued and we anticipate awards being published in mid-October, with contact effective dates of November 1<sup>st</sup>. Check our website early afternoon on November 1<sup>st</sup> for updated contract sheets for the vehicles awarded.

**ADA Buses** – Current Contracts expire 10/31/2018. Rob Malpass is working on the re-solicitation. Please contact Rob at <u>remalpass@mo.sc.gov</u> for additional details.

**Backhoes & Loaders** – The current contracts expire 1/11/19, and Rob Malpass will be issuing a new solicitation very soon. Should you have any questions or input contact him at remalpass@mmo.sc.gov.

**Office Supplies** – Current Contract expires 9/16/19. Michael Speakmon is beginning work on the re-solicitation. Please contact Michael at <u>mspeakmon@mmo.sc.gov</u> with any suggestions, concerns, or feedback regarding this solicitation.

State Fiscal Accountability Authority PROCUREMENT

SERVICES

**MRO Supplies** – Current Contracts expire 4/30/19. Michael Speakmon is working on the re-solicitation and conducting research on how to make improvements to the next contract. If you have any input Michael would find useful, please contact him at <u>mspeakmon@mmo.sc.gov</u>.

**Industrial Gases** – Current Contract expires 4/30/19. Rob Malpass is working on the re-solicitation and conducting research on how to make improvements to the next contract. If you have any input Rob would find useful, please contact him at remalpass@mmo.sc.gov.

#### Furniture

**Office Furniture** – The Chief Procurement Officer (CPO) granted protests on two lots (1: filing, metal storage and wooden case goods and 2: seating) and DPS will resolicit for these two lots. The CPO denied protests on the remaining two lots. A vendor has appealed the denial of its protest on desks and tables. Pending final resolution and re-solicitation, bridging contracts are in place for Office Furniture.

**Educational Furniture** – The CPO's denial of a protest has been appealed to the Panel. In the interim, Procurement Services has extended contracts for Educational Furniture.

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sophisticated electronic products. You should agree to sign nothing other than a receipt for the delivery of the product—certainly not a "receipt" that provides additional terms or purports to amend the terms of the contract pursuant to which you are buying the supplies, services or information technology. Regarding commercial off-the-shelf software, statewide licensing agreements have already been established by the Information Technology Management Office for most software on a statewide term contract. A list of those statewide license agreements accompanies the listing for software statewide term contracts. Contact the contract vendor, software licensor, or responsible procurement officer for information on how a political subdivision can join in these licensing agreements. Individual entities are responsible for reviewing and approving software license agreements when purchasing software from manufacturers not on the list of manufacturers that have agreed to statewide license agreements.

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What is



A<sup>3</sup> 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, A<sup>3</sup> 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.

## Procurement Services Division Resources & Forms Online

- Certification Limits for Certified Agencies, Colleges & Universities
- Procurement Forms
- Procurement Card
- Procurement Preferences
- Solutions-Based Procurement
- Reporting
- Green Purchasing
- American Reinvestment and Recovery Act
- Agency Certification
- Illegal Immigration

### **Your Turn**

Let us know what the State Fiscal Accountability Authority's Division of Procurement Services can do for your agency. Questions about purchasing, the Procurement Code, or Construction? Write us by clicking on our









### News from the Office of the State Engineer

#### **Hurricane Florence Response**

During times of state emergency, the Office of State Engineer (OSE), along with South Carolina National Guard (SCNG), staffs the Emergency Support Function 3 (ESF-3) Utility Infrastructure located in the State Emergency Operations Center (SEOC). The goal of ESF-3 is to coordinate the response for critical life line sectors, such as communications, water & waste water, mass care, medical services and energy to the citizens of South Carolina and especially to those effected by the emergency.

Prior to Hurricane Florence's landfall in North Carolina in September, OSE was already working with SCNG and DHEC to forecast and prepare for the potential impacts the storm would bring to the life line sectors. Preparations for response and recovery are pre-planned during this important time. Critical resources can be put into place to help speed up the response and recovery time. This time is also used to forecast the most heavily impacted areas.

On Sunday morning, September 9, 2018, OSE personnel began staffing ESF-3 in the State Emergency Operation Center (SEOC) for the potential effects of Hurricane Florence. As Hurricane Florence drew closer to the North Carolina coast, OSE and SCNG began staffing ESF-3 on a 24-hours basis utilizing 12 hours shifts. This 24-hour staffing occurs just before, during and post incident. Staffing at all hours is critical to reacting to ever changing events.

The rain produced by Hurricane Florence provided record levels of flooding throughout the northeastern corner of our state. Flooding not only effected the homeowners and roadways, but dams, domestic water supplies, waste water systems, communications and electricity. Cleanup and recovery from the damages created by the storm will take months and in some locations years to complete. As of this writing, OSE and SCNG continue to staff ESF-3 during the day. Even though OSE personnel continue to staff ESF-3, agencies can email or call OSE for their construction procurement needs.

#### **On-time Payment**

An easy way to make someone mad is by not paying them the money they deserve in a timely manner for work they performed. SC Law §29-6-30 and Chapter 7.18 of the Manual require that a contractor be paid undisputed amounts within 21 calendar days of the receipt of the pay request. Contractors are required to pay subcontractors within 7 days of the receipt of funds. The 21-day clock starts when the Design Professional (A/E) receives the pay application from the contractor. This is why it is very important for the A/E to immediately review the pay application. Once the A/E has certified the pay application is correct and ready for payment, the Agency needs time to process the application, send it to Dispersing, write the check, and mail it.

What about design professionals getting paid on time, you ask? Fear not Mr. or Ms. Architect/Engineer, the law that helps the contractor applies to you as well. The agency is to pay professional service invoices of undisputed amounts within 21 calendar days of receipt. The professional is to pay its' consultants within 7 days of receipt of funds.







#### Statewide Contracts Continued from page 2

The most current contract sheets can be accessed using the following links:

#### Educational Furniture Office Furniture

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#### State Term Contracts – Information Technology

<u>Team Lead</u> - Randy Barr is now the new Team Lead of Information Technology for State Term Contracts. Please feel free to contact him with any questions, concerns or inputs that you may have. He can be contacted at <u>rbarr@mmo.sc.gov</u> or 803-896-5232

**Oracle Software** – Effective August 4, 2018, the new Statewide Term Contract holder is Collier IT. We are currently working with the Contractor to get a new Oracle sublicensing agreement in place. Contact Kristen Hutto at <u>khutto@mmo.sc.gov</u> with any questions.

**Idera Software** – This new Statewide Term Contract includes Idera's SQL, Embarcadero Database Gear, Precise, and Uptime software product suites for database management, database development, and IT management software products and support services. See the DPS <u>contract page</u> for details.

Body Cameras - Proposed solicitation. PM: Randy Barr - rbarr@mmo.sc.gov

Ruckus Wireless Equipment - Proposed solicitation. PM: Randy Barr - rbarr@mmo.sc.gov

Electronic Transcript Services – Current Contracts expire 2/11/19. PM: Randy Barr - rbarr@mmo.sc.gov

Classroom Training - Current Contracts expire 2/19/19. PM: Michael Speakmon - mspeakmon@mmo.sc.gov

#### EXTENDED

**Learning Content Management Systems** – The existing contracts have been extended to October 25, 2019 or until new contracts are effective. We've completed the initial evaluation process and are currently in negotiations. Contact Kristen Hutto at <u>khutto@mmo.sc.gov</u> with any questions or concerns.

**Records Management Services** – These contracts have been extended to December 17, 2018 or until new contracts are effective. Contact Will Butler at <u>wbutler@mmo.sc.gov</u> with any input, questions, or concerns regarding the re-solicitation.

**Video Conferencing** – The existing contracts have been extended to December 24, 2018. Will Butler is conducting market research to prepare the new solicitation. If you have any input, please contact him at <u>wbutler@mmo.sc.gov</u>.

**Third Party Consulting** – The existing contracts have been extended to January 1, 2019 or until new contracts are effective. The replacement solicitation has been published as a Fixed Price Bid. Contact Kristen Hutto at <u>khutto@mmo.sc.gov</u> with





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any questions or concerns.

**Constituent Management –** This contract has been extended to 11/18/19. Randy Barr, Sr. is currently doing market research on how to make improvements and will be doing the re-solicitation. If you have any input Randy would find useful, please contact him at <u>rbarr@mmo.sc.gov</u>.

#### **EXPIRED**

**Web Conferencing** – These contracts expired and Randy Barr is collecting research to prepare the new solicitation. If you have any input, please contact him at <u>rbarr@mmo.sc.gov</u>.

**Classroom Training** - Current Contracts expire 2/19/19. Michael Speakmon is working on the re-solicitation and conducting research on how to make improvements to the next contract. If you have any input Michael would find useful, please contact him at <a href="mailto:mspeakmon@mmo.sc.gov">mspeakmon@mmo.sc.gov</a>.

