

WHAT TO SUBMIT WITH A SHOPPING CART AGENCY PROCUREMENTS

The State Fiscal Accountability Authority's Division of Procurement Services is the State's central contracting office. Part of our job is to serve as your agent during the acquisition process when the procurement exceeds your agency's certification. That process is driven by our procurement laws, which largely reflect best practices used across the country. While we recognize a formal competition can seem burdensome at times, our goal is to collaborate with your agency to optimize the acquisition process.

Timing is one of the most important aspects of that collaboration – your initial contact with us and your description of what you need. To conduct and manage your procurement as expeditiously as possible, while meeting your procurement needs, we have developed a "Solicitation Request Form" for use when submitting your Shopping Cart to the Division of Procurement Services.

Please complete the Solicitation Request Form as accurately as possible and provide the required documentation and information necessary for us to begin working on your solicitation. Please take some time and read through the Solicitation Request Form and Solicitation Request Form Sections (below) first. Both contain points in sequential order for you to consider when planning your procurement. Submit the Solicitation Request Form as an attachment when submitting your Shopping Cart to the Division of Procurement Services. If the Division of Procurement Services receives a Shopping Cart missing any required documentation and/or information, the assigned Procurement Officer will contact you and request that you send the missing documentation and/or information by email.

Once all the required documentation and information is received, the assigned Procurement Officer will prepare a draft solicitation, which will be emailed to the agency contact(s) for review and comment. The draft solicitation will be in MS Word with the "track changes" function enabled. Make any suggested changes directly to this draft and return it by reply email. This process will allow the assigned Procurement Officer to quickly identify any suggested changes made to the draft solicitation.

Please contact the Division of Procurement Services if you have any questions regarding the Solicitation Request Form and/or the Solicitation Request Form Sections (below).

SOLICITATION REQUEST FORM SECTIONS

1. Contacts

Please provide the name, phone number and email addresses of the individuals you want kept informed of the status and progress of the procurement. We suggest you provide, at a minimum, the agency procurement official and the project manager(s).

2. Acquisition Planning/Market Research

Regulation 19-445.2017 A. (1) prescribes best practices for pre-solicitation activities in acquisition of supplies, services, or information technology, including acquisition planning, market research, and exchanges with industry.

Regulation 19-445.2017 A. (2) requires using agencies to perform acquisition planning and conduct market research for all acquisitions of supplies, services, or information technology. The extent of planning and research will vary, depending on such factors as estimated dollar value, complexity, and past experience, as well as the nature of the supplies, services or information technology to be acquired.

Regulation 19-445.2017 A. (3) stipulates that except for small purchases no solicitation for offers shall proceed until the using agency has certified in writing that it has complied with this regulation. Additionally, if the using agency lacks authority to conduct the procurement, the using agency shall provide the responsible procurement officer the opportunity to fully participate in all aspects of any pre-solicitation activities conducted by the using agency.

Regulation 19-445.2017 A. (4) requires the using agency to document its acquisition planning and market research in sufficient detail to satisfy the requirements of an audit. This documentation shall be made a part of the procurement file.

Pre-Solicitation Meeting: From the moment your agency becomes aware of a procurement need that, because of its complexity, expense, or public visibility, warrants additional attention, we want to begin working with you and key personnel from your agency. Most often, the best solutions require action at the earliest stages of an acquisition – often before your needs are fully developed. We can improve this aspect of our collaboration by offering a pre-solicitation meeting. Our staff for the kickoff meeting will include the assigned Procurement Officer directly responsible for your needs, one or more senior procurement professionals and, when needed, our legal staff. From your end, we recommend you involve your procurement department, your legal staff, and, most importantly, the program staff directly responsible for, and most familiar with, your agency’s underlying needs. During the meeting, our teams will discuss project scope, agency requirements, market research, sourcing methods, projected cost, funding, risk, risk management, and any other issues that may impact the expected results.

3. Source Selection Method

Written determinations are expressly required by the South Carolina Consolidated Procurement Code and Regulations (11-35-210 / 11-35-2410) and must be retained in an official contract file. Written determinations must be documented in sufficient detail to satisfy the requirements of audit as provided in Section 11-35-1230. Please select the appropriate source selection method and include your determination as an attachment when submitting your shopping cart.

4. Contract Term

Please select the appropriate term for the contract and include your justification as an attachment when submitting your shopping cart.

5. Recommended Vendors List

Please provide any vendors that may be interested in responding to the solicitation. The form allows for 4 recommended vendors. If the list is longer than 4 vendors, please include an electronic file as an attachment when submitting your shopping cart.

6. Information Technology Procurements

This section contains questions related to IT procurements. If the procurement is not IT-related, you may skip this section.

7. Solicitation Document

This portion of the Solicitation Request Form parallels the Uniform Solicitation Format laid out in the Procurement Compendium. This outline has been adopted by the Division of Procurement Services to standardize the organization of all solicitation documents.

The following contains points for you to consider when drafting each “section” of your solicitation.

I. Scope of Solicitation

- State the intent of the solicitation and general description of the products or services to be acquired.
- Introduction:
History/Background – A brief history of how the need for this program/project/service evolved can give vendors a better understanding of the requirements.
- Include the maximum contract term.

- Budget (Budget serves as another indicator to the vendors of the magnitude of the contract and expectations from the resulting contract (size))
 - Funds available for the project or contract
 - Is a fixed amount available, or some estimate only?
 - Does the budget represent the total project amount or an annual figure?

II. A. Instructions to Offerors – General Instructions

- The assigned Procurement Officer will complete this section based on Part 2A of the Compendium.
- Additional General Clauses: If you require any additional general clauses, please make sure they do not duplicate the standard general clauses.

II. B. Instructions to Offerors – Special Instructions

- The assigned Procurement Officer will complete this section based on Part 2B of the Compendium.
- Additional Special Clauses: If you require any additional special clauses, please make sure they do not duplicate the standard special clauses. Note: The circumstances of any given procurement may warrant drafting a unique clause that differs from those available here.
- Part 2B contains all bidding instructions except those appearing in Part 2A.

III. Scope of Work / Specifications

This section should contain either (1) the scope of work / specifications for any services required, or (2) if you anticipate a "solutions based" RFP, a description of the problem for which you want the vendor community to provide proposed solutions (on our web page we have some information regarding solutions-based RFPs (<https://www.procurement.sc.gov/osp/solutions>), or (3) any scope of work / specifications for a commodity that are not directly included in the bid schedule (if the specifications are contained completely within the Bidding Schedule, it may be appropriate to leave this section blank. If you are not sure, the assigned Procurement Officer can discuss the options available to you with this very critical phase.

If your procurement is an RFP, and is not a solutions-based RFP, describe all the details in your Scope of Work. It should address what, who, when, where and how.

- What is to be done? What are the deliverables?
- Who is going to do it?
- When is it going to be done?
- Where will it be done?
- How it will be done and how you can tell when it is done.

The Scope of Work should be:

- Clearly stated.
- Contractually sound.
- Unbiased – permits free and open competition to the maximum extent reasonably possible.
- State a requirement of fact only one time! Avoid duplication – duplicating a requirement does not emphasize its importance but does sometimes confuse the reader (weaker may govern in a case of controversy).
- Only the name "Contractor" should be used to describe the person under contract. Do not use bidder, successful bidder, offeror, successful offeror, consultant, vendors, providers. The reader could conceivably construe the use of 2 nouns to indicate 2 separate individuals contractually.
- Consistent noun usage to describe a person or function (e.g., project leader / project manager).
- Do not ask for information from the vendors in this section.
- Scope of work will eventually form the basic and governing language of the subsequent contract.

Delivery/Performance Location: Include the address where any supplies are to be delivered or any work performed. If you are unable to provide an address prior to award, enter instructions regarding delivery and whether the location will be specified in the purchase order.

IV. Information for Offerors to Submit

- Request information that will be used only for evaluation! Do not ask for things you do not need-only things that will be a part of the evaluation.
- This section should not be used for essential requirements / specifications.
- Examples:
 - Proposed approach/methodology
 - Experience/qualifications of the vendor/key personnel
 - References-vendor/key personnel
 - Proposed project timeline/schedule
 - Financial stability
 - Oral presentations

V. Qualifications

- This section facilitates the determination of responsibility. Establish minimum qualifications standards for eligibility, if necessary.
 - Remember, these may restrict competition and result in you having to exclude a vendor who would otherwise have done an excellent job.
 - Instead of making them Mandatory Minimums, are you able to suggest a preference for what you want and then evaluate the response?

VI. Award Criteria:

- List the items that will be evaluated and scored. Proposals must be evaluated using only the criteria stated in the RFP and there must be adherence to weightings that have been previously assigned. Weightings do not have to be published.
- This section should not be used for requesting information or documentation.
- Prior to drafting this section, carefully consider how the various possible responses will be evaluated.
- If you ask for pricing or cost information that will not be used either to determine the low bid or the highest ranked offeror, state that fact specifically.

VII. A. Terms & Conditions – General:

- The assigned Procurement Officer will complete this section of the solicitation.
- Additional General Clauses: If you require any additional general clauses, these should be included in Section 7B.

VII. B. Terms & Conditions – Special:

- The questions listed in this section of the Solicitation Request Form will assist the responsible Procurement Officer in identifying relevant contract clauses from the Compendium to be included in this section.

- **Additional Special Clauses:** If you require any additional special clauses, these should be included in Section 7B. Note: The circumstances of any given procurement may warrant drafting a unique clause that differs from those available here.

Note: When we provide you a draft solicitation for your review and consideration, we include many proposed contract clauses from the compendium. These clauses relate to many issues that we believe may be involved in your solicitation. However, we are not risk analysts and your agency is best positioned to determine its risk tolerance level. The Compendium was drafted to provide commonly-used clauses covering a wide variety of acquisitions. Given the generality of many clauses and the specificity of others, any given clause may or may not be appropriate for your solicitation. While all of them involve some degree of risk allocation, the standard language has not been tailored to address your specific risk needs and may not address all the risks peculiar to your agency or any one proposed acquisition. To illustrate, some clauses may address information about security and privacy issues, but they impose only minimal obligations on your contractor. Consistent with its internal agency policies governing information security, each agency must determine for itself whether the services acquired from the contractor warrant the contractual imposition of additional security controls or privacy-related requirements. To illustrate further, clauses we include may prescribe various insurance requirements – including minimum limits of coverage. The types of coverage and the default policy limits may be excessive or wholly inadequate for your particular needs or circumstance. In the former case, you may add unnecessary cost to your acquisition; in the latter, you may face exposure for claims beyond the scope of coverage or in excess of the required policy limits.

As with all aspects of the solicitation, we recommend you review the proposed clauses provided by the assigned Procurement Officer in your draft solicitation, consult with any related guidance published in the Compendium, and determine whether your agency's needs, risk tolerance levels, obligations, and allocation of performance and other risks imposed by the draft solicitation are acceptable to your agency in the context of your specific procurement and your agency's needs.

VIII. Bidding Schedule / Price-Business Proposal:

- If you have a bid schedule, place it here.
- If you are including price as an initial evaluation criterion, request pricing information here.
- If you are seeking a business proposal (which includes pricing information, but not as a separate evaluation factor), request that business proposal here.
- If you are not requesting any pricing information, include a statement that this section has been intentionally left blank.

IX. Attachments to Solicitation:

Include with your electronic file, any attachments you are providing. If possible, provide all attachments in electronic format. (Microsoft Excel, Word, PDF, and "TIF" are readily usable.)