



IN THE WORKS: We hope to introduce you very soon to our new look at procurement.sc.gov. A website refresh now in its final development phase will enhance our ability to serve agencies and vendors alike. We're working on a more easily navigated, graphically supported visitor experience. Our aim is to provide a more welcoming public site that better reflects the Division of Procurement Services' commitment to being the Palmetto State's gold standard for government procurement operations. JUNE 1st is our target launch date.

What is a "Responsible Bidder"?

By Michael Speakmon — Procurement Manager — Team Lead, Goods and Services

Responsibility. It's one of the two most important requirements of awarding a contract, yet it's a topic rarely addressed in any of our training or discussions. As such, it's one of those topics that everyone has questions about, but no one ever really asks.

The first mention of responsibility, as it refers to award of a contract, comes in 11-35-1520(10) which states,

Award. Unless there is a compelling reason to reject bids, as prescribed by regulation of the board, notice of an award or an intended award of a contract to the lowest responsive and responsible bidder....

So, the Code has clearly established here the two primary requirements before an award may be made are that the bidder must be *responsive* AND *responsible*. Failure of either precludes award to that supplier. This is repeated, in one form or another but consistently as to the intent, throughout each of the source selection methods in the Code, including what are considered small purchase procedures.

The one "exception" to this requirement can be found in 11-35-1529, Competitive online bidding. In this case, the procurement manager is required to perform a responsibility determination on ALL Offerors PRIOR to their participation in the online auction. Specifically, 11-35-1529 (3) states, in part (emphasis added),

Before the Opening Date and Time, the State shall require bidders to register, shall register only responsible bidders, and, as a part of that registration, require bidders to agree to any terms, conditions, or other requirements of the solicitation.

This is only an "exception" in the sense that typically we would only perform a responsibility determination on the lowest responsive offer in an Invitation for Bid scenario. Since only "responsible bidders" may participate in the online auction, it is necessary to determine responsibility on all Offerors participating.



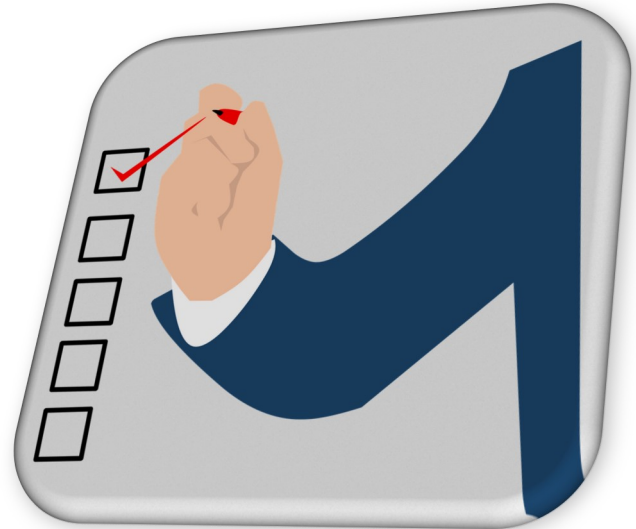
Section 11-35-1810 is the Code's primary reference to determining responsibility. But even then, the focus of the reference is the requirement to do so, rather than on a "how-to" process. Subparagraph (1) in part states that responsibility "of the bidder or Offeror shall be ascertained for each contract let by the State upon full disclosure to the procurement officer..." Previously we have seen that

11-35-1520 established that responsibility is one of two requirements that must be met before contract award and now the Code specifically identifies the procurement officer as the person to make that determination.

There is no one way to make a responsibility determination, and there is not one thing that will determine a supplier's responsibility. A proper responsibility determination is a collection of favorable information on the supplier that will give the procurement officer confidence that the supplier can fully perform under the contract. Notice we didn't say a "guarantee" that the supplier can fully perform, but merely the confidence that they can. We cannot guarantee performance, but we can ensure due diligence to weed out those suppliers who we believe will not be able to perform based on information discovered during the responsibility check.

In our next edition of *DisPatches*, we'll share tips and methods which can assist you while making a responsibility determination prior to award of a contract.

Elements of an Effective Agency Procurement Manual



South Carolina's Procurement Code and Regulations establish statewide policies and procedures for obtaining materials, supplies, equipment, contractual services, and all other items of a consumable nature. An agency's internal procurement manual, however, is intended to provide operational guidance to all staff members involved in the procurement process. Each agency is required to develop and maintain internal operating procedures consistent with the state's procurement code (SC Code Ann. **§ 11-35-540**) that must be approved in writing by the Chief Procurement Officer. An effective manual includes step-by-step procedures for executing the procurement functions of the agency.

An effective agency procurement manual accomplishes the following:

- ◆ **Provides step-by-step guidance for the types of procurements commonly performed by the agency.**
- ◆ **Clearly defines roles and responsibilities for performance, review, and approval of the various aspects of procurement procedures by position to provide for accountability.**
- ◆ **Establish effective internal controls to ensure competition and integrity in the procurement process.**
- ◆ **Serves as a point of reference for relevant staff members.**
- ◆ **Is useful as a training tool for new or less experienced staff.**

DPS' Audit and Certification team has developed a checklist for use in reviewing an agency's manual during the planning phase of an audit. [The agency procurement manual checklist](#) may be useful in developing *your* agency's internal procurement procedures manual and can be found on the Procurement Services website.





NASPO has made all of their Foundational Procurement Courses completely FREE for everyone through December 31, 2021!

If you haven't taken advantage of this offer yet, which includes over 40 contact hours of online courses and webinars completely free and available to anyone, now is the time to jump in. Join the other 2,000+ procurement professionals from every level of government who have already signed up, and get started learning today!

Learn more about what is included in this program [here](#), and feel free to email procurementu@naspo.org at any time if you have questions.

Happy learning!





Statewide Contract News

SPECIAL NOTICE

IT FINALLY HAPPENED! Literally two years from the day we advertised it, NASPO has awarded two contracts for equipment rental by the lead state of Vermont. Both **Sunbelt Rentals** and **United Rentals** were awarded contracts with NASPO and each contract gives access to EVERYTHING those companies rent, as well other services they offer. This serves us all quite well on a day-to-day basis, but its added value will become clear in hard times as pricing for these rentals remains the same in the event of a declared emergency.

Michael Speakmon (mspeakmon@mmo.sc.gov) is working with both vendors now to negotiate the participating addendums and get the contracts in force ASAP.

State Term Contracting Team News

We're very pleased to announce the addition of **Portia Davis** to the STC Goods & Services Team here at DPS. Portia comes to us from Darlington County where she was a Procurement Analyst for more than five years. Prior to that, she was a Procurement Specialist I with Florence County for four years performing a wide array of duties with requisitions, purchase orders, managing vendors, and related functions in procurement. She also worked for Fayetteville State University as an Accounting Technician II for Contracts and Grants over five years maintaining grant files, invoicing per contract agreements, and maintaining accurate accounts receivable data among other duties. Her email address is pdavis@mmo.sc.gov. Please join us in welcoming her to the team!

Market Research and Agency Input Requests for NEW State Term Contracts (STC)

The Office of State Procurement (OSP) seeks 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.

Educational Consulting (5400020964) – DeAna Reed-Sharpe (drsharpe@mmo.sc.gov) is finalizing the solicitation documents and this should be published by the time you receive this newsletter, but the exact dates for the solicitation are not available at the time of this writing. You can search the solicitation number above on our website to get the details of the solicitation.

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

Trash Can Liners – This contract has been reassigned to Portia Davis (pdavis@mmo.sc.gov). We want to thank everyone for their responses to the Survey Monkey for this contract. We received a total of 60 responses and the information provided is very helpful. We're revising the scope/market basket to include some of your survey recommendations.

Battle Dress Uniforms (Expires 8/28/2021) – DeAna Reed-Sharpe (drsharpe@mmo.sc.gov) is finalizing her research on the BDU contract and we've received some very good feedback about how we can improve this one. She's not quite ready to publish yet, so if you have something you think will be beneficial, please contact her ASAP.

Executive Search Services (Expires 9/22/2021) – Michael Speakmon (mspeakmon@mmo.sc.gov) has finished the research phase on this one and has drafted the scope for the next iteration. We've decided to shift the format from an RFP to a FPB in hopes of attracting a larger pool of suppliers.

ADA Buses (Expires 10/31/2021) – Ellicia Howard (ehoward@mmo.sc.gov) received some excellent feedback from SCDOT and other users. She has drafted the business analysis to support soliciting for these buses again and it's under review. If you have something you think we should need to know, please contact Ellicia as soon as you can.

Paper Towels & Dispensers (Expires 1/9/2022) -- DeAna Reed-Sharpe (drsharpe@mmo.sc.gov) hosted a WebEx meeting on April 9th with two organizations in attendance. We heard some good input that's going to help her improve this contract. We'll continue to listen to recommendations while she continues to document her research. If you'd like to have your voice heard, reach out to DeAna!

Medical & Surgical Supplies (Expires 2/16/2022) -- This contract has been reassigned to Portia Davis (pdavis@mmo.sc.gov). She'll be working with DeAna Reed-Sharpe (drsharpe@mmo.sc.gov) to transfer responsibility of the contract and to share the research completed so far.

Bulk Deliveries of USLD and Biodiesel (Expires 3/31/2022) -- DeAna Reed-Sharpe (drsharpe@mmo.sc.gov) is beginning her research on the next iteration of this contract and would welcome any input you may have to assist us in that effort. We'd especially like to know if and how COVID-19 negatively affected the performance on these contracts. Now that we have experienced a pandemic, we can possibly take those lessons learned and apply them to future contracts.

Diesel and Biodiesel Fuels – Tankwagon (Expires 3/31/2022) -- DeAna Reed-Sharpe (drsharpe@mmo.sc.gov) is beginning her research on the next iteration of this contract and would welcome any input you may have to assist us in that effort. We would especially like to know if, and how, COVID-19 negatively affected the performance on these contracts. Now that we have experienced a pandemic like this, we can possibly take those lessons learned and apply them to the future contracts so we can avoid some the issues we had during COVID.

NOTE: Something we want to look at with our bulk fuel contracts is to incorporate an emergency response aspect to better control pricing during declared emergencies. Please reach out to DeAna Reed-Sharpe (drsharpe@mmo.sc.gov) or Michael Speakmon (mspeakmon@mmo.sc.gov) with any advice or relevant experience you can share. We'll also be reaching out to certain agencies directly for help crafting this new element for contracts.

Check Point Security Products – The current contracts are scheduled to expire September 5, 2021 and this office is conducting research for their next procurement phase. If you have any input, questions, or concerns regarding how the existing contract is structured or functioning, or the products sold under this contract, please contact Will Butler at wbutler@mmo.sc.gov as soon as possible.

Digital Fingerprinting & Concealed Weapons Permit System (5400008064) -- The current contracts expire December 14, 2021. The OSP plans to have a replacement contract in place prior to this expiration date. If you have any input, questions, or concerns regarding how the existing contract is structured or functioning, **OR WOULD LIKE TO SERVE ON THE EVALUATION COMMITTEE**, please contact Kristen Hutto at khutto@mmo.sc.gov as soon as possible.



Barracuda Network Security Products (5400011873) -- The current contract expires October 23, 2021 and this office is conducting market research. If you have any input, questions, or concerns regarding how the existing contract is structured or functioning or the products sold under this contract, please contact Randy Barr, Sr. at rbarr@mmo.sc.gov or 803-896-5232 as soon as possible.

Information Security and Privacy Services – The current contracts are scheduled to expire April 21, 2022 and this office is beginning to conduct research into the next procurement process for these services. The services provided under this contract portfolio are currently divided into seven 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, please contact Will Butler at wbutler@mmo.sc.gov.

Mobile Device Management (5400012111) -- The current contract is set to expire December 2021. We're in the solicitation development phase now and are rewriting the scope of work. If you have any input, questions, or concerns regarding how the existing contract is structured or functioning, OR WOULD LIKE TO SERVE ON THE EVALUATION COMMITTEE, please contact Randy Barr, Sr. at rbarr@mmo.sc.gov soon.



Digital Government Services (Formerly: Self-Funded Web Portal) -- The current contract **4400008796** resulting from solicitation 5400007500 expires soon -- July 15, 2021. Solicitation 5400021069 has been created and is tentatively scheduled for publication May 7, with an award date in September 2021. This will allow a six (6) month period for transitioning as appropriate.



Governments with existing service agreements and/or statements of work with SCI (South Carolina Interactive) through the state term contract will need to sign a SOW extension to continue their relationship with the vendor through July 14, 2022. In such cases, SCI will provide the necessary documentation to each customer along with instructions for its completion.

For details on this State Term Contract, please visit DPS' Procurement Services Web Portal webpage, <https://procurement.sc.gov/files/contracts/Web%20Portal%20Update%2004%2029%2021.pdf>. Additional updates will be provided as necessary. If you have any questions or concerns, please contact Randy Barr, Sr. at rbarr@mmo.sc.gov or 803-896-5232.

Currently Published Solicitations

Purchase Card Program (Pcard) (5400020074) -- Ellicia Howard (ehoward@mmo.sc.gov) has published the RFP for the next Pcard program contract. After some intentional delays on our part to further consider and discuss some questions that we received, Ellicia published what we anticipate being the final amendment on April 16, 2021, with a bid opening date of May 5, 2021. A link to the solicitation follows: <http://webprod.cio.sc.gov/SCSolicitationWeb/contractSearch.do?solicitnumber=5400020074>

Airport Vegetation Management (5400020917) -- Ellicia Howard (ehoward@mmo.sc.gov) received offers as scheduled on April 22, 2021. We're evaluating those offers now and intend to post the award as scheduled.

Asbestos/Lead Paint/Mold Collection & Testing (5400020988) -- Michael Speakmon (mspeakmon@mmo.sc.gov) is evaluating received offers and will publish the initial intent to award (this is a FPB) on May 7, 2021 as scheduled.

Concrete Culvert Pipe (5400021150) -- Michael Speakmon (mspeakmon@mmo.sc.gov) conducted the pre-bid meeting as scheduled on April 6, 2021. We didn't receive any questions, so no amendment was published. The bid opening remains May 7, 2021, and the awards are scheduled to be published May 28, 2021.

Used Oil & Filter, Contaminated Water & Solvent Collection and Recycling Services (5400021004) -- DeAna Reed-Sharpe (drsharpe@mmo.sc.gov) published this solicitation April 5, 2021 and conducted the pre-bid meeting April 20, 2021. At the time of this writing, we are evaluating the questions we received and preparing our responses. The amendment should be published by the time this newsletter is published, but you can find the details of the solicitation at the link below. We anticipate posting the intent to award on May 28, 2021.

<http://webprod.cio.sc.gov/SCSolicitationWeb/contractSearch.do?solicitnumber=5400021004>

Fiberglass & Aluminum Hull Boats (5400021309) -- Michael Speakmon (mspeakmon@mmo.sc.gov) published this solicitation on April 21, 2021. There were no responsive offers for the previous solicitation for boats, so we've reissued a new solicitation after speaking with suppliers. The bid opening is scheduled for May 6, 2021, with the intent to award posting scheduled for May 13, 2021. We don't anticipate a break between the existing and new contracts. A link to the solicitation is below.

<http://webprod.cio.sc.gov/SCSolicitationWeb/contractSearch.do?solicitnumber=5400021309> .

FireEye Security Products & Services (5400021262) -- This solicitation was published on April 9, 2021 and is slated for award in May, with the resulting contract taking effect upon expiration of the existing. If you have questions or concerns, please contact Kristen Hutto at khutto@mmo.sc.gov.

STC Juniper (5400021202) -- This solicitation was published March 30, 2021 and will open on May 11, with an anticipated award date of May 18. If you have any questions or concerns please contact Randy Barr, Sr. at rbarr@mmo.sc.gov or 803-896-5232.

One Card Identification Systems (5400020982) -- This solicitation was published on April 9, 2021 and is currently scheduled to be awarded prior to the current contracts' July 5, 2021 expiration date. If you have any questions or concerns, OR WOULD LIKE TO SERVE ON THE EVALUATION COMMITTEE, please contact Kristen Hutto at khutto@mmo.sc.gov as soon as possible.



Newly Awarded State Term Contracts (STCs)

Audio Visual Products and Services (5400020902) -- Carol Norfleet posted the initial award for this Fixed Price Bid contract April 21, 2021, with the new contracts becoming effective on May 3, 2021. The next submission deadline is August 3, 2021 at 11:00 a.m. Please contact Carol at cnorfleet@mmo.sc.gov if you have any questions or concerns.

Small Software App Development (5400020845) -- Initial awards for this state term contract were scheduled to post April 23rd, however an extension was necessary. Please contact Will Butler at wbutler@mmo.sc.gov with any questions or concerns and watch our website for contract posting in the coming weeks.

Large Truck/Cargo Van Rental (5400020965) -- Michael Speakmon (mspeakmon@mmo.sc.gov) published this February 23, 2021, with the bid opening scheduled for April 8, 2021, and the award posting date April 16, 2021. This contract will replace the Box Truck portion of the vehicle rental contract that was extended last November, which will be terminated once the new contract is in place. The new contract will provide a much larger pool of vehicle classes and includes other vehicles that are not currently covered under any of the existing vehicle rental contracts. We hope you enjoy this improved state term contract offering! Vrrroom.

Semi-Automatic Weapons (LOT 6 Hornady Ammunition -5400021201) -- Michael Speakmon (mspeakmon@mmo.sc.gov) published this solicitation to permit an award for Lot 6 of the previous solicitation since no responsive offers appeared. The award posted April 12, 2021 and, as of April 20, ALL new semi-automatic weapons/ammunition contracts are in effect.

Reverse Auction Services (5400020717) -- In response to a protest, the award for this statewide contract is suspended pending administrative review.

Extreme & Aerohive Networks (5400020963) -- This solicitation was awarded March 24, 2021 and is effective March 27, 2021 to March 26, 2026. The new contract number is 4400025778 and can be found here: <http://procurement.sc.gov/files/contracts/extreme%20contract%20sheet%204%2020%202021.pdf>. This contract replaces the previous NASPO contract and Aerohive Products which was acquired by Extreme. If you have any questions or concerns, please contact Randy Barr, Sr. at rbarr@mmo.sc.gov as soon as possible.

Thales Data Protection Products (5400020753) -- Will Butler posted the award for this new State Term Contract. The Thales product line replaces the former SafeNet Encryption line following a series of corporate mergers, acquisitions, and reshuffles. Please contact Will Butler at wbutler@mmo.sc.gov with any questions or concerns.

Currently Advertised Cooperative Contracts

Automotive Parts (NASPO) -- The lead state of California has published an RFP for the NASPO automotive parts contract. A copy of the RFP may be found at this link: <https://caleprocure.ca.gov/event/77601/0000017847>.

