

Fixed Price Bid-Statewide Term Contracts (or The ABCs of FPB-STCs!)

By Michael Speakmon, CPPO

We often get calls or emails about getting vendors (or dealers) added to the list of vendors available for a State Term Contract Fixed Price Bid (STC FPB) so a State agency or political subdivision can make a purchase. In this article, we want to take a moment to clarify our processes for adding vendors/dealers.

When we develop a STC FPB we take into account several factors that include, but are not limited to:

- What is the total usage of the contract going to be?
- How many Using Governmental Units (UGUs) will participate?
- Is there one UGU that will be the primary purchaser on the contract? If so, what are their needs?
- How large is the vendor pool? (More vendors usually means more opportunities to contract).
- What is the overall term of the contract? Typically a short term (two to three vs. five years) offers the vendor fewer opportunities to submit a response.

Based on all of that, and more, each STC FPB typically has an established series of dates listed in Section VI listing when we'll accept new offers. Those are the dates when our bid room conducts a "bid opening" for that solicitation. Depending on the contract, it will take at least a week or more to evaluate the offers and issue awards. For those STC FPBs which have a dealer component (furniture being the biggest one), we also specify when the awarded manufacturer can add to the list of authorized dealers.

Note: Our standard practice on subsequent bid openings is six months after the initial award, then annually on the initial award date for each term of the contract, except during the final term. No new contracts are awarded during the final term.

Creating dealer contracts for a manufacturer's contract in SCEIS (so POs can be processed through the dealer to the manufacturer contract) adds a layer of complexity to the process. Those of you not using SCEIS don't have this issue. Let's continue to take the FPB STC for furniture as the example. As of this writing, there are 200 furniture contractors/manufacturers with an average of 20-25 dealers EACH (the low is zero dealers and the high is 38). Just using the average of 20 dealers, that's a total of 4,000 individual contracts that must be created and maintained. It takes a significant amount of time to create them and to update our internal records and website. Designating periodical windows for new awards helps us recognize efficiencies in the process. As you can see, it's much more complex than "hey, just add my vendor so I can buy my furniture."

Then there is the Contractors' perspective. We've told them we're not planning to award new contracts outside the schedule established in Section VI. That means we've awarded them the ability to do business within a designated competition pool until those specific times. While the State has the ability to add vendors/dealers almost any time we want, it's a right we prefer not to exercise except under the most extreme circumstances.

Example: In August 2018, our [parent agency](#) approved a Procurement Code exemption for four specific agencies to contract with Locum Tenens providers for temporary medical personnel. In November 2022, our office solicited a STC for temporary medical personnel through Locum Tenens providers and awarded contracts in anticipation of the agency contracts expiring in August 2023. As we got closer to the agency contracts' expiration, we discovered that many of the companies on contract with the agencies were not on the STC, *and* the next scheduled "bid opening" would fall well after agency contracts expired. The impact for those contracts expiring would mean the loss of more than a hundred temporary employees across multiple agencies. The agencies' ability to replace those temporary personnel before their contracts' expiration wasn't guaranteed. That situation would have caused great harm to the State financially and to the operations of those critical agencies. So, it was determined that we would open a specific period for those Contractors to submit offers on the

critical agencies. So, it was determined that we would open a specific period for those Contractors to submit offers on the STC. In doing so, we avoided a loss of service and the interruption of various agencies' operations.

When looking to use a STC FPB, our advice is simple. Start by looking at who we already have on contract, rather than working with a vendor then trying to fast-track getting them on contract outside the scheduled cycle. Every STC FPB typically has sufficient Contractors/dealers who could service your needs. We encourage you to verify a supplier is already on contract before going too far down the road. Have potential suppliers review the solicitation and work with us to ensure they submit in time to be added in the next cycle. We always consider adding new vendors/dealers to a STC FPB when scheduled to. Outside the schedule, we'll only do it in extreme circumstances.

Hopefully, this has given you a better understanding of how our STC FPBs operate and insight into the complexities of managing those contracts. Feel free to reach out to the manager of the specific STC FPB you have a question about. As always, that information can be found on the specific contract sheet on our [website](#).



2023 Hickory Knob State Facility Directors' Conference

The Office of State Engineer will be hosting its State Facility Directors Conference at Hickory Knob State Park on October 25 - 27, 2023!

The State Facilities Directors Conference has always been a great opportunity for the facility directors and staff 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.

Agencies will need to make reservations and pay for their own room at Hickory Knob State Park. Lodge rooms are being held under the name of the conference, so please reference that when you call. October is a busy month at Hickory Knob, so call and get your rooms before they fill up!

You can find the Registration Form and Agenda for the conference on the [OSE website](#). We look forward to seeing you there!



The Division will be hosting the following training opportunities in October:

October 17-18, 9:30 a.m. – 12:30 p.m. Title: Specifications and Scopes of Work

Description: This course is designed to give participants a working knowledge of designing and writing specifications and scopes of work. It is an online instructor-led class which will be held via Zoom. Invitations will be sent to registrants after registration closes. Because this course will be entirely online, it has been broken into two sections. Participants must attend both sections, pass the knowledge check, and complete an evaluation in order to receive credit for the course. **You DO NOT need to register individually for each day.**

Instructors: La Tasha Terry and Ellicia Howard

Contact Hours: 6

Cost: \$75

Registration: <https://training.procurement.sc.gov/node/add/training-registration/4032>

October 20, 9 a.m. – 12:30 p.m. Title: Acquisition Planning and Market Research

Description: This course is designed to be a comprehensive overview of acquisition planning and market research. It is an online instructor-led class which will be held via Zoom. Invitations will be sent to registrants after registration closes. Participants must attend the online course, pass the knowledge check, and complete an evaluation in order to receive credit for the course.

Instructor: Stacy Adams

Contact Hours: 3

Cost: \$50

Registration: <https://training.procurement.sc.gov/training/courses?d=4037>

October 24-25, 9:30 a.m. – 12:30 p.m. Title: Procurement Ethics

Description: This course is designed to be a comprehensive overview of Ethics and how they apply to the procurement function. It is an online instructor-led class which will be held via Zoom. Invitations will be sent to registrants after registration closes. Because this course will be entirely online, it has been broken into two sections. Participants must attend both sections, pass the knowledge check, and complete an evaluation in order to receive credit for the course. **You DO NOT need to register individually for both days.**

Instructors: Kristi Sligh and Ellicia Howard

Contact Hours: 6

Cost: \$75

Registration: <https://training.procurement.sc.gov/training/courses?d=3910>

October 27, 11 a.m. – 12 p.m. (Webinar) Title: FOIA

Description: This webinar will discuss Section 11-35-410 – Public access to procurement information and how it relates to Chapter 4, Title 30 – The Freedom of Information Act. It will cover how to respond to requests for information during the procurement process, including when information is publicly available, what information can be withheld, and how quickly information must be provided.

Presenter: Kimber Craig

Contact Hours: 0

Cost: Free

Registration: <https://training.procurement.sc.gov/training/courses?d=4024>



P-Card Administrators Audit Review (September Update)

Thank you those who have already responded (and there are a lot of you). For the rest, please don't forget our office is auditing the data base of P-Card Administrators. Please send the following information about your current administrator(s) and back-up administrator(s) to Portia Davis at pcard@mmo.sc.gov.

Agency Name Group

A – State Agency

B – Higher Education

C – Local Govt, School District, Special Purpose Districts, and other local government entities.

Name (Last, First)

Phone

Email

Program Administrator or Back-Up Administrator

Effective Date

Agency Website



When there are any changes to the P-Card Administrators in your agency, please notify our office so the change is reflected in our records. This will allow us to respond faster when questions arise with your Works Program.

Per the state policy: provide written designation of P-Card Program Administrator to the DPS P-Card Coordinator. Group A Agencies shall also provide this written designation to the Comptroller General's Office: https://procurement.sc.gov/files/P-Card_Policy_01-01-2020_Updated_09-09-2021.pdf

Temporary Medical Personnel Contract Modification

Recently our office issued a contract modification for all temporary medical personnel contracts to permit Contractors to:

- ♦ Pay time-and-a-half hourly pay for overtime hours worked and add an up to 25% markup to that pay;
- ♦ Pay double-time hourly pay for Holiday hours worked and add an up to 25% markup to that pay.

Included with that modification was an example of how to calculate those hours and add the markup, presented at the request of more than a few Contractors. Unfortunately, that example contained errors in the calculation. On September 20, 2023, we issued a correction to the example that provided the proper method. Since then, we've received requests from both contractor and agency personnel to verify their calculations.

To be very clear, our office will not be involved in the verification/approval of timecards or invoices for these contracts. The example was provided for demonstration only and is NOT a contractual obligation. Also, it may not be the only way to calculate temporary employee pay. The using governmental unit and the contractor are solely responsible for verifying this information and ensuring temporary medical personnel are paid correctly. If you have further questions, please reach out to Portia Davis at pdavis@mmo.sc.gov

The Monthly Statewide Term Contract Town Hall

The next Town Hall will be Thursday, October 12, 2023, at 11:00 AM. At this meeting we'll highlight the Detention Supplies and Protective Equipment contracts.

YOU can help set the agenda for the meeting by emailing any specific questions you have a few days ahead. We didn't receive any questions via email last month, but we wanted to remind you that it's always an option. Send your questions to one of these fine gentlemen below:

G&S Questions – mspeakmon@mmo.sc.gov
IT Questions – rbarr@mmo.sc.gov



Click on this [link](#) to register for the MS Teams meeting. Once you have registered, you will be sent an email offering to put the event on your calendar. When you do that, the link to the meeting will be in the calendar invite. If for some reason you don't get the link after registering, you can also find a link to the Town Hall located on the DisPatches Newsletter page on our website at this location. <https://procurement.sc.gov/dispatches>

We look forward to seeing you on October 12.

McAfee Software & Hardware & FireEye Products & Services

Our office has been notified that McAfee & FireEye have merged and have been renamed Trellix. We are in the process of doing the required Novation/Name Changes for these contracts.

Should you have questions regarding these contracts, you may contact Randy Barr, Team Lead, IT State Term Contracting Team at rbarr@mmo.sc.gov or the Procurement Manager noted on the individual contract sheet.

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

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.

Sophos – Due to unforeseen circumstances, we have had to push out publishing this solicitation. We anticipate publishing it in October 2023 with an anticipated award date in December 2023. If you have any questions or concerns, please contact Yolanda Cohen at ycohen@mmo.sc.gov. If you're a current or future user of Sophos, we'd love to hear from you to ensure the new state term contract will effectively meet your needs. Let us know what you currently use and what you anticipate using over the few years and we'll make every effort to include them in the upcoming solicitation.

Market Research and Agency Input Requests for existing State Term Contracts

Poly Video Conferencing Equipment expires 12/27/2023 – We anticipate publishing this solicitation in October 2023 with an anticipated award date of December 2023. Also, we've been notified that Poly has been acquired by HP Inc. and, moving forward, the new contract name will be HP Video Conferencing. If you're a current user of the Poly Video Conferencing Equipment contract, we'd love to hear from you to ensure the new state term contract will effectively meet your needs. Please contact Yolanda Cohen immediately at ycohen@mmo.sc.gov.



SafeNet Two-Factor Authentication Software expires 3/15/2024 – We anticipate publishing this solicitation in November/December 2023 with an anticipated award date of late January 2024. If you're a current user of the SafeNet Two-Factor Authentication Software, we'd love to hear from you about your current and future needs! Help us ensure the new state term contract works for everyone. Please contact Yolanda Cohen immediately at ycohen@mmo.sc.gov.

Herbicides, Adjuvants and Blends (Expires 9/8/2024) – DeAna Reed-Sharpe (drsharpe@mmo.sc.gov) is beginning her market research on the next iteration of this contract. She's looking for input from folks like you. Please contact her directly with your comments about the contract and what, if any, improvements could be made.

All Vehicles (Expires 9/12/2024) – Michael Speakmon (mspeakmon@mmo.sc.gov) will be reaching out to specific users of this contract during the month of September to talk about how the new cost-plus format is working for them. He'll be talking specifically with SFM, DPS, and SLED as they are the single largest users of the vehicle contracts. If you are part of an agency/entity that falls outside of that, we are always interested in your opinion as well, so reach out to Michael and he'll be happy to speak to you about your experiences.

Sandbags (Expires 9/28/2024) – Portia Davis (pdavis@mmo.sc.gov) is beginning her market research into the next version of this contract. This is one of those contracts that has a specific, targeted use but is always available. She'll be speaking with the folks at EMD about this one but she is always looking for input from other sources. If you have experience using this contract, she would love to hear from you.

State Term Contracts which will NOT be renewed or resolicited

Classroom Training – Classroom Training contracts will sunset February 2024 unless the State receives compelling information to continue with a new solicitation. If this would be an issue for your agency, please contact Stephen Taylor ASAP at staylor@mmo.sc.gov.

Currently Published Solicitations

NEW! STC for Mattresses (5400025637) – DeAna Reed-Sharpe (drsharpe@mmo.sc.gov) published an amendment September 11. The bid opening date remains September 26, 2023.

NEW! STC for Protective Equipment and Supplies (5400025505) – Portia Davis (pdavis@mmo.sc.gov) published this September 11. The pre-bid is scheduled for September 25 and the bid opening is scheduled for October 26, 2023. This is a new contract targeted for the law enforcement/first responder markets to include EMTs, firefighters, and corrections officers.

IT Equipment Leasing (5400025256) – Stephen Taylor published this solicitation August 11 with an anticipated award date in December 2023. The bid opening is scheduled for October 2, 2023. If you have any questions or concerns, please contact Stephen Taylor at staylor@mmo.sc.gov.

E-Recruitment & Onboarding System (5400023901) – Evaluation continues for this solicitation. The existing contract with Neogov is now extended to July 1, 2024 or until a new contract is awarded, effective, and all transition services are completed, whichever date arrives first. If you have any questions or concerns, please contact Kristen Hutto at khutto@mmo.sc.gov.

Service Now (5400025182) – We published this solicitation May 3, 2023 and the bid opening occurred June 16. There were no responsive and responsible offers received. A No Award statement was published. The State is currently working with the Division of Technology to revise the specifications. The State's intent is to publish a new solicitation as soon as those revisions are made. We anticipate this will occur in October with an anticipated award in December 2023/January 2024. If you have any questions or concerns, please contact Randy Barr at rbarr@mmo.sc.gov.

One Card Identification Systems (5400025634) – We published this solicitation July 24. The bid opening was held September 12 and we have an anticipated award date of December 1, 2023. The State is reviewing proposals and will begin the evaluation process in late September. If you have any questions or concerns, please contact Stephen Taylor at staylor@mmo.sc.gov. This solicitation allows for expanded offerings beyond the previous contract.

Newly Awarded State Term Contracts (STC)

Forescout (5400025072) – Stephen Taylor published the Intent to Award September 20. The term for the new contracts begins October 27, 2023. If you have any questions or concerns, please contact Stephen at staylor@mmo.sc.gov.

Managed Services Provider (5400024620) – The protest received for this solicitation has been denied by the chief procurement officer. However, an appeal to the Procurement Review Panel was received. If you have any questions, please contact Stephen Taylor (staylor@mmo.sc.gov).

IT Temporary Staff Augmentation MPS and Supplier Contracts – We've awarded 173 vendors with contracts. Current suppliers from the previous IT Temp contract will remain on board with TAPFIN until the new Managed Service Provider is awarded and the appeal process is resolved.

New suppliers will follow the onboarding process with the Managed Service Provider who is awarded the contract under the Managed Service Provider (MSP) solicitation (5400024620). The expected date that the new Managed Service Provider will begin services is November / December 2023, but that is contingent upon the appeal process.

NEW! STC for Detention Supplies (5400025264) – Portia Davis (pdavis@mmo.sc.gov) will publish the Intent to Award September 28. Barring a protest, the contract will be effective October 11, 2023.

NEW! STC for Temporary Doctors (5400025610) – Portia Davis (pdavis@mmo.sc.gov) will publish the Intent to Award September 29. Locum Tenens (temporary healthcare employment agencies) will provide professional medical staffing solutions. Barring a protest, the contract will be effective October 12, 2023.

NEW! STC for Traffic Control Devices (5400025616) – Michael Speakmon (mspeakmon@mmo.sc.gov) posted the Intent to Award September 5, 2023 and the contracts became effective September 15.

Cooperative Contracts Updates

NASPO PCs, Servers, Storage, Peripherals – NASPO extended contracts to October 31, 2023. We're preparing, as well as negotiating, new Participating Addenda for contracts set to start November 1, 2023. If you're a current user of these NASPO contracts, we'd love to hear from you. Do you have any concerns about the new contracts or thoughts on changes you're hoping to see? They could be considered with the new PAs. If you have any questions or suggestions, please contact Yolanda Cohen at ycohen@mmo.sc.gov.

Additional NASPO updates were not available at the time of this writing. We'll cover any necessary updates in the [Town Hall](#).

