



**NEBRASKA**  
Administrative Services  
Materiel/Purchasing Division

**Procurement User Group (PUG)**  
June 2014  
Nebraska State Purchasing Bureau

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**NEBRASKA**  
Administrative Services  
Materiel/Purchasing Division

**Cooperative Contracts**  
Nebraska State Purchasing Bureau

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**Cooperative Contracts- Definition**

- "In simple terms, cooperative purchasing involves sharing procurement contracts between governments."  
NASPO Issue Brief  
[http://www.naspo.org/documents/cooperative\\_purchasing0410update.pdf](http://www.naspo.org/documents/cooperative_purchasing0410update.pdf)
- The Nebraska State Purchasing Bureau is committed to participation in cooperative contracts that are meaningful to our end users.

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## Benefits of Cooperative Contracts

- Enhanced purchasing power when multiple states combine their needs and usages to solicit bids.
- Power of the purse – multiple participating states drive down costs overall.
- An often time-consuming process (specification development, bid process and evaluation) is shared.

*The Office Depot contract used by the State is based on our participation in a contract originally bid by the State of Florida.*

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## Statutes

- State of Nebraska participation in cooperatively bid contracts is allowed by §81-153 (7):
  - "...or to allow the purchase of items by participation in a contract competitively bid by another state or group of states."
- Prior to the 2014 Legislative session, this authority was only granted to physical goods or commodities.
- In 2014, §81-153 was expanded to allow participation in service contracts, but only service contracts as bid by another state or group of states.

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## Caveat

- Nebraska statute(s) do not allow the State to participate in a contract that was not bid by another state or group of states.
- For example, a contract that has been bid by a cooperative of municipalities is not one in which the State can participate.

If you believe your agency or the State could benefit from a particular cooperative contract, please send SPB information regarding the contract and the establishing entity. However, if the contract was not bid by a state or group of states, SPB cannot participate. If the need is great, it may be possible for the agency to pursue by using the Deviation process- only applicable to services.

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# Purchasing Cooperatives –SPB Cannot Utilize Every Cooperative

A cooperative comprised of county and city governments is not one in which Nebraska can participate.



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# Cooperative Procurement Groups Currently Utilized by State Purchasing Bureau

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# WSCA/NASPO



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### WSCA/NASPO

(Western States Contracting Alliance/National Association of State Procurement Officials)

- > The National Association of State Procurement Officials (NASPO), Inc. was formally established on January 29, 1947, in Chicago, Illinois. NASPO is a non-profit association dedicated to strengthening the procurement community through education, research, and communication. It is made up of the directors of the central purchasing offices in each of the 50 states, the District of Columbia and the territories of the United States.
- > Since 1993, the Western States Contracting Alliance (WSCA) served as the primary cooperative purchasing arm of NASPO and encouraged, fostered, and guided participating members to work collaboratively in an effort to create true procurement cooperatives. WSCA-NASPO represents a unified, nationally-focused cooperative purchasing program that will leverage the collective expertise and experience of WSCA and NASPO, aggregate the demand of all 50 states, the District of Columbia and the five organized territories, and their political subdivisions and other eligible entities, and help spur innovation and competition in the marketplace.

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### WSCA/NASPO

(Western States Contracting Alliance/National Association of State Procurement Officials)

- > The National Association of State Procurement Officials (NASPO) has formed a subsidiary entity, the NASPO Cooperative Purchasing Organization (WSCA-NASPO), to manage its national cooperative purchasing program. WSCA-NASPO was formed in October of 2012 and began operating officially on January 1, 2013.
- > Nebraska is a member of NASPO and the State Purchasing Bureau takes advantage of on-line member forums and NIGP-sponsored training webinars, as well as participating in cooperative contracts. This enhances professional training and allows SPB the benefits of other states' expertise at a very high level.

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### WSCA/NASPO Process

- > A "Lead State" is chosen to bid the project; other states in the group help with specification writing and the bid/evaluation process.
- > Member states may also choose to declare up front that they will participate.
- > The "Lead State" is responsible for contract management over the life of the contract.
- > Nebraska may choose to "participate" and SPB will issue a "Participating Addendum" with any terms and conditions exclusive to the State of Nebraska.




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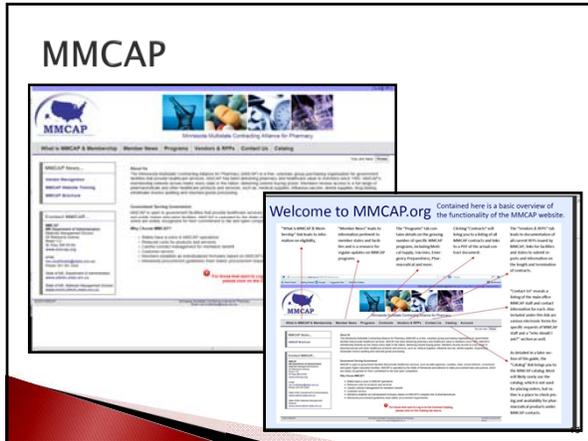
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## MMCAP

(Minnesota Multistate Contracting Alliance for Pharmacy)

- The Minnesota Multistate Contracting Alliance for Pharmacy (MMCAP) is a free, voluntary group purchasing organization for government facilities that provide healthcare services. MMCAP has been delivering pharmacy and healthcare value to members since 1985.
- MMCAP's membership extends across nearly every state in the nation, delivering volume buying power. Members receive access to a full range of pharmaceuticals and other healthcare products and services; such as, medical supplies, influenza vaccine, dental supplies, drug testing, wholesaler invoice auditing and returned goods processing.

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## MMCAP Contract Categories

MMCAP has contracts available for the following:

<a href="#">Containers and Vials</a>	<a href="#">Distributors</a>
<a href="#">Drug Testing</a>	<a href="#">Medical Supplies</a>
<a href="#">Influenza Vaccine</a>	<a href="#">Dental Supplies</a>
<a href="#">Pharmaceuticals</a>	<a href="#">Returned Goods Processing</a>
<a href="#">Pharmaceutical Repackaging</a>	<a href="#">Prescription Filling/Pharmacy Services</a>
<a href="#">Wholesaler Invoice Auditing Services</a>	<a href="#">Vaccines</a>
<a href="#">Emergency Preparedness Program</a>	<a href="#">Laboratory Supplies, Equipment, and Chemicals</a>

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### Requesting Participation – Commodities

- An email to SPB will suffice. No requisition entry is required, if an agency requests participation.
- State Purchasing Bureau reviews the WSCA/NASPO website frequently and often initiates contracts, based on known statewide needs.
- SPB may solicit informal agency thoughts about participation to gauge level of interest or need.

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### Services and Cooperative Contracts

- §73-507 was expanded in 2014 to allow participation in: "...contracts for services when the price has been established by the federal General Services Administration or competitively bid by another state or group of states, a group of states and any political subdivision of any other state, or a cooperative purchasing organization on behalf of a group of states;"
- Prior to the 2014 legislative expansion of §73-507, State entities and agencies, including SPB, could not participate in cooperative Service contracts.

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### Requesting Participation– Services

- Because participating in a service contract that has not gone through the RFP process is still an exception to SPB standard procedure, an O8 requisition must be entered into the E1/PFC system by the requesting agency.
- SPB will then execute the Participating Addendum to establish the contract for use.
- SPB website and today's PUG presentation will review the Deviation process.

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## Political Subdivisions

- Political subdivisions within Nebraska (cities, counties, NRDs, etc.) have a long history of using state contracts. This is an excellent way for smaller organizations to benefit from state pricing.
- Saves local personnel both time and money – taxpayers across the state benefit when cities or counties purchase from these contracts.
- SPB is developing a political subdivision email list to announce state contracts, increasing contract visibility for these users.

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## Cooperative Contracts In-Place or In-Progress

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## Current SPB Cooperative Contracts

- **Computer Contracts**
- 12565 OC, Ace
- 12549 OC, Apple
- 12550 OC, CTL
- 12551 OC Dell
- 12566 OC, EMC
- 12552 OC, Fujitsu
- 12553 OC, Grace Global
- 12554 OC HP
- 12556 OC, Lenovo
- 12567 OC, IBM
- 12560 OC, Kyocera
- 12561 OC, Lexmark
- 12568 OC, NetApp
- 12557 OC, Panasonic
- 12558 OC, Toshiba
- 12559 OC, Transsource
- 12571 OC, Xiotech

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### Current SPB Cooperative Contracts

> **Tires**

- 12998 OC, Goodyear
- 12999 OC, Bridgestone
- 13000 OC, Michelin

> **Wireless Devices & Radios**

- 13386 OC, Aeroflex Wichita
- 13382 OC, Kenwood Communications
- 13383OC, ICOM America
- 13384 OC, Motorola
- 13385 OC, Sinclair

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### Current SPB Cooperative Contracts

> **Grounds Maintenance Equipment**

- 13727 OC, The Toro Company
- 14001 OC, Deere & Company dba John Deere Sales
- 14038 OC, CNH Industrial America (New Holland)

> **Facilities MRO (Maintenance, Repair and Operation)**

- 13001 OC, WW Grainger

> **Small Hand & Power Tools**

- 14033 OC, Snap-On Industrial

> **Walk-In Building Supplies**

- 13990 OC, 84 Lumber Company

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### Current SPB Cooperative Contracts

> **Breast Pumps**

- 13043 OC, Medela

> **Pharmaceuticals and Drugs**

- 12651 OC, Cardinal Distribution

> **Medical Supplies**

- 13412 OC, McKesson Medical

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## In-Progress Commodity Cooperative Opportunities

- Snow Plows (WSCA/NASPO)
- Child Safety Seats (WSCA/NASPO)
- Vehicle Lifts & Garage Equipment (WSCA/NASPO)
- Scientific/Lab Equipment and Supplies(WSCA/NASPO)
- Walk-In Building Supplies (WSCA/NASPO) – Lowes
  - Prescription Filling (MMCAP)
- Ammunition (WSCA/NASPO) – possible upcoming WSCA solicitation

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## In-Progress Service Cooperative Opportunities

- Wireless Management & Contract Compliance (WSCA/NASPO)
  - Returned Goods Processing (MMCAP)
- Electronic & Alcohol Monitoring (WSCA/NASPO)
- Background Screening Services (WSCA/NASPO)

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## SPB Email Notification of Cooperative Contracts

SPB will announce cooperative contracts as they become available.

If you know anyone who should be on the SPB Procurement email contact list, please let us know.

**New Multi-State Cooperative Contract Available** Today's Date: 05/23/14

**Payroll & Financial Center**

**State of Nebraska State Purchasing Bureau Announces Participation with Multi-State WSCA/NASPO Cooperative Contract**

The Nebraska Department of Administrative Services, State Purchasing Bureau, has established a new, statewide cooperative contract for Small Hand & Power Tools & Accessories with Snap-On Industrial. This is a multi-state participation contract with The Midwest Cooperative Purchasing Organization (WSCA/MACO) and the Lead State of Oklahoma. Participation is allowed for all Nebraska agencies and all Nebraska political subdivisions.

The Nebraska contract, 14033 OC, is available for viewing on the Nebraska State Purchasing Bureau's website where you can view terms and conditions and pricing information.

Expiration Date	Contract Number	Classification	Description	Vendor	Buyer Initials
09/19/2015	14033(OC)	Hand Tools (Powered tools and non-powered)	Small Hand & Power Tools and Accessories	Snap-On Industrial	DG

<http://dss.nebraska.gov/materiel/purchasing.html>

Key benefits of the contract include:

- Group discount pricing for small hand and power tools and accessories

Snap-On Industrial Small Hand & Power Tools & Accessories-Nebraska landing webpage: [http://www.snapon.com/Industrial/Government\\_Military/StateofNebraska.html](http://www.snapon.com/Industrial/Government_Military/StateofNebraska.html)

Vendor Contact Information:  
 Snap-On Industrial  
 Larry Jefferson  
 Phone: 704-236-7254  
 Fax: 704-247-9476  
 Email: [Larry@csa\\_l\\_jefferson@snapon.com](mailto:Larry@csa_l_jefferson@snapon.com)

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**NEBRASKA**  
Administrative Services  
Materiel/Purchasing Division

**DEVIATION FROM CONTRACTUAL SERVICES PROCESS  
and  
EMERGENCY SERVICE CONTRACTS PROCESS**

Administrative Services, State Purchasing Bureau

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### What is a Deviation?

- > The method and process steps for requesting approval for procuring service(s) by contract for a Sole Source valued at \$50,000 and over without going through the usual competitive Request for Proposal (RFP) process.
- > \$50,000 and over is calculated using the entirety of the requested contract period, including the initial contract period and any renewal periods called out in the contract.
- > The method and process steps for documenting an Emergency Service Contract valued at \$50,000 and over. A Deviation cannot be used to amend, extend or renew a contract that already exists. A Deviation is always used to create a new contract.
- > Statutes §73-501 through §73-510 provide the basis for contractual bidding requirements and exceptions to the competitive bid process.

NOTE: The two most common types of Deviations are for Sole Source or Emergency Service contracts. There may be other circumstances, such as conservation of state resources or requesting to utilize a cooperative service contract per passage of LB 974 (Updated statute §73-507), that may be suitable for the Deviation Process. Please contact State Purchasing Bureau (SPB) to discuss specific situations.

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### When Does an Agency Request a Deviation?

- > A Deviation is a request to bypass the normal Request for Proposal (RFP) competitive bid process for services valued at \$50,000 and over OR when the price has been established by the federal General Services Administration or competitively bid by another state or group of states, a group of states and any political subdivision of any other state, or a cooperative purchase organization on behalf of a group of states. (New ability with passage of LB974, 2014).
- > The need to deviate from the competitive bid process may be necessary in the event of a valid Sole Source request or other unique service requirements. It should not be taken lightly.
- > In the event of a Deviation, the Director of Administrative Services has the final approval, after review of agency documentation.

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## Is a Deviation Necessary?

- Statute §73-507 calls out specific exceptions to the standard competitive service contract process. (The standard competitive bid process for services encompasses the use of a Request for Proposal (RFP) that may be either SPB or agency processed.)
- If the proposed agency contract falls under one of the listed exception categories in Statute §73-507, a Deviation request is not necessary, because it is already exempted from the usual competitive process.
- Each agency's legal counsel should be able to provide guidance. Agencies are encouraged to work with their legal counsel.
- A deviation is necessary to utilize contracts for services when the price has been established by the federal General Services Administration or competitively bid by another state or group of states, a group of states and any political subdivision of any other state, or a cooperative purchasing organization on behalf of a group of states. (New with passage of LB974, 2014 which revised statute §73-507). Once the deviation is approved, State Purchasing will finalize a Participating Addendum for any agency to utilize the contract.

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## §73-507: Exceptions to the Standard Competitive Bid Process

- (1) Subject to review by the Director of Administrative Services, the division shall provide procedures to grant limited exceptions from sections 73-504, 73-508, and 73-509 for:
- (a) Sole source contracts, emergency contracts, and contracts for services when the price has been established by the federal General Services Administration or competitively bid by another state or group of states, a group of states and any political subdivision of any other state, or a cooperative purchasing organization on behalf of a group of states; and
  - (b) Other circumstances or specific contracts when any of the requirements of sections 73-504, 73-508, and 73-509 are not appropriate for or are not compatible with the circumstances or contract. The division shall provide a written rationale which shall be kept on file when granting an exception under this subdivision.
- (2) The following types of contracts for services are not subject to sections 73-504, 73-508, 73-509, and 73-510:
- (a) Contracts for services subject to the Nebraska Consultants' Competitive Negotiation Act;
  - (b) Contracts for services subject to federal law, regulation, or policy or state statute, under which a state agency is required to use a different selection process or to contract with an identified contractor or type of contractor;
  - (c) Contracts for professional legal services and services of expert witnesses, hearing officers, or administrative law judges retained by state agencies for administrative or court proceedings;
  - (d) Contracts involving state or federal financial assistance passed through by a state agency to a political subdivision;
  - (e) Contracts with a value of fifteen million dollars or less with direct providers of medical, behavioral, or developmental health services, child care, or child welfare services to an individual;
  - (f) Agreements for services to be performed for a state agency by another state or local government agency or contracts made by a state agency with a local government agency for the direct provision of services to the public;
  - (g) Agreements for services between a state agency and the University of Nebraska, the Nebraska state colleges, the courts, the Legislature, or other officers or state agencies established by the Constitution of Nebraska;
  - (h) Department of Insurance contracts for financial or actuarial examination, for rehabilitation, conservation, reorganization, or liquidation of licensees, and for professional services related to residual pools or excess funds under the agency's control;
  - (i) Department of Roads contracts for all road and bridge projects;
  - (j) Nebraska Investment Council contracts; and
  - (k) Contracts under section 57-1503.

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## Sole Source Definition

- Statute §73-502 defines a sole source to be of such a unique nature that the contractor selected is clearly and justifiably the only practicable source to provide the service.
- Determination that the contractor selected is justifiably the sole source is based on either:

***Uniqueness of the service***  
**OR**  
***Sole availability at the location required***

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## Sole Source Requirements

- Is the contractor legitimately the only supplier of the service being requested?
- What is so unique about the service that only this contractor can provide the service?
- Is the contractor the only provider in the area where the service is to be provided?

***A justification for the Sole Source must be provided and include thoughtful responses to these requirements.***

***The justification should clearly explain why the service cannot be competitively bid.***

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## Writing a Sole Source Justification for a Deviation:

- A Sole Source justification should be a "stand alone" document; that is, it should be clear, thorough and written for an audience who does not know the details of the Agency's needs. The Sole Source justification should not assume prior knowledge on the part of the audience.
- A Sole Source justification does not explain why the contractor is a good provider of the service but describes why the contractor is the **only** provider of the service.
- Unique elements of the service should be clearly described, including but not limited to such items as:
  - ❖ Customization(s) already in place;
  - ❖ Work in progress;
  - ❖ Relationship to federal programs, funding or requirements; or
  - ❖ Other circumstances that have a bearing on the situation.

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## A Sole Source is Not Justified by the Following:

- Requesting extension or renewal of an existing contract that is out of renewal options (recall that Deviations can only be used to create a new, stand alone contract);
- Requesting retention of an existing provider simply because of their past performance; or
- Requesting to broaden the scope of services that were originally bid.

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## Deviation Requests Step by Step

- The Agency must have a good grasp on the total dollar value of the proposed contract. Recall that a Deviation creates a contract, not an RFP. The total dollar value includes the contract period and any possible renewal periods.
- The Agency must develop a proposed contract or Agency to attach copy of the service contract that was bid by another state or group of states per LB 974. (State Purchasing will finalize a Participating Addendum if the request to utilize a contract per LB974, which revised statute §73-507, is approved.)
- The Agency must complete the Deviation From Contractual Services form, available on SPB website:  
[http://das.nebraska.gov/materiel/purchase\\_bureau/docs/agency/services/forms/DeviationForm.doc](http://das.nebraska.gov/materiel/purchase_bureau/docs/agency/services/forms/DeviationForm.doc)
- The Agency must enter an O8 requisition into PFC and attach the proposed contract and the Deviation From Contractual Services form to the requisition.

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## Deviation Processing

- The Deviation from Contractual Services Form is completed and attached in Payroll & Financial Center (PFC) to an O8 requisition.
- The O8 requisition must mirror the initial contract period and any proposed renewal periods. The dollar total(s) on the Deviation Form and the O8 requisition, respectively, must match.
- The Deviation from Contractual Services Form must have the signature of the Agency Director or he/she must be in the PFC approval route.
- A copy of the proposed contract is attached to the O8 requisition. If requesting to utilize a contract per LB974, which revised statute 73-507, provide a copy of the contract that was cooperatively bid.
- The contract period may not begin until the Director of Administrative Services has approved the O8 Deviation request.
- Contractor may not begin providing services until the contract is signed
- It is strongly recommended that the contract developed by the Agency use the Terms and Conditions from the standard Request for Proposal (RFP) boilerplate.

*Agency must have Administrative Services approval before moving forward with the contract and services.*

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## O8 Requisition-Used For Deviations

- O8 Requisition is entered into PFC.
- Completed Deviation from Contractual Services Process form is attached to the O8 Requisition.
- A copy of the proposed contract is attached to the O8 Requisition. If requesting use of contract per LB974, which revised statute §73-507, attach copy of the cooperatively bid contract.
- The Agency Director has signed the Deviation from Contractual Services Process form or he/she is in the PFC approval route for the O8 Requisition.
- The O8 Requisition routes to State Purchasing Bureau (SPB) where review of documentation occurs. Agencies may be asked to provide further explanation, justification, or clarification to ensure all compliance with statutory requirements. All should understand that sufficient time for review and approval is necessary.
- If a deviation is approved for contract(s) related to LB974, which revised statute §73-507, State Purchasing will finalize a Participating Addendum. Only then will agencies be able to utilize the contract(s).

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## Emergency Service Contract Requirements

- Statute §73-502 (2) defines an emergency as when action is necessary to meet an urgent or unexpected requirement or when health and public safety or the conservation of public resources is at risk.
- The Agency Director is responsible for any and all questions arising out of the Emergency Service Contract. In contrast to a Sole Source Deviation request, an emergency is declared by the Agency Director. Therefore, an Emergency Service Contract does **not** require approval by Administrative Services prior to moving forward.

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## What If There's An Emergency? Is That a Deviation?

- Yes. An Emergency Service contract valued at \$50,000 and above is a type of deviation from the standard competitive bid process; therefore, many of the processing steps are similar.
- However— an Agency does NOT require prior Administrative Services approval to enter into a service contract valued at \$50,000 or over in the event of an emergency.

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## Emergency Service Contract Requirements

- Statute §73-502 (2) defines an emergency as when action is necessary to meet an urgent or unexpected requirement or when health and public safety or the conservation of public resources is at risk.
- The Agency Director is responsible for any and all questions arising out of the Emergency Service Contract. In contrast to a Sole Source Deviation request, an emergency is declared by the Agency Director. Therefore, an Emergency Service Contract does **not** require approval by Administrative Services prior to moving forward.

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## Writing the Emergency Service Contract Justification:

- An Emergency Service Contract justification should be a "stand alone" document; that is, it should be clear, thorough and written for an audience who does not know the details of the situation or Agency operations.
- An Emergency Service Contract justification explains the nature of the emergency based on the definition within Statute §73-502 (2).
- The Agency Director assumes responsibility for any questions arising out of the Emergency Service Contract.

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## Emergency Service Contract Processing

- Deviation from Contractual Services Form completed, including explanation of the emergency, and attached to an O8 requisition in Payroll & Financial Center (PFC).
- Deviation from Contractual Services form must have either the signature of the Agency Director or he/she must be in the approval route in PFC.
- A copy of the signed final contract must be attached to the O8 requisition in PFC within three (3) working days of contract signature by the Agency and Contractor.

*Prior approval by Administrative Services is not necessary for Emergency contracts, but the agency must notify by using the Deviation from Contractual Services form and O8 requisition.*

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## Questions?

- The Deviation from Contractual Services Request form is located on the State Purchasing Bureau (SPB) website for download at <http://das.nebraska.gov/materiel/purchasing>.
- Payroll & Financial Center instructions are available through the PFC homepage.
- Please contact State Purchasing Bureau at 402.471.6500
- The two most common types of Deviation Requests are Sole Source or Emergency Service Contracts. There may be other circumstances, such as conservation of state resources or requesting to utilize a cooperative service contract, that may be suitable for the Deviation Process. Please contact State Purchasing Bureau (SPB) to discuss specific situations.

Have a question? Email SPB at:  
[ss.materielpurchasing@nebraska.gov](mailto:ss.materielpurchasing@nebraska.gov)  
 (Subject line "Procurement Question—Your Agency Name")

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NEBRASKA  
Administrative Services  
Materiel/Purchasing Division  
**Pre-Bid/Pre-Proposal  
Conference Overview**  
Nebraska State Purchasing Bureau

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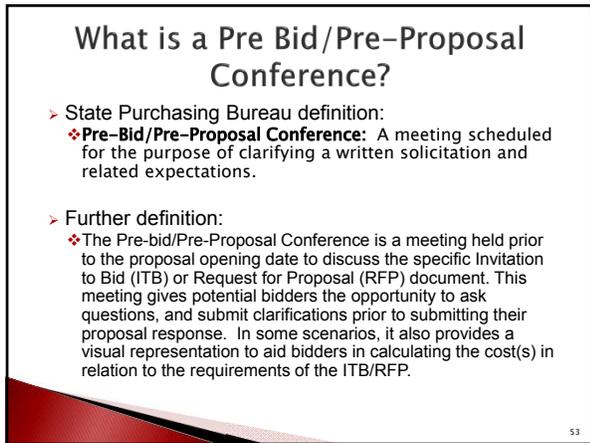
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**What is a Pre Bid/Pre-Proposal Conference?**

- State Purchasing Bureau definition:
  - ❖ **Pre-Bid/Pre-Proposal Conference:** A meeting scheduled for the purpose of clarifying a written solicitation and related expectations.
- Further definition:
  - ❖ The Pre-bid/Pre-Proposal Conference is a meeting held prior to the proposal opening date to discuss the specific Invitation to Bid (ITB) or Request for Proposal (RFP) document. This meeting gives potential bidders the opportunity to ask questions, and submit clarifications prior to submitting their proposal response. In some scenarios, it also provides a visual representation to aid bidders in calculating the cost(s) in relation to the requirements of the ITB/RFP.

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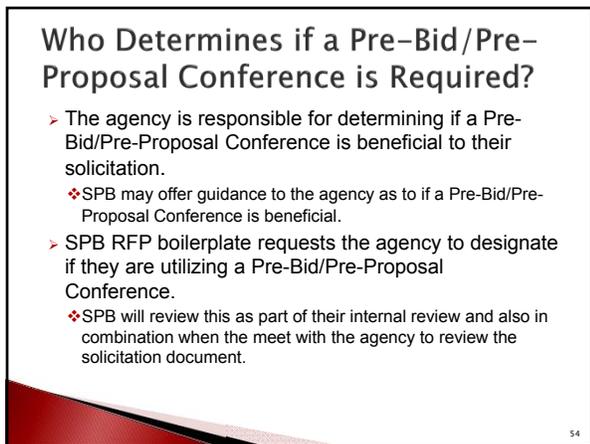
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**Who Determines if a Pre-Bid/Pre-Proposal Conference is Required?**

- The agency is responsible for determining if a Pre-Bid/Pre-Proposal Conference is beneficial to their solicitation.
  - ❖ SPB may offer guidance to the agency as to if a Pre-Bid/Pre-Proposal Conference is beneficial.
- SPB RFP boilerplate requests the agency to designate if they are utilizing a Pre-Bid/Pre-Proposal Conference.
  - ❖ SPB will review this as part of their internal review and also in combination when they meet with the agency to review the solicitation document.

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### If the Pre-Bid/Pre-Proposal Conference is Required, is Bidder Attendance Mandatory?

- > The agency is responsible for making the determination as to if Pre-Bid/Pre-Proposal attendance is mandatory.
- > If the agency determines that attendance is mandatory, bids or proposals will not be accepted unless attendance has been documented. Thus, mandatory attendance must be clearly stated in the RFP/ITB, Schedule of Events, and at the meeting itself.
- > If attendance is mandatory, a Pre-Bid/Pre-Proposal registration sheet will be used as the facilitating document that will allow bidders to further participate in the bidding process.

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**Registration Sheet is available on the SPB Website**

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### If Pre-Bid/Pre-Proposal Attendance is Not Mandatory, What Differs?

- > The Pre-Bid/Pre-Proposal conference transpires and all bidders have the opportunity to bid regardless of their attendance at the conference.
- > If the Pre-Bid/Pre-Proposal conference is not mandatory, a sign-in sheet is not required, but may be utilized.

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### What occurs during the Pre-Bid/Pre-Proposal Conference?

- All attendees will be given the opportunity to inquire on any clarifications they need of the solicitation document and its associated requirements.
- Dependent on the type of solicitation, a tour of the facility and/or specific location where the service(s) will be performed (or product utilized) may be applicable.
  - ❖ This enables the bidder to have a more thorough and comprehensive understanding of the environment wherein the service(s) may occur or the product be utilized.
  - ❖ This may also enable the bidder to further comprehend the reasoning behind the requirements in the solicitation document.

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### Are the Questions Asked During the Pre-Bid/Pre-Proposal Conference Binding on the State of Nebraska?

- No. All questions asked at the conference are considered informal or impromptu.
- All attendees at the Pre-Bid/Pre-Proposal Conference will be given a "Pre-Proposal Conference Questions" sheet in order to submit additional questions as per the rounds of Q & A periods shown in the RFP Schedule of Events.

*Multiple rounds of Q & A and associated Addenda may be necessary, depending on the complexity of the project.*

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Question Submittal form? Look at website!

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## Does the Bidder Have a Mechanism to Incorporate Questions Into the Solicitation Document?

➤ Yes!

- ❖ Standard practice with solicitations involving Pre-Bid/Pre-Proposal Conferences would include two rounds of Question and Answer periods (Q&A) incorporated into the "Schedule of Events."
  - ❖ The first round of Q&A would occur prior to the Pre-Bid/Pre-Proposal Conference.
  - ❖ The second round of Q&A would occur following the Pre-Bid/Pre-Proposal Conference.
- ✓ This gives the opportunity for the bidder to ask questions that are incorporated through an addendum

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**A. SCHEDULE OF EVENTS**  
 The State expects to adhere to the tentative procurement schedule shown below. It should be noted, however, that some dates are approximate and subject to change. **Agencies may use any or all of the optional activities as applicable to the Request for Proposal.**

ACTIVITY	DATE/TIME
1. Release Request for Proposal	
2. Last day to submit "Notification of Intent to Attend Pre-Proposal Conference" <b>[THIS IS OPTIONAL - AGENCY TO DETERMINE]</b>	
3. Last day to submit written questions	
4. Mandatory Pre-Proposal Conference <b>[THIS IS OPTIONAL]</b> Location: State Purchasing Bureau 1526 K Street, Suite 130 Lincoln, NE 68508 <i>*Registration Advertisement:                      Bids will only be accepted from those Companies/Firms which properly register their attendance at this meeting by completing all of the required information on the State Registration Sheet.</i>	
5. Last day to submit written questions after Pre-Proposal Conference	
6. State responds to written questions through Request for Proposal "Addendum" and/or "Amendment" to be posted to the Internet at: <a href="#">[agency web address]</a> and/or <a href="http://data.nebraska.gov/market/purchasing/rfp.htm">http://data.nebraska.gov/market/purchasing/rfp.htm</a> <b>[mandatory if \$50,000 or over]</b>	
7. Last day to submit "Letter of Intent to Bid" <b>[THIS IS OPTIONAL - AGENCY TO DETERMINE]</b>	
8. Proposal opening Location: State Purchasing Bureau 1526 K Street, Suite 130 Lincoln, NE 68508	2:00 PM Central Time

**Prior to and following Pre-Bid/Pre-Proposal Conference**

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## Recommendations for Conducting a Pre-Bid/Pre-Proposal Conference

(To Be Used as Applicable)

- Gather at the time and place called out in the Solicitation Document.
- Start at the time stated in the Schedule of Events.
- Introductions led by SPB Buyer (or agency buyer if agency-processed solicitation).
- Announce the agenda – Will a tour be utilized? When can bidders ask questions?
- Questions should be asked so that the entire group may hear both question & answer.
- No side-bar conversations.

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### Conducting a Pre-Bid/Pre-Proposal Conference

- Agency should have a conference room or designated area available to meet at the beginning of the conference.
- If tour or walkthrough is applicable, the agency staff attending the walkthrough with the SPB buyer should explain site rules or regulations.
- Agency staff are encouraged to help answer questions within the scope of the solicitation.

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### Conducting a Pre-Bid/Pre-Proposal Conference

- Overall goal is to ensure that bidders have an opportunity to ask questions, view the site, and gather information necessary for the State to receive the best possible response or solution for the solicitation.
- Explain to bidders communication process with the state – i.e., none with the agency, all with SPB (SPB Processed) or with the designated agency procurement contact (Agency Processed).
- There must be no appearance of impropriety.

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### Question and Answer Overview

Nebraska State Purchasing Bureau

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## What is the Question and Answer period?

- The Question and Answer (Q&A) period is the specified period established through the Schedule of Events that allows bidder(s) to submit questions that will be formally responded to through an Addendum.
- SPB strongly encourages all agencies to understand the value of this process as a tool in your procurement toolkit to maximize the effectiveness of the solicitation process.

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## Who Uses the Q and A?

- Used in both Commodity (ITB) and Service (RFP) solicitations.
- Used in both SPB processed and Agency processed solicitations.
- Both SPB and the Agency need to use and understand this process.

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### Q and A Addendum example

NEVADA Administrative Services GARY A. OBERMIRAK

State Purchasing Bureau

**ADDENDUM ONE**

Date: May 7, 2014  
 To: All Bidders  
 From: Teresa Fleming, Buyer  
 State Purchasing Bureau  
 RE: Questions and Answers for ITB Number 4537 OF To be opened May 14, 2014 at 2:00 p.m. Central Time

QUESTIONS	ANSWERS
1. Will you take bids on equipment that is similar to the model 1009NY Great Plains No TB Compact Drill	The unit bid must be the brand AND model number as specified in the invitation to bid. The State of Nevada will not be accepting an alternative to the brand specified.
2. Will the State accept a bid on a drill that is comparable to the Great Plains Model 1009NY No TB Drill	See the answer to Question 1.

This addendum will become part of the bid and should be acknowledged with the ITB.

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### Can more than one(1) Q&A period be utilized?

- Yes
  - ❖ Standard practice for solicitations involving Pre-Bid/Pre-Proposal Conference(s) utilize multiple Q&A periods:
    - One(1) prior to Pre-Bid/Pre-Proposal
    - One(1) following Pre-Bid/Pre-Proposal
  - ❖ Highly complex solicitations may require multiple Q&A periods.

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### How Does the Q&A Process enhance the quality of the solicitation?

- The Q&A process has the potential to provide unknown and new items of interest to any type of procurement.
  - ❖ Today's marketplace is constantly evolving with new technology, and new rules/regulations.
  - ❖ Question(s) through Q&A may bring to light circumstances or facts previously unknown.
- The Q&A process may provide valuable information that can be utilized in future solicitations.

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### SPB-Processed Solicitations: Who Receives the Questions Submitted in the Q&A Period?

- State Purchasing Bureau (SPB) will receive the questions submitted through the formal Q&A period per the solicitation document.

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## Agency-Processed Solicitations: Who Receives the Questions Submitted in the Q&A Period?

- Agency contact will receive the questions submitted through the formal Q&A period per the solicitation document.
- If SPB has posted the Agency processed RFP, the Agency will forward the completed Q & A Addendum document to SPB for posting on SPB website.

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### Communication instructions for SPB Processed RFP; Agency Processed RFP will have specific agency procurement contact person, by contrast.

**A. PROCURING OFFICE AND CONTACT PERSON**  
Procurement responsibilities related to this Request for Proposal reside with the State Purchasing Bureau. The point of contact for the procurement is as follows:

Name: **Steve Nemes**  
Agency: State Purchasing Bureau  
Address: 1024 N Street, Suite 150  
Lincoln, NE 68503  
OR  
Address: P.O. Box 34847  
Lincoln, NE 68509  
Telephone: 402-471-2800  
Facsimile: 402-471-2089  
E-Mail: [spbmatene@nebraska.gov](mailto:spbmatene@nebraska.gov)

**C. COMMUNICATION WITH STATE STAFF**  
From the date the Request for Proposal is issued until a determination is announced regarding the selection of the contractor, contact regarding the project between potential contractors and individuals employed by the State is restricted to only written communication with the staff designated above as the point of contact for this Request for Proposal.

Once a contractor is preliminarily selected, as documented in the intent to contract, that contractor is restricted from communicating with State staff until a contract is signed. Violation of this condition may be considered sufficient cause to reject a contractor's proposal and/or selection irrespective of any other condition.

The following exceptions to these restrictions are permitted:

1. written communication with the person(s) designated as the point(s) of contact for this Request for Proposal or procurement;
2. contracts made pursuant to any pre-existing contracts or obligations;
3. **For procurement of services, the State Purchasing Bureau may invite State staff and/or contractor staff present at the Pre-proposal Conference when designated by the State Purchasing Bureau staff facilitating the meeting for the purpose of addressing questions, and other requested presentations, key personnel interviews, clarification sessions or discussions to finalize a contract.**
4. Violations of these conditions may be considered sufficient cause to reject a bidder's proposal and/or selection irrespective of any other condition. No individual member of the State employee of the State, or member of the Evaluation Committee is empowered to make binding statements regarding this Request for Proposal. The buyer will issue any clarifications or opinions regarding the Request for Proposal in writing.

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**E. WRITTEN QUESTIONS AND ANSWERS**  
Any explanation desired by a bidder regarding the meaning or interpretation of any Request for Proposal provision must be submitted in writing to the State Purchasing Bureau and clearly marked "RFP Number #####Z1; (service to be provided) Questions". It is preferred that questions be sent via e-mail to [spbmatene@nebraska.gov](mailto:spbmatene@nebraska.gov). Questions may also be sent by facsimile to 402-471-2089, but must include a cover sheet clearly indicating that the transmission is to the attention of **(Buyer Name)** showing the total number of pages transmitted, and clearly marked "RFP Number #####Z1; (service to be provided) Questions".

It is recommended that Bidders submit questions sequentially numbered, include the RFP reference and page number using the following format.

Question Number	RFP Section Reference	RFP Page Number	Question

Written answers will be provided through an addendum to be posted on the Internet at <http://sis.nebraska.gov/materials/purchasing/rfp.htm> on or before the date shown in the Schedule of Events.

Q and A instructions to bidders with recommended format for RFP solicitation.

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### Who Answers the Questions Submitted in the Q&A Process?

- State Purchasing Bureau (SPB) will review all submitted questions and delegate the responsibility for the assignment of answering all received questions.
- Standard practice is for SPB to answer all items related to the procurement process, and the agency to answer all questions with regard to requirements/ specifics for the solicitation
  - ❖ The agency will utilize its expertise to answer questions relating to the services required.
  - ❖ SPB will utilize its expertise to answer questions related to the procurement process.

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### Is the State Required to Answer All Submitted Questions?

- **Yes.**
  - ❖ Regardless of the question(s) submitted the State is required to give a complete and full answer to all questions received.
  - ❖ The only exception to this would be a question that violated rules/regulations.

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## Processing Commodity Procurements

Nebraska State Purchasing Bureau

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## Resources for Agency Users

### **SPB Contacts**

Kate Severin, Commodities Supervisor 402.471.4367  
Pete Kroll, Services and IT Supervisor 402.471.4123

Brenda Pape, State Procurement Manager  
402.471.0970

### **SPB Website Resources**

Unrestricted Open Market Authority Letter  
State Contract List  
Bid Opportunities

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## SPB Website

<http://das.nebraska.gov/materiel/purchasing.html>



**State Agencies:**  
■ Information & Forms  
■ Unrestricted Open Market Purchase Authority Letter - PDF

**Office Supplies:**  
■ Office Supply Bureau

**State Purchasing Bureau Issued Contracts:**  
■ Contract Search

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## Commodity Team

Julie Dabydeen, Buyer  
Teresa Fleming, Buyer  
Dianna Gilliland, Buyer  
Annette Walton, Buyer  
Christie Kelly, Buyer  
Karen Peterson, Buyer  
Bitsy Longan, Staff Assistant  
Charla Peterson, Staff Assistant

Kate Severin, Supervisor

Brenda Pape, State Procurement Manager

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## Services and IT Team

Connie Heinrichs, Buyer  
Robert Thompson, Buyer  
Michelle Thompson, Buyer  
Jennifer Crouse, Buyer  
Nancy Storant, Buyer

*Nancy is the IT Buyer, including IT purchases processed as commodities*

Kristi Kling, Buyer  
Karen DeVries, Staff Assistant  
Lydia Daniel, Staff Assistant

Pete Kroll, Supervisor

Brenda Pape, State Procurement Manager

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## State Purchasing Bureau Goals

- Comprehensive communication with agencies during the procurement process;
- Enhanced tools for agencies and vendors –including updated website, forms and training guides;
- Maximizing competition to ensure the best value for state tax dollars;
- Mutual accountability and responsibility between SPB and agencies; and
- Increased cooperation between Political Subdivisions and SPB to maximize best dollar value throughout the State by pooling usage estimates.

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## COMMODITY PROCUREMENT PROCESSING

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**Unrestricted Open Market Purchase Authority Letter, FY 2014-15**

- Wholly based on Statute §81-161.03
- Purchasing instructions by dollar levels
- Purchases on contract
- Fixed Assets
- IT Equipment
- Service Contracts
- CSI purchases
- Exception Items – Lists E1 Requisition Type for exceptions

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**Refresher: Commodity Procurement**

- **Proof of authorization to engage in business within the State of Nebraska** required prior to award for commodity contracts and/or formally posted ITB's for one-time purchase (§73-101.01).

*Ensures legitimacy of vendors receiving awards, typically done via Secretary of State registration.*

- **Commodity Specification** template changes – includes Secretary of State language and formatting changes.

*Formatting changes (Yes/No/No & Provide Alternative) offer more clarity to bidders; new table structure easier to format.*

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**Refresher: Commodity Procurement**

- **Preference** – Invitation to Bid updated to include language from §73-107 to allow a Resident disabled veteran or a business located within a designated enterprise zone to claim preference if all other factors are equal, based on documentation provided.

*New statute from 2013 legislative session.*

- **Core & Catalog** – ensures flexibility for agencies, as needs change.

*SPB cannot add items to a contract that were not part of the competitive bid.*

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## NEW: Commodity Procurement

- **Nebraska's Transparency in Government Procurement Act** – DAS is required to collect statistical information regarding the number of contracts awarded to Nebraska contractors. This information is for statistical purposes only and will not be considered for contract award purposes.

*New statute from 2014 legislative session.  
Applies to all contracts subjected to a bid process, whether commodity or service.*

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## Commodity Procurement Processing Steps

- Upon requisition arrival in SPB, team Supervisor reviews file and attached documentation. If documentation needs updating or revision, the Supervisor will request this from the Agency before assigning to a Buyer.
- Requisition attachments may include:
  - Updated, current specifications (for contract or formal bid).*
  - Vendor List (for contract or formal bid).*
  - Valid (not expired) quotes already received (for Direct Purchase Authority).*
  - Justification Memo (Sole Source or Restrictive).*
  - Explanation Memo (Used Equipment).*
  - Text attachments explaining any other needs, concerns or factors that will affect the agency.*

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## Commodity Procurement Processing Steps

- Upon assignment of requisition, SPB Buyer is tasked with sending a "heads up" note to the agency contact.
  - Enhances communication with agency.*
- SPB is working contract renewals a minimum of six (6) months prior to expiration (both commodity and service contracts).
  - Enhances planning at the SPB and agency level.*

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## Planning Procurement Projects

- SPB is working contract renewals six (6) months prior to expiration.  
*If an existing contract is out of renewal options, agencies – please be prepared to begin planning the procurement calendar a minimum of six (6) months prior to expiration.*
- High-dollar State-Wide bids may require more than six (6) months to ensure that specifications are technically accurate and functional for end users.  
*Allow time for thorough review of specifications for rebid. Ensures that pre-contract award documentation may be collected in advance of desired start date.*
- Formal ITB's require a minimum of fifteen (15) days posting time; complex requests may require additional time to ensure that vendors have adequate preparation to provide their best bid.
- Therefore, plan for a minimum of three (3) full weeks for posting.
- SPB requires thirty (30) days from receipt of requisition to posting a bid – due to processing queue for all agency requests.

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## Commodity Procurement Cycle (Minimum Processing Time = 45 Days Total)

- Requisition Receipt and Review of Attachments
- Buyer Assignment and Preparation
- Bid Posting/ Q and A
- Bid Opening
- Agency Evaluation of Bids and Recommendation
- Post-Award Recommendation Activities include receipt of SOS, insurance (if applicable), performance bond (if applicable), vendor Address Book addition (if applicable), Award of Bid process (if applicable)
- Contract/Purchase Order issuance and signature process

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## Direct Purchase Authority (DPA) Process (\$10,000 to \$24,999.99)

- Direct Purchase Authority (DPA) is **only** available on procurements up to \$24,999.99.  
*SPB cannot, by statute, grant DPA for procurements at or above \$25,000.*
- DPA requests are not to "Best Source." Always enter the requisition for the lowest responsible bidder.  
*If vendor requires entry into the E1/PFC Address Book, that is the Agency's duty.*
- DPA requests are based on the Agency's provision of all necessary documents for SPB review. Without the proper documentation, processing time is increased while that documentation is collected by the agency or SPB. SPB is reviewing the Agency's procurement processes for the request. Direct Purchase Authority requisitions should arrive complete and thoroughly documented.  
*Include copies of all quotes/bids received with the requisition; ensure quotes have not expired. If it was not possible to receive three (3) bids, please note within a text attachment. Include a justification memo if necessary. Used equipment within this price range should be accompanied by an explanation memo.*

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### Direct Purchase Authority (DPA) Process (\$10,000 to \$24,999.99)

- DPA requests are reviewed **entirely** on the documentation provided by the agency. Include all necessary documentation to show that maximum competition was sought and achieved at the agency level.
- The requisition should mirror the recommended bidder's quote as received by the agency.
- If the DPA is Restricted or Sole source, a stand-alone justification memo is to be provided that explains the agency's business needs. Memos should always be in standard business memo format and preferably on agency letterhead.
- Sole Source requests require not only the agency justification memo but proof from the vendor that they are the sole and only source through which the product is available.

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### Direct Purchase Authority (DPA) Process (\$10,000 to \$24,999.99)

- If the Agency has received a quotation or vendor response that contains terms in conflict with the Standard Terms and Conditions (example: FOB Point of Origin instead of Destination or payment terms less than 45 days), the Agency should work with the vendor to request that the terms be waived or changed, prior to submitting.  
*FOB Destination is the standard to protect the State from loss or damage and should not be waived. Title to goods does not pass to State until goods are received. By statute, the State has 45 days to pay.*
- All bid documents used by Agencies should incorporate the Standard Terms and Conditions. The functionality exists in E1/PFC for agencies to generate an ITB (quote process) which incorporates the Standard Terms and Conditions into the document automatically.

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### Direct Purchase Authority (DPA) Frequently Asked Questions

- "Do I need three bids if it is under \$25,000?"  
*Yes, unless the item is an exception item (weapon, printing, non-CSI furniture, etc.) under \$2000. See the Unrestricted Open Market Purchase Authority FY 2014-15 memo on SPB website. If three bids cannot be obtained, a Justification memo of explanation is requested.*
- "The items we need are about \$30,000 – can I just send you our bids?"  
*If the lowest quote is over \$25,000, SPB cannot grant Direct Purchase Authority. This would have to be processed as a formal sealed competitive bid through SPB, as a GSA-Like Pricing purchase request (if applicable), or as a Sole Source procurement (if applicable).*
- "What if the vendor we want to use isn't in the E1/PFC Address Book?"  
*The Agency submits an Address Book request to PFC and receives the Address Book number prior to entering the requisition. DPA requests are not submitted as "best source."*

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## Direct Purchase Authority (DPA) Frequently Asked Questions

➤ "What if the vendor bids shipping charges?"

*Some vendors simply will not include shipping within their pricing. Bid comparison is based on the total overall cost, including shipping. However, the vendor must agree to FOB Destination as part of their shipping service. FOB Destination ensures that title of goods does not pass until the items are received by the state. If shipping charges are included, these should be entered as a separate line item on the requisition.*

➤ "Can I just enter the requisition for a lump sum, even though we have multiple items/components?"

*SPB does not recommend entering multiple components as a "lump sum" entry. How will the agency receive within E1/PFC if the vendor shorts or partial ships some items?*

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## GSA-Like Pricing (\$10,000 or Over)

➤ Requisitions for products with GSA-Like pricing must be accompanied by the vendor quote that describes or lists the GSA-Like pricing.

➤ A copy of the cover sheet of the associated GSA contract, including the contract expiration date.

➤ Copies of the specific contract pages with the item(s) and prices listed.

*The vendor should be able to supply this to the agency; if it cannot be provided, GSA-Like processing is not possible.  
It is not ideal to provide the entire contract; only the pages showing the requested items and the GSA price are necessary.  
In rare circumstances, SPB may feel that it is possible to receive better pricing with a formal bid.*

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## IT Commodity Procurements

➤ <http://www.nitc.nebraska.gov/standards/1-204.html>

*Nebraska Information Technology Commission (NITC) Procurement Review Policy.*

➤ Agencies must attach sufficient information in E1/PFC that allows the reviewer to determine what is being purchased, the purpose being served, total cost, and a contact for additional information. This information can be provided as either a text note or an attachment to the header in E1/PFC. In addition, the following types of documents are helpful, if available:

*Bill of material from the vendor.  
Quotation from the vendor.*

➤ Software is processed as a commodity, unless it is SaaS.

*SaaS (Software as a Service) is a way of delivering applications over the Internet—as a service. Instead of installing and maintaining software, it is accessed via the Internet, freeing users from software and hardware management.*

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### Restrictive (Brand/Model) Requests

- Restrictive requests, if valued at \$25,000 or over, will be posted to the SPB website, since competition may be attained among multiple distributors.
- Always include a vendor list.
- Include a memo from the agency that has a clear, stand-alone explanation as to why the request should be restricted to brand/model.  
*A "stand alone" justification means that a lay person without specific knowledge of agency business processes can understand the need. Paint the whole picture; the file lives on after the procurement!*
- If more than one vendor or distributor can provide the item in our geographic location, the request is not a Sole Source – it is a Restrictive request.

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### Sole Source

- Sole Source means that there is only one manufacturer and no other distributors OR only one authorized distributor within the geographic location.
- Include a letter from the manufacturer on their company letterhead that states this directly.
- Include a memo from the agency that has a clear, stand-alone explanation as to why the item is the only one that will serve the agency needs – not just that it is a Sole Source.

*A "stand-alone" justification means that a lay person without specific knowledge of agency business processes can understand the need. Paint the whole picture; the file lives on after the procurement!*

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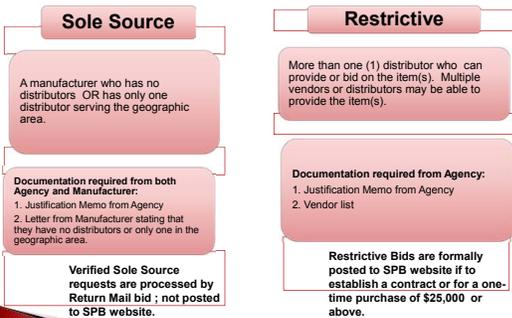
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### Sole Source vs. Restrictive



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## Formal, Sealed Competitive Bid Process (\$25,000 or Over)

One-Time Purchase or Contract Specifications

- "Formal" means that the Invitation to Bid (ITB) is posted to the SPB website, typically for a minimum of fifteen (15) days.
- Agency is responsible for providing the current, updated technical specifications to SPB.
- SPB may ask the agency to document which three (3) manufacturers and/or models can meet the technical specifications provided. Please understand this is part of SPB's mandate to ensure that maximum competition is solicited and received for state purchases.

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## Commodity Specifications

- Ensure that specifications provided to SPB are current and updated, as per industry and market standards.
- Please review specifications with agency internal stakeholders to ensure that needs are being met.
- Review former specifications and Addenda, including "Questions and Answers" to prevent past issues from re-occurring.

*Use the past Q & A as a guideline to help make specifications clear, inclusive and functional.*

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## Commodity Contract Specifications

- Agency is responsible for providing the technical specifications to SPB.  
*SPB will work with the Agency to refine the specifications, but SPB is not the provider of the specifications.*
- "We've always done it that way" – let's explore how we can improve or update the specifications. Our goal is the best contract at the best price for your needs.  
*All are stewards of the public's interest – maximum competition and transparency is the goal.*
- Core & Catalog concept will allow commonly used items and flexibility for possible future needs.  
*SPB cannot add items to the commodity contract that were not competitively bid. Core & Catalog is the mechanism used to allow contract item flexibility, as appropriate.*

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### Commodity Contract or Formal One-Time Purchase Specifications

- Attach the Word file with specifications to the requisition as a file– do not use the OLE function in E1/PFC.  
*Please do not enter the requisition and then email the specifications to a Buyer – the specifications should travel with the requisition.*
- Include a vendor list.  
*Necessary for any requisition except DPA or documented Sole Source; SPB will also attempt to find other vendors using the E1 address book listings*
- Justification memo for Sole Source or Restrictive needs, if applicable.  
*All justifications or explanations are part of the file; please write the memo so that it can "stand alone" and gave an outside reviewer the complete picture of the agency need.*

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### Commodity Contract or Formal One-Time Purchase Specifications

- Core & Catalog clauses used, as appropriate, to provide a pathway for future needs or items that may be unknown at the time of bid.  
*Is the Core list appropriately sized?  
Include all items that will be used on a regular basis as Core.  
Suggestions for categories for Catalog are requested.*
- Agency research ensures that multiple vendors may compete.
- Allow adequate time for Question & Answer period.  
*Including SPB review of Q & A prior to posting.*
- Is a Pre-Bid Conference necessary?
- Is a Performance Bond necessary?  
*Agencies should evaluate risk of non-performance in considering.*
- Are there any Federal requirements that should be addressed up front?

*Buy America*  
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### Formal ITBs & SPB Website – Enhanced Timeline Information

ITB Number 4644 OF

**BIDDER:**  
Aandis Walton

**PROJECT DESCRIPTION:**  
The State of Nebraska is seeking a qualified contractor to provide Stream Gage Hooses. Written Questions regarding the project are due no later than 03/05/2014.

Project Documents	Date Posted/ Projected Completion	Document Format(s)
Invitation to Bid	02/26/14	PDF
Attachment One	Not Applicable	
Addendum One - Questions and Answers	03/06/14	PDF
Addendum Two	03/07/14	PDF
Mandatory Walkthrough (if applicable)	Not Applicable	
ITB Bid Opening Date	03/13/14	
Bid Tabulation by SPB typically within 2 business days	03/14/14	PDF
Bid Review at Agency typically at least 5 business days	03/14/14	
Award Recommendation Received	03/18/14	
SPB Review of Award Recommendations	03/18/14	
Award of Bid (if applicable)	Not Applicable	
Secretary of State Registration/Letter of Good Standing	03/26/14	
Submission of Certificate of Insurance (if applicable)	Not Applicable	
Finalization of Terms and Conditions (if applicable)	Not Applicable	
Purchase Order Signing & Distribution	03/27/14	
POST Awarded Bid Tabulation	04/01/14	PDF

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### Steps After Receiving Agency Recommendation for Formal, Sealed Competitive Bids

- SPB must obtain "proof of authorization to engage in business" from awarded vendor.  
*Nebraska Secretary of State Letter (or Certificate) of Good Standing, current within 90 days of bid opening.*
- Bonds and/or Certificate of Insurance (COI) may require receipt prior to award.
- Legal review is necessary if a bidder has taken exception(s) to Standard Terms and Conditions or has included a Licensing Agreement.
- Vendor addition to E1/PFC Address Book, if necessary.

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### Award of Bid

- Whenever a formal procurement (ITB for either contract or one-time purchase valued at \$25,000 or over) garners fewer than three (3) bids, Materiel and the using agencies must review to determine if the specifications should remain as written (§81-154).
- Therefore, if the formal procurement was not noted or reviewed as a Sole Source or Restrictive bid (with justification review prior to release), SPB has a duty to ask the agency to explain why the specifications cannot be altered.

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### Exception Items

(For all Exception Items and Categories, See Unrestricted Open Market Authority Letter 2014-15)

- Weapons come to SPB at any dollar amount.
- Non-CSI furniture comes to SPB at any dollar amount.  
*There must be a compelling reason to source outside of CSI. Refer to Statute §83-145.*
- Copyrighted Publications – Agencies have unlimited purchase authority; these purchases should be processed using a ZO document within E1/PFC.
- Current Unrestricted Open Market Purchase Authority FY 2014-15  
*Found on the SPB website homepage.*

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### Political Subdivisions – Increased Communication

- SPB is excited about an informal, state-wide workgroup of city, county, education and other procurement professionals, who are eager to work cooperatively to pool specifications, usages, and bids, whenever possible.
- Political subdivisions currently use many of our contracts, including vehicle and computer contracts.
- Increased communication regarding political subdivision anticipated usages may help control or drive down statewide contract pricing.

*Do not be surprised if SPB incorporates usage estimates or delivery locations for these entities in future bids.*

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### Grant– Funded Purchases

- Please plan grant-funded purchases proactively, based on the expiration date of the grant.
- Review the terms of the grant – virtually all require that the procurement process follow internal policies and procedures.
- Therefore, standard SPB practices will apply, unless there are specific exceptions in the grant document; this would require a justification memo by the agency.
- Attach a copy of the grant to the requisition.

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### Master Lease Purchase Program (MLPP)

- See State Accounting website for Master Lease Program Manual  
<http://das.nebraska.gov/accounting/>
- Used for “significant, one-time purchases” which annual budget appropriations cannot accommodate. Work with State Accounting up front.
- “All appropriate State purchase-approval procedures must be followed.”
- Special procedure for creating the fixed asset in E1/PFC.

*E1/PFC training manuals available at Link homepage.*

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## Emergency Needs

- Emergencies can happen at any time and within any agency. Contact SPB as soon as possible – certainly that day if the emergency occurs during a business day and the cost is over \$10,000 in non-contract commodity procurement.

*Emergency services have a \$50,000 cap.  
Contact SPB for assistance.*

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## Quantity Increase Requests – Existing Commodity Contracts

- When completing the form, estimate usage for the next several months, not just for one purchase order.
- When referring to the line(s) that needs to be increased, ensure the contract line number is correct (i.e., Line 1, Line 1.1, or Line 1.2, etc.)
- Commodities – usage on state contracts is estimated and may be added to as needed. Service contracts (O4) are often for fixed dollar amounts and may require additional explanation.

*Request to Increase Contract Quantity Form is found under "Agency Information" on the SPB website.*

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