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Subject: Vendor Guide to Doing Business with the State of Utah

To All Interested Vendors:

Thank you for your interest in doing business with the State of Utah. This vendor guide is designed to share with suppliers the procedures governing the sale of commodities and services to the State of Utah. With the exception of occasional contracts with extraordinary circumstances that justify the award of a sole source contract, the State of Utah conducts competitive procurements for all products and services required by state agencies in accordance with the Utah Procurement Code 63G, 6a. State agencies - not the Division of State Purchasing - make the decision as to which products and services they need and which procurements they request the Division of Purchasing to conduct.

The State of Utah has partnered with SciQuest, an online e-procurement bidding service, to distribute and receive bids, RFPs, and other solicitations. In the SciQuest system all bids, RFPs and other solicitations are known as sourcing events, a reference which will be used throughout the attached document. In order to access the State of Utah's procurements online, you must register as a vendor on the SciQuest website,

<https://solutions.sciquest.com/apps/Router/SupplierLogin?CustOrg=StateOfUtah>

If you require assistance during the registration process, you may contact sciquestadmin@utah.gov or call the SciQuest supplier support at 1-800-233-1121. If you choose to call, please inform SciQuest support that you are registering under the State of Utah's Supplier Portal. Registration, email notifications, and electronic responses for all sourcing events (bids, RFPs, etc.) are free under the State of Utah contract with SciQuest. Registration with the Utah Supplier Portal is limited to

procurements conducted by the State of Utah and political subdivisions of the State of Utah.

During the SciQuest registration process, you will have the opportunity to choose categories for the products and services (commodities) that match your company's area of business. Additionally, you may also register for NAICS codes to allow your company to be visible to other SciQuest customers. Once you are registered, you will automatically receive email notification concerning all sourcing events for the State of Utah and its participating political subdivisions for the categories for which you have registered.

At any time, registered or unregistered vendors can view sourcing events hosted by the State of Utah and its participating political subdivisions by proceeding to <https://bids.sciquest.com/apps/Router/PublicEvent?CustomerOrg=StateOfUtah> . Vendors and suppliers that have completed their registration with SciQuest will have the ability to safely and securely submit online responses to sourcing events. Registered vendors and suppliers will also receive automatic updates regarding amendments to sourcing events and questions.

We appreciate your interest in doing business with the State of Utah, and look forward to our future business interactions. We encourage all qualified vendors to offer their products and services to the State of Utah. We welcome your questions or comments.

Sincerely,

Kent D. Beers

Kent D. Beers
Chief Procurement Officer
Director of Purchasing & General Services

A VENDOR'S GUIDE TO DOING BUSINESS WITH THE STATE OF UTAH

WHAT IS PURCHASED

State government is one of Utah's largest consumers. The Division of Purchasing is the State's centralized procurement arm. The Division has a service oriented function where professional purchasing agents assist agencies in obtaining all supplies, equipment, services or construction needed. Annually, these purchases exceed \$1 billion. As stated in Utah State law, the purpose of a regulated, competitive procurement process is “to ensure fair and equitable treatment of all persons who deal with the procurement activities; to provide increased economy in state procurement activities; and to foster effective broad based competition within the free enterprise system.” (UCA 63G-6a-102)

The Division of Purchasing coordinates all procurements for all State executive branch agencies with the following exceptions:

- State highway design and construction projects are procured by the Utah Department of Transportation (UDOT), 4502 South 2700 West, Salt Lake City, UT 84119. www.udot.utah.gov
- Major building design and construction projects are procured by the Utah Division of Facilities Construction and Management (DFCM), 4110 State Office Building, Salt Lake City UT 84114. <http://dfcm.utah.gov>

SMALL PURCHASES

State agencies are authorized to make small purchases of less than \$5,000 without involvement of the Division of Purchasing as long as the procurement item(s) are not available through a state cooperative contract. For purchases that qualify as a small purchase, the agency obtains price quotations and directly makes the award. If you believe your firm may be able to supply goods or services that fit within the small purchase category and for which there is not an equivalent goods or service available on a state cooperative contract, you should contact the appropriate agencies directly.

PROCUREMENT METHODS

The Division uses five basic types of competitive source selection methods:

- **Request for Quotation (RFQ):** The quotation process for small purchases not exceeding an aggregate amount of \$50,000. Public posting of these sourcing vents is not required by law. Electronic, fax, written, or telephone quotations may be used. Vendors are strongly encouraged to provide an immediate response to an RFQ since the period of time is short and quotes received after the date stated in the solicitation are considered nonresponsive. The award is given to the lowest responsible and responsive bidder whose quote conforms in all material respects to the requirements and criteria set forth in the RFQ. An RFQ frequently becomes a purchase order, but can become a contract.

- **Invitation for Bid (IFB):** An Invitation for Bid is a sealed, publicly posted, competitive bidding process used for purchases exceeding \$50,000. The IFB solicitation contains specifications, contractual terms and conditions, and the evaluation criteria for award. Bids are opened publicly at the time and place designated in the IFB; any bid received after that time cannot be considered. The contract is awarded to the lowest responsible and responsive bidder whose bid conforms in all material respects to the requirements and criteria set forth in the IFB. Negotiation of the terms and conditions posted in the solicitation is not permissible after award. After award of the contract, the name of each bidder and the amount of each bid becomes public information.
- **Request for Proposal (RFP):** A Request for Proposal is a sealed, publicly posted, competitive proposal process used when the procurement officer determines that the RFP process will provide the best value to the State. The RFP process is utilized when the needs of the state agency may not be completely clear, when negotiations may be necessary, and when factors, in addition to cost, are highly significant in making the selection that is most advantageous to the State. An RFP will contain technical specifications of a Scope of Work for which the offeror must respond with a sealed technical proposal that is kept separate from the offeror's cost proposal. A formal proposal close date and time will be specified in the sourcing event; any proposal received after that time will not be considered. Evaluation criteria will be established and listed in the RFP and used by the evaluation committee to select the contractor. After award of the contract, both successful and unsuccessful technical and cost proposals become public information except for qualified business confidential information.
- **Request for Statement of Qualifications (RFSQ):** The Request for Statement of Qualifications is a sealed, publicly posted, solicitation process used as part of a multiple-stage bidding, request for proposal, or design professional procurement process. During the RFSQ process, vendors must meet the mandatory minimums provided in the solicitation in order to advance to the next stage of the solicitation process.
- **Professional Services:** The small purchase threshold for professional service providers and consultants is a maximum amount of \$100,000. After reviewing the qualifications of a minimum of three professional service providers or consultants, the chief procurement officer, or as applicable, the head of a procurement unit with independent procurement authority, may obtain professional services or consulting services up to a maximum of \$100,000 by direct negotiation.

ELECTRONIC ISSUANCE OF SOLICITATIONS & ELECTRONIC RECEIPT OF RESPONSES

The State of Utah has partnered with SciQuest to distribute and receive bids and proposals. SciQuest is an online bidding service designed to streamline the bidding process for buyers and suppliers. In order to access the State of Utah's bids online, you will need to register as a vendor on the SciQuest Utah Supplier Portal

<https://solutions.sciquest.com/apps/Router/SupplierLogin?CustOrg=StateOfUtah>.

The State of Utah is sponsoring most of their solicitations, known as sourcing events, on the SciQuest network, therefore, registration, email notifications, and electronic bid response for the State of Utah's sourcing events are FREE. Once you are registered, you will receive email notifications. You will also be able to view all of the State of Utah's quotes, bids, proposals, etc. Finally, you will have the ability to submit your responses online. When you register with SciQuest, you will receive automatic email notifications about any sourcing event that matches your company's area of business which is posted on the SciQuest website by the State of Utah or by a political subdivision of the State of Utah. You will also receive automatic updates regarding amendments to sourcing events and questions.

SOURCING EVENT INSTRUCTIONS AND GENERAL PROVISIONS

Each sourcing event will include a set of instructions and general provisions. Prospective suppliers should pay close attention to these instructions and general provisions. Failure to follow the instructions or to provide the required information can lead to a bid or proposal being declared nonresponsive.

SPECIFICATIONS

The specification and/or description of the item being purchased will be written to invite open competition. Merchandise offered must be new merchandise, unless the sourcing event specifically requests used merchandise. "Demonstrator," rented, or reconditioned merchandise is not considered new. Workmanship on products offered must be first class in every respect - as good as or better than that sold to the commercial trade.

IFB/RFPs will have one of the following requirements specifying the level of quality desired:

- Standard Specifications:** Specifications prepared and issued by standards or specification organizations which are generally known to the seller and to the industrial trade may be used to indicate the level of quality and other requirements for an item. Examples of such organizations are Federal Standards, Underwriters Laboratories (UL), American National Standards Institute (ANSI), etc.
- Purchase Specifications:** A description of the item, product, or article may be given in an IFB/RFP to specify minimum requirements. These purchase specifications may be brief or complex and may be used in lieu of other criteria in establishing the minimum requirements for supplies, materials, services, and equipment.
- Brand Name or Equal Specifications:** When a brand name "or equal" specification is used as a reference, it is intended for descriptive purposes only and is not intended as a restrictive specification. In such cases, the bidder must clearly state the brand, type, model, etc., that is being offered instead and must support such offer with adequate specifications and properly marked descriptive literature of the product being offered as "equal." If the bidder does not take exception to the specification referenced in the IFB/RFP or does not provide detailed descriptive information on the product offered, the Division will assume the bidder proposes to furnish the exact item referenced in the IFB/RFP. Proof that the item offered is "equal to or exceeds specification" is the

responsibility of the bidder.

BID OPENING AND AWARD

- **Bid Opening:** Formal Bids/RFPs will be opened by the Division at the time and place stated in public notices and/or IFB/RFP. Each vendor and/or his/her representative may attend the bid opening if so desired. At the opening of an IFB, the bidders' names and quotes are available. At the opening of an RFP, only the offerors' names are available. RFQ's do not have a public quotation opening.
- **Award:** The Division will evaluate bids (IFB) and make awards for supplies, materials, services and equipment on the basis of the "lowest responsive and responsible bid." The Division reserves the right to make multiple awards if it is in the best interest of the state and when the intention to make a multiple award was listed in the specifications. Proposals are evaluated based upon the evaluation criteria indicated in the RFP. Awards on RFPs are made to the firm whose proposal is determined to be the most advantageous to the state, taking into consideration price and the other evaluation criteria.
- **Publication of Award:** A publication of award for each publicly posted sourcing event will be available for public inspection on the SciQuest. The publication of award for an IFB will include the name of each bidder and the amount of each bid. The publication of award for an RFP will include: the name of the winning offeror and the total score awarded to that offeror; a justification statement; a cost-benefit analysis, if required by law; and the total score awarded to each offeror to which the contract is not awarded without identifying which offeror received which score. (63G-6a-709.5)
- **Late Bids/Proposals:** Any bid/proposal submitted after the date and time designated in the IFB/RFP will not be accepted. This regulation does not allow for exceptions, thereby preserving the State's policy of equal treatment toward all vendors.
- **Protests:** Concerns regarding a sourcing event, specifications, or an award should first be discussed with the appropriate purchasing agent in the Division. If the concern is not resolved by the purchasing agent, vendors have the ability to formally protest to the State's Chief Procurement Officer at the Division of Purchasing, 3150 State Office Building, Salt Lake City, UT 84114-1061. Protests and appeals of Division actions are governed by the Utah Procurement Code 63G-6a Part 16 and Administrative Rule R33-16. Any protest regarding specifications must be filed in writing prior to the sourcing event closing date and time. Protests relative to the contract award must be filed in writing within seven working days after the aggrieved person knows or should have known of the facts giving rise thereto.

CONTRACT TYPES

Prior to running a solicitation, the purchasing agent will select the contract type that will be used at the conclusion of the sourcing event. State Purchasing uses three main contract types.

- **Purchase Order:** A purchase order is a short term contract used when making one time or spot purchases. Purchase requirements are clearly described on the sourcing event or purchase order. A purchase order contract is not anticipated to need more than three partial payments. If more payments will be required, an agency contract should be created.
- **Agency Contract:** An agency contract is a term contract to procure products or services that are specific to the needs of one agency. The contract is used in lieu of a purchase order when more than three partial payments are anticipated to be made, when purchases will be made over time, or when the scope of work cannot be accurately defined on the face of a purchase order.
- **State Cooperative Contract :** A state cooperative contract is a term contract established for procurement of products or services by the Utah state agencies, public entities, nonprofit organizations, or, as permitted under federal law, an agency of the federal government. Consolidating the purchases of these entities generally results in volume savings and reduced administrative time and costs. The aforementioned entities may buy from a state cooperative contract that is issued by the chief procurement officer without signing a participating addendum.

PURCHASE ORDERS AND CONTRACTS

- **Issuance:** Purchase orders or contracts are issued by the Division to the successful bidder(s). A contract is not valid until all required signatures have been affixed to the document.
- **Cancellation:** Purchase orders or contracts may be canceled under the following conditions:
 1. A purchase order or contract may only be canceled by the vendor or requesting agency with prior approval of the Division of Purchasing.
 2. The Division may cancel a purchase order or contract because of unsatisfactory performance or no performance by the contractor.
 3. A contractor may request a cancellation of a purchase order or contract or a portion thereof, because of circumstances beyond his/her control. In these instances, the Division will consider such requests when presented in writing with proper documentation.

DELIVERY AND INSPECTION

- **Delivery:** Delivery must be made in compliance with the instructions in the IFB/RFP and subsequent purchase order or contract.

COOPERATIVE PURCHASING

Utah statutes provide that statewide cooperative contracts administered by the Division may be

utilized by public entities, nonprofit organizations, and, as permitted under federal law, an agency of the federal government. Examples of public entities include state colleges and universities, school districts, charter schools, municipalities, counties, special service districts, etc. Whenever these entities, or end users, elect to make purchases through a statewide contract, they are not required to obtain additional bids unless the contract specifically states that additional procurement processes are required.

- **Purchase Process for State Cooperative Contracts:** End users should contact the contract vendor directly, reveal their identity, state the organization with which they are associated, and provide the number of the State of Utah cooperative contract from which they will be purchasing.
- **Purchase Orders for State Cooperative Contracts:** When utilizing these contracts, the public entities, nonprofit organizations, and the federal government are responsible for issuing an internal purchase order, as required, and processing payment.
- **Billing Process for State Cooperative Contracts:** The state cooperative contractors are responsible to collect the billing information from the end users. Bills for purchases are not to be sent to the Division of Purchasing and General Services unless the purchases were made by and delivered to the Division.

The State of Utah participates in a multi-state cooperative purchasing with the NASPO ValuePoint Cooperative, the National Association of State Procurement Officials (NASPO) and the Minnesota Multi-State Cooperative for Pharmacy (MMCAP).

STANDARDS OF CONDUCT

Under Utah law it is a felony for suppliers to offer, or for anyone acting as a procurement officer to accept gifts, kickbacks, or gratuities. Please see Utah Code Annotated 63G-6a-2401 thru 63G-6a-2404