

PURCHASING UPDATE



Utah Division of Purchasing and General Services

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Due Diligence Reviews

By Krysta Countryman, State Contract Analyst

When we were in grade school learning to write, most of us could agree that a teacher (or two) would drill us to “cross our T’s and dot our I’s”. This type of review should still hold true when it comes to making an award. When a vendor has been selected for award, the Utah Procurement Code and Administrative Rule allows Procurement Officials to perform a review on the vendor to determine if the vendor is reliable and capable of performing the work or service for which they are being awarded. This type of review is typically called a due diligence review and may be completed before an official award is given.

So, what exactly is a due diligence review? What information will it provide and how can it be put into practice?

A due diligence review is an investigation, audit, or review performed to confirm the facts of a matter under consideration. In plain text, it means doing your homework. Due diligence reviews may provide information that an agency may not already be aware of which may impact the responsiveness or reliability of a vendor. This may include legal actions, turn-over in major personnel, loss of a major contract, any alleged violations of federal, state, or local regulations, etc. In a perfect world, these complications should not arise after completing a flawless procurement process; however, sometimes these issues still find a way to occur. That’s just a fact of life in the world of procurement.

Ultimately, the “how” should be determined by the Director of a Procurement Unit. Due diligence reviews can be as simple as doing a quick 10-minute search on the vendor, its top

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JUST THE FAQs

Search Terms in SCC

By Kaitee Hall

Q: Which search terms can I use in SCC?

A: Keywords, contract numbers, portfolio names, and vendor names are all searchable terms in the State Contract search.

Q: When is it helpful to use the different types of search terms?

A: If you know exactly what contract you are looking for, contract numbers and vendor names are useful search terms. A keyword search is helpful when you're looking for a certain good or service, but don't know what contracts may be available.

Q: General guidance for finding what I need in SCC?

A: It is always a good idea to keep your search somewhat general (ex. searching by the keyword "writing utensils" rather than searching for a specific type of pen or pencil you need). If you type the first three letters of your keyword, the search will generate a list of suggested terms that you *may* select from, or you can finish typing your own keyword.

executive individuals, contract points of contact, and the contract signees. It can also be as in-depth to include an analysis of the vendor's business practices. Finally, due diligence reviews can help ensure that the vendor does not have any financial ties to individuals or entities on an OFAC (Office of Foreign Assets Control) sanctions list.

The good news? The majority of the time, significant issues or concerns will not be found and the Procurement Official can continue to make the award. However, you may never know when the day will come when you say to yourself, "I'm glad I did my homework."



Public Notice Requirements Have Changed

By Chris Jennings, Assistant Director

It is common knowledge that Section 112 of the code requires notice of a solicitation to be posted for 7 days in a newspaper of general circulation in the state, or in local circulation in the area, or on the procurement unit's website or on the Division of Purchasing eProcurement site. Right? Actually not anymore.

Passed in the 2021 Legislative Session, Senate Bill 201 changed the public notice requirement in Section 112 and posting in a newspaper no longer satisfies this requirement.

In order to ensure that all public entities have the means to satisfy notice requirements of Section 112, please ensure that you post your solicitations on your website. In addition

or alternatively the Division of Purchasing is happy to help with this requirement and can post your solicitation free of charge to the Utah Public Procurement Place. Not only can we post your solicitation, but if you are interested we can also review your solicitation and make recommendations as part of our courtesy postings program. <https://purchasing.utah.gov/for-agencies/courtesy-posting-services/>

Whether it is a review or just posting your documents, the Division of Purchasing is happy to help get your solicitation satisfy requirements of the Procurement Code, and to be seen by the vendor community. For more questions, contact Chris Jennings, ctjennings@utah.gov.

SB186 Anti-Boycott Israel Act

By Krysta Countryman, State Contract Analyst

Effective May 5th, 2021, SB186 will translate into Utah Code as UCA 63G-27.

The new statute states that a public entity may not enter into a contract to acquire goods or services from a company or vendor, that is engaged in a boycott against the State of Israel. A boycott action is defined in the bill as refusing to deal, terminating business activities, or limiting commercial relations. The Boycott of the State of Israel is defined as engaging in a boycott action targeting the State of Israel; and companies or individuals doing business in or with the State of Israel; or companies authorized by, licensed by, or organized under the laws of the State of Israel to do business.

How will the bill impact procurements?

For contracts of \$100,000 and above, a company with 10 or more full time employees must provide written certification that they are not actively engaged in a boycott against the State of Israel. The company must also agree to not engage in a boycott for the entire duration of the contract.

How has the Division of Purchasing implemented the provisions of SB186?

To satisfy the written confirmation requirement, the Division of Purchasing has amended solicitation forms to include a new section to allow the company to give written certification that they are not currently involved in a boycott against the State of Israel.

To ensure the company is aware that they may not engage in any boycott against the State of Israel during the life of the contract, the Division of Purchasing has added a new section in the terms and conditions titled ANTI-BOYCOTT ISRAEL. The new term states that the company agrees not to engage in a boycott of the State of Israel for the duration of the contract.

Our recommendation to our fellow public entities:

If this bill caught you by surprise, you still have a few days for implementation prior to it becoming law. Please work with your legal counsel to ensure your organization is in full compliance with SB186, soon to be UCA 63G-27.

Requests for information — 63G-6a-409

By Rick Straw, State Contract Analyst

A useful tool for anyone working in procurement is the “Request for information” (RFI) process. Oftentimes we are tasked with purchasing something that we are not that familiar with. It may be that we don’t have any experience purchasing a specific item, or it may be because we don’t know exactly how to set up our solicitation in a way that matches the standard business practices of the industry we are looking into.

In these cases, publishing an RFI may be the best first step. There are a few important things to remember when you are going this route.

An RFI is not a procurement process and may not be used to: negotiate fees, make a purchase, determine whether a procurement may be made under Part 8, or to enter into a contract. The responses that you receive from the vendor community are not offers and may not be accepted to form a contract or make a purchase. You must go through a standard procurement process following your RFI to make a purchase or enter into a contract.

Another important thing to remember is that you are no longer prohibited from asking for pricing information. This

change to the Procurement Code went into effect last year and it has the potential to make your RFI much more useful. Its usefulness comes from the fact that you may not have any idea what your procurement might cost. By asking for pricing information, you can see if what you are attempting to procure is even within your budget. There is one very important caveat to this; any person that serves on your evaluation committee cannot have access to the pricing information that is submitted. There is an exception to this under 63G-6a-707(7), but you should be careful using that.

One last thing, the information submitted in an RFI is protected for two years under GRAMA if no contract is entered into that relates to the subject matter of the RFI. Remember, you cannot enter into a contract based from an RFI alone, you must conduct a standard process after the RFI. If you conduct a standard process after the RFI and a contract is entered into, the two years of protection under GRAMA does not apply.

For questions, please contact Rick Straw, rstraw@utah.gov, for more information.

Breaking down the Code



63G-6a-409

Industrial Hygiene and Safety Equipment

By Cat Turner, State Contract Analyst

There are two new statewide cooperative contracts for Industrial Hygiene and Safety Equipment. The scope of these contracts is to provide instruments to identify and measure potential hazards and exposure to hazards in the workplace.

For example, these types of equipment can be used to identify and evaluate hazards and possible solutions such as air quality, noise levels, and other hazards in various settings such as offices, machine rooms, construction sites and confined spaces.

The scope also includes training, service, maintenance and parts (if applicable). Contractors may also offer to source

additional, authorized dealer items within an awarded category that are not expressly listed in their catalog. Solicitation terms, conditions, and scope apply to sourced items.

The two awarded contracts are with NORCO, INC. (MA3701), and SKC-West, Inc. (MA3702).

For more information, please select the following link <https://statecontracts.utah.gov/Home/Search> and search by contract number or contractor name.

- MA3701 – NORCO, Inc.
- MA3702 – SKC-West, Inc

Category Award	NORCO INC.	SKC-West, Inc.
Category 1 – Air Sampling Equip. including Pumps and Calibrator/Accessories	x	x
Category 2 – Gas and Vapor Samplers and Accessories	x	x
Category 3 – Bioaerosol Samplers and Accessories	Not Awarded	x
Category 4 – Surface and Dermal Samplers and Accessories	Not Awarded	x
Category 5 – Noise and Sound Equipment and Accessories	x	x
Category 6 – Real Time Monitors and Accessories	x	x
Category 7 – Eye Protection and Accessories	x	Not Awarded

Retirement of the NASPO-VP eMarket Center

By Tara Eutsler, State Contract Analysts

After many years of use, the NVP* eMarket Center is being retired. The eMarket Center combined the web portals of several cooperative contract vendors under one sign-in. The retirement timeline is as follows:

June 1—Last day to order through the eMarketplace

June 15—Last day to access records

Utah public procurement professionals who are registered in the NASPO eMarketplace should have received an individual email notification of the closure with further information.



*National Association of State Procurement Officials—Value Point

Year End Solicitations and Expenditures

By Tara Eutsler, State Contract Analyst

The fiscal year end is approaching and many state agencies are ready to make purchasing decisions that were delayed until remaining funding was certain. The cascade effect is that procurement requests increase and the Division of Purchasing's workload is heavier with no additional staff. With the increased workload, individual requests can be delayed, thus the Division of Purchasing requests forethought and planning by the agencies. The following procedures are designed to allow the Division of Purchasing to process both old and new year purchases in an efficient manner.

- Orders from current contracts that will be paid using "FY2021" funds must be placed timely enough to ensure delivery by the end of business on June 30, 2021. Per the Division of Finance policy, deliveries received after that date become obligations of "FY2022" funds.
- All requisitions for purchase orders (RQS) to be paid using FY21 funds must be received immediately by the Division. Delivery for goods or services must be received no later than June 30, 2021 in order to pay with FY21 funds. Even if requisitions are immediately, there are no guarantees that vendors

will be able to meet the delivery deadlines due to supply chain shortages.

- When submitting a requisition for a purchase order (RQS) to be paid using FY22 funds, please tell the purchasing agent that FY22 funds will be used. Best practice is to wait until the FY22 RQS are made available in FINET and use the FY22 numbering for these RQS. By doing so, the PO is set up with the FY22 numbering and prevents the necessity of rolling the PO into FY21.
- Requisitions for purchase orders (RQS) received after May 1 will have secondary priority. The Division of Purchasing and General Services cannot guarantee that the procurement process will be completed and delivery made by fiscal year end.
- DTS has their own time table for technology-based procurements.

We thank you for your efforts during this year-end procurement process.

For questions, reach out to Tara Eutsler, teutsler@utah.gov, 801-538-3386.



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Join us for our **FINAL** sale from April 13, 2021 thru June 30, 2021!



SEEDS FOR SALE!

The Nursery is offering packets of heirloom vegetable seeds. They have been collected from plants we have grown here and are rare varieties that are difficult to find anywhere else!

WAYS TO PURCHASE PLANTS:

1 - Email us your order at ucigreenhouse@utah.gov. Be sure to include: Contact Name, Phone #, Email Address, EIN #, Plant ID #, Plant Description, and Quantity.

2 - Call to place an order at 801-576-7765.

For further information, visit our website at uci.utah.gov.
Click "Business Operations" and scroll down to "Nursery."

All plant orders must be paid for by the customer before they will be sent to the UCI warehouse for pick-up. Payments can be made by calling the UCI warehouse at extension 7733.

Orders will be available for pick-up on Wednesdays and Fridays from 1-4 pm.
To receive your order on Wednesday, payment must be made by the end of business on Tuesday.
NO ORDERS WILL BE SENT TO THE WAREHOUSE THE SAME DAY THEY ARE PLACED!

We look forward to being of service to all staff and we thank you for your business.

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Phone: 801-576-7765 | Fax: 801-576-7040 | Email: ucigreenhouse@utah.gov

Spotlight Article



Brent Bowden, Purchasing Agent

Brent recently joined the Division of Purchasing on May 10, 2021. Brent was born in Richfield, Utah and was the last of four children. He studied Marketing at Southern Utah University and then began working for Gannett for 17 years in various roles including sales and marketing. Brent and his wife, Taunie, have two boys. The oldest is learning Chinese at a local dual immersion school and their youngest will begin kindergarten next fall. Brent enjoys time working in the yard and visiting new sites with the family. They have a houseful of pets with an African Sulcata Tortoise, Bearded Dragon, fish and Coco their Miniature Pincher.

Q and A

Q: What's the best vacation you have ever been on?

A: For our honeymoon, we went on a Mediterranean cruise. We were able to visit Rome, Greece and the Pyramids in Egypt. The highlight of the trip was being stuck in Rome because the Icelandic volcano stopped all air travel. Since there were nearly no hotels because of the travel disruption, we spent the next week sharing a hotel room with twin beds with a couple we met on the cruise. For our first anniversary, we visited Paris and London; then we had kids and the travel stopped.

Q: Will we ever actually live like the Jetsons?

A: Alexa tells me that we are actually pretty close.

Q: If you were going to be executed, what would your last meal be?

A: I'm impartial to the food, whatever is fine. However, since I quit Diet Coke cold turkey a few years ago, if I'm going down, I'm going to have a 44oz, mostly ice, a little condensation on the cup, ice cold Diet Coke. Somedays I would be willing to build my own guillotine for one.



TOPIC: Self Affirmation—Why You and Your Job Are Important.

SUMMARY: You'll laugh, you'll cry, you'll ponder the meaning of life, you may even wonder why these two have jobs, but in the end, this wholesome experience will provide the gusto to move into the last half of 2021 like it began, with hope and confidence.

PRESENTER: Blake Theo Porter | Nick Hughes

DATE: 6/17/2021 | **TIME:** 12:00 PM—1:00 PM

Registration begins June 2, 2021

Future Utah Chapter NIGP meetings

- 9/16/2021 | TBD
- 11/18/2021 | TBD

How to Receive the Purchasing Update Newsletter

Did you receive this newsletter from a co-worker? Do you want to receive the Purchasing Update directly? Please send an email to Tara Eutsler, teutsler@utah.gov.

Utah Division of Purchasing & General Services

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Taylorsville, Utah 84129

801-957-7160

Purchasing.utah.gov

Hours: 8:00 am—5:00 pm M-F

