

PURCHASING UPDATE



division of
**Purchasing and
General Services**

Evaluation Committee Members FAQ's

Cat Turner, State Procurement Manager

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Q. What is the minimum number of evaluation committee members?

A. Code states that a procurement unit shall appoint an evaluation committee of at least three members to evaluate proposals in response to a request for proposals. However, having four members can be beneficial in case there are scheduling conflicts or a conflict of interest. That way you are not scrambling to find an additional member if one drops out. Also remember that the more individuals you have participating, the harder it is to schedule meetings.

Q. Is there any additional information besides the requirements in code and rule that would be helpful to mention in a kickoff meeting?

A. Yes! Consider discussing GRAMA requests and debriefs. How should those requests be handled. Such as who should respond to the GRAMA request and if your office has a policy regarding debriefs.

Q. Can an outside expert assist an evaluation committee?

A. Yes, an evaluation committee may receive assistance from an expert or consultant authorized by the procurement unit. If an evaluation committee would like an outside expert to assist on their committee, keep in mind the time frame to procure the expert (maybe through a professional service or RFP process) and bring them up to speed in the overall procurement timeline.

Continued on page 2

JUST THE FAQs

Data Communications SCC (NASPO)

By: Grant Herdrich, Contract Analyst

Q: What is data comm?

A. Data comm is about the transfer of data from one place to another, or between parties. Data Comm enables the movement of electronic or digital data between two or more networks, regardless of geographical location, technological medium or data contents. So what falls under data comm? Data communication usually requires the existence of a transportation or communication medium between the nodes wanting to communicate with each other, such as copper wire, fiber optic cables, or wireless signals. A common example of data communications is a computer connected to the Internet via a Wi-Fi connection, which uses a wireless medium to send and receive data from one or more remote servers.

Q: My agency is interested in purchasing Data Communications hardware and software for a new building but we don't know what we need, do the vendors provide consulting?

A. Yes, the vendors in the data comm portfolio are interested in helping an agency get the equipment that best suits their needs. Many will do site visits, or provide a general overview of what is needed. Use the get a quote feature and the vendors will help to meet your needs.

Q: Is installation included?

A. Yes, installation services are included in these contracts.

Continued from page 1

Questions From Evaluation Committee Members:

- Q.** If I participate on an evaluation committee, will my name be released?
- A.** Yes, if you participate on an evaluation committee your name will be released under a GRAMA request. However, your name will not be associated with your individuals scores or references.
- Q.** If I participate on an evaluation committee, will my notes be released?
- A.** No, any individual scorer's/evaluator's notes, drafts, and working documents would not be released under a GRAMA request.
- Q.** Can I view cost before finalizing technical scores?
- A.** It depends. A procurement official may waive the requirement that cost not be disclosed to the committee before the evaluation committee submits its recommendation to the procurement unit based on the scores of all criteria other than cost. The procurement official must sign a written statement indicating why waiving the prohibition is in the best interests of the procurement unit.



Part 9: Cancellations, Rejections, and Debarment

Rick Straw, State Procurement Manager

The Utah Procurement Code specifies a variety of circumstances when a solicitation may be cancelled, when bids/proposals may be rejected, and the processes for vendor debarment. This article provides instruction on all these issues. However, you should always consult with your legal counsel when you are taking these actions.

When can you cancel a solicitation or reject a response? Well, it's pretty simple, whenever it is in the best interest of the procurement unit, as determined by your procurement official, in accordance with the applicable rules that you might have. You need to make sure that you keep the reasons for cancellation or rejection in the contract file. See 63G-6a-902.

There's one wrinkle with cancelling that you need to keep in mind. If you are cancelling your solicitation after you have already opened the proposals but have not awarded, there are two outright prohibitions. First, you cannot cancel and reissue to steer to a favored vendor. Second, you cannot cancel and reissue to make a previously rejected or disqualified vendor eligible for award. See R33-9-103.

What if you don't want to reject a particular proposal or cancel the solicitation altogether and instead need to find out if a particular vendor is actually responsible? Responsible as defined in the Procurement Code as:

- "Responsible" means being capable, in all respects, of;
- meeting all the requirements of a solicitation; and
 - fully performing all the requirement of the contract resulting from the solicitation, including being financially solvent with sufficient financial resources to perform the contract.

If you have some questions concerning responsibility you are allowed to reach out for clarification. See 63G-6a-115. If you find out that a vendor is in fact not responsible you must make that determination in writing. Note that a person's unreasonable failure to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for a determination of nonresponsibility with respect to the person. Please also note that information

furnished by a person pursuant to this section of code may not be disclosed outside of a procurement unit without the person's prior written consent. See, 63G-6a-903.

Lastly, in the extraordinarily rare case that you are considering debarment or suspension of a vendor, here are a few of the key details. The first thing to keep in mind is that this is not a light matter and you have to consult with your legal counsel before you go down this road. With that in mind, here is an outline of the process.

The Procurement Code allows for a person to be debarred from consideration for award of a contract for up to three years. It also allows for a suspension from consideration of award of a contract if there is cause to believe that the person engaged in any activity that might lead to debarment. See, 63G-6a-904(1).

As stated, you must consult with your attorney legal counsel. Following that, an informal hearing is held. The vendor must receive at least 10 days' prior written notice of the hearing and the reasons for which debarment or suspension is being considered. At this hearing a procurement official has a lot of power that must be treated carefully. This is because you can subpoena witnesses and compel their attendance; subpoena documents; obtain testimony from experts, the person who is the subject of the debarment or suspension, or others. Importantly, the rules of evidence do not apply to this informal hearing. This hearing must be recorded and all of the records and evidence must be preserved.

Following the hearing, the procurement official must issue a written decision stating the reasons for debarment or suspension and inform the person who is debarred or suspended of their right to judicial review.

Those are the main steps that you would take to get started under a debarment or suspension proceeding. However, there are a few more details that you and your legal counsel need to be familiar with if you decide to take this action. Please refer to the entirety of 63G-6a-904.

The Importance of Referencing State Contracts When Purchasing Goods and Services from Vendors

Neil Engel, Contract Analyst

For eligible users, State Cooperative Contracts provide a quick and easy way to procure goods and services without requiring assistance from the Division of Purchasing. When leveraging statewide contracts, it is important to ensure that as the Eligible User you are referencing the statewide contract in all of your correspondence with the vendor. It is also critical that you ensure the vendor references the contract number on all invoices, freight tickets and correspondence with you as well. You may be asking why this is so important. First and foremost, you cannot assume the vendor knows that you are referencing a state contract. By ensuring they reference the contract number you help ensure that you will receive the agreed upon pricing under the contract for your purchase. As it is the vendors obligation to ensure that they provide correct and accurate pricing, ensuring that the vendor knows you are purchasing off of a contract reduces disputes and additional correspondence between all parties, creating a more streamlined experience for all. To assist the vendors in understanding their obligations around correct invoicing we include the following language in all of our State Standard Contract Terms and Conditions:

"Contractor will submit invoices within thirty (30) days after the delivery date of the Goods to the Eligible

User. The contract number shall be listed on all invoices, freight tickets, and correspondence relating to this Contract. The prices paid by the Eligible User will be those prices listed in this Contract, unless Contractor offers a discount at the time of the invoice. It is Contractor's obligation to provide correct and accurate invoicing. The Eligible User has the right to adjust or return any invoice reflecting incorrect pricing."

Additionally, vendors provide usage reports to State Purchasing and ensuring that they reference the contract number helps the vendor provide accurate reporting to State Purchasing. Accurate data allows State Purchasing to run better analytics on contract usage, helping us better understand the needs of our customers. In turn this helps us craft more efficient policies and procedures to better assist Eligible Users across the state in getting the goods and services they need. We also leverage this data when evaluating contracts for re-solicitation to identify if the contract is best managed at the statewide level or if an agency contract would be more appropriate.

For more questions, contact Neil Engel, nengel@utah.gov

The screenshot displays the Utah Division of Purchasing and General Services website. The header includes the agency name and a navigation menu with links: DAS HOME, BUILDING BOARD, ARCHIVES, DFCM, FINANCE, FLEET, PURCHASING, RISK, and RULES. Below this is a secondary menu with icons and labels: STATE CONTRACTS, FOR VENDORS, FOR AGENCIES, PURCHASING FORMS, CODE AND RULE, GENERAL SERVICES, DASHBOARD, ABOUT US, and CONTACT. The main content area features a search bar labeled 'Search Contracts' with a placeholder 'Enter the Keywords' and a 'Search' button. To the right of the search bar is a link 'How to Use a Cooperative Contract'. Below the search bar is a section for 'Popular Keywords' with buttons for 'education learning material', 'janitorial supplies', 'smartphone and cell phone accessories', and 'laptop computers'.

FREE CPPB and CPPO Certification Prep Course



There's never been a better time to get certified!

Thinking about getting certified this fall or next spring? Take advantage of NASPO's

Procurement U CPPB and CPPO self-study tools available to any public procurement professional!

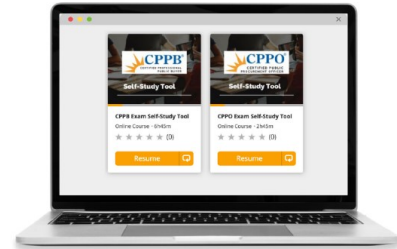
While these free resources have no instructor, they are designed as a self-study tool to assist in your personal study efforts to achieve your prestigious certification.

These study tools include:

- practice exam questions as a self-assessment tool,

- links to readings and free resources aligned by NASPO staff to the new UPPCC Body of Knowledge and Competency (BoK-C),
- recordings of previous instructor-led class recordings discussing the six domains,
- access to a discussion board to engage with other professionals preparing for the exam, and
- other helpful tips and resources to help you study.

Create a user name in [NASPO's Procurement U](https://procurement.u.naspo.org/) and begin preparing for your certification today.



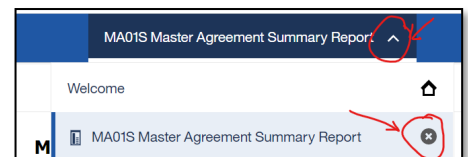
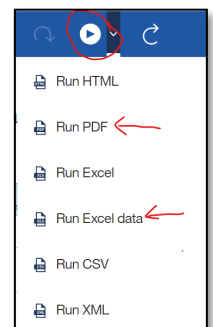
Active Master Agreements

Do you need to view detailed information about your active agency contracts in one quick report? The MA01S Master Agreement Summary Report in Data Warehouse is your tool. The report does not detail individual PRCs paid through a contract, instead, it is a quick report to determine the end date, authorized amount, expended amount, and amount remaining on active agency contracts.

Follow these steps to access the report:

1. Find the employee with Data Warehouse access
2. Log into VPN
3. Go to <https://finance.utah.gov/data-warehouse-2/>
4. Click "NEW COGNOS/FINET REPORTS"
5. In left bar, select "Team content" folder
6. Select the "Reports" folder
7. Select the "FINET" folder
8. Select the "Procurement - A640, EP Reports, MA Reports" (Note: You may only be able to see the word Procurement depending on the size of your sidebar)
9. Select "MA01S Master Agreement Summary Report"

10. Choose the correct "MA Department"
11. Select to view Active, Inactive, or All Contracts. If you change the default, click "Refresh" to update the contract list.
12. Choose contracts by 1) clicking the individual contract desired; 2) selecting individual non-consecutive contracts while press and holding the CTRL key while selecting the desired contracts; or 3) selecting all contract by clicking the top contract, press and holding the SHIFT key, and selecting the last contract.
13. Click the appropriate choice in "Show Vendor Name"
14. Click "Finish" at the bottom of the window
15. Download the report as a PDF or as Excel Data using the play icon on the dark blue bar.
16. Clear the report for reuse by clicking the down arrow located on the blue bar beside "MA01S Master Agreement Summary Report" and clicking the "X" by the report name.



Spotlight Article



Cody Peterson

Hi. I am Cody Peterson. I was born and raised in Vernal, Utah. I lived in Provo after high school and Russia for 2 years, but have lived in my hometown of Vernal most of my life. I come from a large family and have 11 siblings. I have been married for 13 years and have 3 kids. Tanner

(12), Bria (9) and Emerie (5). I love to travel and have been to several countries in Europe. As a family, we enjoy going to the lake, kayaking, going for razor rides, skiing and swimming. I enjoy playing and watching all sports. Golf is probably my favorite. I worked for Uintah County for 10 years and Uintah Basin Technical College for 4 years prior to joining the State. I am excited to be with the Division of Purchasing.

Q and A

Q. What is the best vacation you have been on?

A. My favorite vacations have been Hawaii and Alaska. Although, our favorite place to go every summer is Bear Lake.

Q. What is your biggest fear?

A. Clowns. They are creepy.

Q. If you could have dinner with one famous person, who would it be?

A. I would love to have dinner with George Washington, that guy was a stud.

TRAINING

PEP SEMINAR

DATE: July 14 , 2022

TIME: 9:00 AM —1:30 PM

TOPIC: Supply Chain Management

PLACE: TSOB Meeting Room

BROWN BAG LEARNING SERIES

DATE: August 18 , 2022

TIME: 12:00 PM —1:00 PM

TOPIC: TBD

PLACE: Webinar

NIGP MULTI-STATE MEETING

DATE: September 8-9 , 2022

TIME: 8:00 AM —2:00 PM

TOPIC: Agenda to be provided

PLACE: In Person/Webinar

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 Jessika Huhnke, jessikahuhnke@utah.gov

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Hours: 8:00 am—5:00 pm M-F

