

GEORGIA DEPARTMENT OF COMMUNITY HEALTH

Operations Division

Office of Procurement Services

Procurement Policies And Procedures

REVISED: JULY 2013

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1.0 GENERAL

1.1 Introduction

For most procurements as described herein, the Department of Community Health (DCH) acts in conjunction with or under the direction of the Department of Administrative Services (DOAS) State Purchasing Division (SPD), which oversees purchasing services for the State. However, when the acquisition is within the DCH Delegated Purchasing Authority (DPA) the DCH Office of Procurement Services (OPS) will conduct procurements independently consistent with the guidelines of the DOAS.

The purchasing rules are embodied in the Georgia Procurement Manual (GPM) located at: http://pur.doas.ga.gov/gpm/MyWebHelp/GPM_Main_File.htm

1.2 Purpose

In its procurement practices, the mission of DCH is to obtain quality goods and services at the lowest reasonable cost for the best value, while operating at the highest standards of ethical conduct and achieving optimum results for its members and recipients. This is accomplished through a cooperative team interaction and continuous quality improvement in support of the overall goals of the Department. State and Federal statutes, rules and regulations will prevail when they vary with the Department policy.

1.3 Objectives

The OPS will facilitate effective purchasing by offering assistance and guidance in the development of the solicitation and processing the request from the various divisions. OPS will enforce the policies and procedures approved by the Commissioner of DCH regarding the procurement of all goods and services. These procedures are set forth in order to standardize within DCH, the procurement processes.

2.0 PURCHASING DELEGATION REQUIREMENTS

Statewide contracts and statewide purchasing arrangements will be used to acquire goods and services when appropriate. In DCH, these opportunities are limited due to the nature of purchases; however, OPS will examine statewide or agency contract availability, and other mandatory sources for all procurements, consistent with the GPM (Section 1.3).

1. Purchases of **\$24,999.99** dollars or less may be handled directly by the Business Owner. It is recommended that a minimum of three (3) quotes from vendors offering the service or commodity be attained, if feasible.
2. Purchases **\$25,000** dollars and over, must be competitively bid in accordance with SPD most current rules located in the GPM (1.3.4.5). Purchases of \$25,000 and over must be bid using the appropriate procurement method listed in Types of Procurement.

2.1 Public Notice

The minimum solicitation announcement period is established by State Purchasing Division (SPD). As per the Georgia Procurement Manual (Section 3.5.2.1), the guidelines for the minimum announcement period are as follows:

Public Posting Guidelines		
Estimated Solicitation Value	Minimum Posting Period	Recommended Posting Period
Sole Source		
(i) Solicitations valued between \$25,000 - \$249,999.99	Minimum of five (5) business days	
(ii) Solicitations valued \$250,000.00 and greater	Minimum of fifteen (15) calendar days	
\$25,000 - \$49,999.99	Minimum of Seven (7) Calendar Days	
\$50,000 - \$99,999.99	Minimum of Eight (8) Calendar Days	Fifteen (15) Calendar Days
\$100,000 - \$249,999.99	Minimum of Ten (10) Calendar Days	Twenty (20) Calendar Days
\$250,000 or more	Minimum of Fifteen (15) Calendar Days (mandated by Georgia law)	Thirty (30) Calendar Days

3.0 AUTHORIZATIONS

Authorization requirements apply to all solicitations for the procurement of goods and services between DCH and the vendor, for the specifications identified in the solicitation. In instances where Federal Fund Participation is anticipated in the cost of the contract; Federal policy, procedures, and regulations will prevail when they are at variance with DCH policy. Federal regulation, 42 C.F.R. Parts 433 and 434 and 45 C.F.R. Part 74, will govern CMS procurements for federally funded purchases and DOAS rules and regulations shall govern DCH procurement policy and practices where applicable.

3.1 Agency Project Request (APR)

The Georgia Technology Authority (GTA) Agency Project Request (APR) form must be completed electronically for the procurement of technology initiatives with an anticipated cost of **\$100,000** or more over 5 years. The Business Owner is authorized to submit the form to GTA. **The APR form** may be accessed via the following link: <https://sps.gta.ga.gov/sites/projects/agency/default.aspx>

The Business Owner is required to submit the approved APR form and disposition letter/email to the OPS.

3.2 Centers for Medicare and Medicaid Services (CMS)

The Business Owner shall provide the necessary CMS approval document when applicable. The Business Owner will submit all required documents to the CMS liaison for CMS approval. It is the responsibility of the Program Manager/Business Owner to be aware of the Federal Statutes for Medicaid Services and submit to OPS a completed Advanced Planning Document (**APD**) or other official approval documents.

4.0 EMERGENCY PURCHASES

In accordance with O.C.G.A. Section 50-5-71, SPD has granted the authority to state entities to purchase urgently needed items arising from unforeseen causes, including but not limited to, extreme weather conditions or official declared emergencies. Emergency procurements are handled outside the normal solicitation process because of the urgency of the circumstance. Poor planning or the pending expiration of funds does not constitute a valid justification for an emergency purchase. The state entity is authorized to handle the emergency purchase whether or not the dollar amount of the emergency purchase falls within the state entity's delegated purchasing authority. It is good business practice to make any procurement as competitive as time permits. The APO may use either a Purchase Order (PO) or the P-Card to make the emergency purchase, consistent with the specific requirements outlined in the Statewide Purchasing Card Policy.

In the event of an emergency purchase the APO must provide SPD with written notice and justification by completing the Emergency Justification Form (available on the SPD Web site), whether or not the dollar value of the purchase falls within the agency's delegated purchasing authority. The completed form must be forwarded by the APO via email to processimprovement@doas.ga.gov within five business days of the emergency purchase. A copy of the PO and all pertinent documentation relating to the purchase transaction should be forwarded to processimprovement@doas.ga.gov no later than five business days following the state entity's final payment or receipt and acceptance of the goods/services, whichever occurs last. There are additional requirements in the event a P-Card is used as noted in the Statewide Purchasing Card Policy.

5.0 TYPES OF PROCUREMENT

This section provides an overview of the various solicitation methods used to procure goods and services.

5.1 Request for Proposal (RFP)

A Request for Proposals (RFP) is a formal solicitation method that seeks to leverage the creativity and knowledge of business organizations in order to provide a solution to a unique procurement. Unlike the **RFQ** process in which the state prescribes both the specifications and solution to its own needs and suppliers replicate the state's specifications and solutions in the bids the suppliers submit, the **RFP** process allows suppliers to propose their own comprehensive and innovative solution to the state's needs described in the **RFP**. The **RFP** solicits sealed responses from prospective vendors, and seeks to identify the "best value" for DCH and the state by using a combination of technical and cost factors to evaluate suppliers' proposals.

5.2 Request for Quotation (RFQ)

A Request for Quotation (**RFQ**) is a formal solicitation method that includes well defined specifications or Scope of Work and contains all contractual terms and conditions. The RFQ solicits sealed price quotations or bids from prospective vendors and seeks to obtain price quotes from qualified vendors using the lowest quote as the determining factor for awarding the contact.

The *Request for Quotes* (**RFQ**) process is a competitive procurement method used by state entities to solicit bids for the supply of goods or services. In the **RFQ** process, the state entity prescribes both the specifications and solution to its own needs. DCH should use an **RFQ** if the project lends itself to the creation of a clear and accurate specifications and the objective of the solicitation is to identify a supplier who can provide the required specifications at the lowest possible cost.

5.3 Request for Qualified Contractor (RFQC)

A RFQC is used in cases where DCH is attempting to establish a list of qualified vendors to provide the product or service desired. The primary intent of the prequalification is to identify multiple qualified sources of supply. The resulting list of qualified suppliers, if any, is not a contract award and does not guarantee any future work. The qualified suppliers are eligible to submit a response to any future RFQ or RFP issued by the state entity for the specific goods or services for which the supplier is pre-qualified. The process described herein is SPD's standard method for using the RFQC. Other methods for prequalification or use of RFQC are possible, but require prior approval from SPD Division Deputy Commissioner (SPDDDC) via a written request to processimprovement@doas.ga.gov (GPM Section 2.4.3.2).

5.4 Request for Information (RFI)

A Request for Information (**RFI**) is a quasi-formal method for soliciting information from vendors who have knowledge or information about an industry, product, or service. The RFI method may ultimately result in a contract award but is designed to allow for the collection of industry information and specification information that will then be used in the development of a RFQ or RFP solicitation.

5.5 Intergovernmental Agreements

Procurement process for goods and services from entities within state government, in some instances, may not follow the standard procurement process. An intergovernmental agreement is a contract between two or more government entities within the state of Georgia as well as other states of the United States. Intergovernmental agreements do not require approval from SPD or competitive bidding and are not subject to dollar limits. **To be considered exempt from competitive bidding requirements, the good or service must be materially provided by the other governmental entity and not passed through the governmental entity by a private third party.**

5.6 Professional Services Exemptions

A Professional service, as defined in O.C.G.A. §14-7-2(2) and the GPM (Section 1.2.3.1) is exempt from procurement guidelines and may be obtained through a direct contract award. The following services are statutorily defined as “professions” or “professional services”: certified public accountancy, actuarial services, architecture, landscape architecture, interior design, licensed or accredited appraisers or licensed or accredited financial analysts providing opinions of value, chiropractic, dentistry, professional engineering, podiatry, pharmacy, veterinary medicine, registered professional nursing, harbor piloting, land surveying, law, psychology, medicine and surgery, optometry, and osteopathy.

5.7 Sole Source

Based on market analysis, the procurement professional may determine only one supplier is capable of providing the needed goods or services. This is referred to as a sole-source purchase. *Sole-source purchases* must be distinguished from sole brand purchases in which more than one supplier is capable of providing the specific item.

This method of selection should be applied only in situations where there is clearly **no other** alternative for obtaining goods and services. Its use must be fully documented, posted as prescribed, on the DOAS website for a minimum of five (5) business days if the value is between **\$25,000** and **\$249,999.99**. If the Sole Source procurement is **\$250,000** or greater, the Sole Source notice must be posted for a minimum of fifteen (15) calendar days. A requirement for a particular good or service does not justify a sole-source/brand procurement if there is more than one potential supplier for that item or brand name which meets the specifications.

5.8 Justifying Sole Source purchases

For purchases with a value of \$25,000 or more, sole-source purchases are prohibited unless the state entity establishes justification why the needed goods or services should not be procured through open competition. Sound procurement practice requires that a sole-source purchase occur when it is the only option and not as an attempt to contract with a favored service provider or for a favored good. The procurement professional must provide public notice of the intended sole-source purchase or contract through a posting to the Georgia Procurement Registry (GPR).

5.9 Sole Brand

A *sole-brand solicitation* is a competitive solicitation which includes specifications restricting offered goods to a specific manufacturer or owner's brand. Before making a determination that only one specific brand of goods will meet the state entity's critical business requirements, research must be conducted by the procurement professional to determine if other brands exist which can also satisfy procurement requirements in a timely manner. Sound procurement practice requires that a sole-brand solicitation be used only when it is the last justifiable option, and not as an attempt to contract for a favored brand of goods. An example of the appropriate use of the sole-brand justification may include certain situations where a specific piece of equipment is needed to match existing equipment or is a replacement. If the desired good is only available from one source, then the sole-brand solicitation is not applicable and the procurement professional must review Section 2.3.2. - Sole Source Purchases of the GPM: http://pur.doas.ga.gov/gpm/MyWebHelp/GPM_Main_File.htm

A valid sole-brand justification allows the procurement professional to process a competitive solicitation with the insertion of "No Substitute" after the good is specified by brand name, model number, or some other designation identifying a specific good of a manufacturer.

5.10 Piggy Back Corporative Purchasing

Piggyback purchasing allows the issuing state entity and the awarded supplier to agree to open up the contract for the use of other state entities. However, the supplier must offer other state entities the same prices, terms and conditions as that of the issuing state entity.

DCH is permitted to use another State agency's contract only with the prior written approval of DOAS' SPDDDC. Documentation must be submitted which includes the issuing agency's approval to "piggyback" on the contract, the contract number, and the name of the vendor along with a justification as to why the other agency's contract should be used.

The APO/CUPO must indicate whether there will be repetitive purchases or whether this is a one-time buy. All State Entities that are given permission by the SPDDDC to use another State Entity's contract must submit a monthly report listing other State Entity contracts that are being used along with a list of purchase orders and dollar amounts that have been issued against the other State Entity contract.

5.11 Other DCH Procurements/Attached Agencies

At times DCH may solicit services on behalf of entities attached to DCH. There are three attached agencies currently associated with DCH. They are: Georgia Board of Physician Workforce, Georgia Composite Medical Education Board and the Georgia Drugs and Narcotics Agency. These agencies function autonomously under statute and can elect to enlist the services of DCH to provide administrative support. Among the administrative support options is procurement assistance. Once one of the agencies elects to engage DCH Procurement Services to purchase goods and/or services, DCH procurement acts pursuant to DOAS rules and regulations as its basis for governance. All DOAS requirements are then made a part of the attached agencies' purchase processes up to and including the use of DOAS directly for purchases in excess of DCH's delegated purchasing authority. However, at any point along the procurement continuum, the attached agency can elect to terminate the procurement and at that point DCH Office of Procurements Services and DOAS are no longer involved. Once that election is made by the attached agency DOAS or DCH Procurement depending upon the dollar amount of the purchase, will provide notice via the DOAS website of this termination of bid. Refer to the Georgia Procurement Manual (GPM) which addresses DOAS purchasing requirements.

5.12 State Health Benefit Plan (SHBP)

At times OPS may solicit services on behalf of the State Health Benefit Plan (SHBP), which oversees daily business activities required for the management of its members and requires the ability to ensure seamless service delivery. As such, the SHBP procurement process requires management through the established internal policy and procedures that are specific to SHBP. The SHBP policy is a separate document publically posted to the DCH Website: <http://dch.georgia.gov/policies>.

6.0 OVERVIEW OF THE OFFICE OF PROCUREMENT SERVICES PROCESS FLOW

SPD has designated the Seven Stages of Procurement Methodology as the procurement process to be used by DCH and other state entities from the time the state entity first identifies a needed good or service through contract award and contract administration. The following is an example of the typical procurement process flow. This process may vary depending on a range of factors.

The Seven Stages are:



1. Need Identification
2. Pre-Solicitation
3. Solicitation Preparation
4. Solicitation
5. Evaluation Process
6. Award Process
7. Contract Process

6.1 Procurement Planning

For purchases with a dollar value of **\$25,000** or more OPS requests that business owners contact the OPS for assistance with solicitation planning prior to entering a requisition in TGM. A procurement professional will contact the business owner to schedule a meeting to initiate the solicitation process. The meeting agenda will include need identification; development of the project plan/timeline, and other activities consistent with the seven stages of Procurement. The assigned OPS Officer will discuss the procurement goals with program staff and assist in identifying the appropriate procurement vehicle. Should the Procurement staff disagree with the business owner or have concerns regarding the purchase, the resolution of these concerns will be addressed in this order: Program Manager, OPS Director, Business Owner Chief; Chief Operating Officer, Commissioner.

The Procurement Professional must determine if a commodity or service is available through a mandatory source and comply with the Order of Precedence prior to conducting a sourcing event. The Order of Precedence begins with Tier 1 (mandatory statewide contracts), followed by Tier 2 (existing state entity contracts), Tier 3 (statutory sources) and Tier 4 which includes a choice of either of the following: convenience statewide contracts, Georgia Enterprises for Products and Services (GEPS) products, piggyback purchases, or open market. Compliance with the order of precedence is mandatory.

6.2 Team Georgia Marketplace (TGM)

Team Georgia Marketplace (**TGM**) is provided by **SPD** and its partners and serves as an online tool to support various state purchasing functions, including registration of suppliers, advertisement of contract opportunities, electronic bidding, and contracts management. Suppliers must register in this system to do business with the state and participate in any electronic solicitations hosted through Team Georgia Marketplace. DCH uses Team Georgia Marketplace for all its procurements, unless otherwise exempt.

All solicitations processed through TGM are automatically posted to the GPR. The OPS Officer will post the final procurement document, updates, and notices to TGM

for Procurements issued under DCH's delegated authority (unless required otherwise by DOAS).. DOAS will post all procurement documents to TGM, for purchases over DCH's delegated purchasing authority and for other purchases upon request by DCH. All documents generated for procurements issued by DOAS on behalf of DCH will remain under the retention of DOAS. A listing of procurements may be viewed at:

<http://ssl.doas.state.ga.us/PRSapp/>

6.3 Review of Procurement Documents

The OPS Officer will assist in the development of the solicitation by reviewing solicitation specifications and providing feedback to the Program Manager/Business Owner. The OPS Officer ensures compliance to the appropriate procurement tool and format as required by DOAS.

The Office of General Counsel may provide oversight and technical assistance to ensure that documents are legally sound and not in conflict with the shell contract, which is developed and included with procurement document when posted. Additionally, the General Counsel or designee may render legal advice in regard to state purchasing practices, public procurement law, and or provide policy advice where relevant.

6.3.1 The Georgia Security and Immigration and Compliance Act (O.C.G.A.) 13-10-91 et seq. requires suppliers to file an affidavit that the supplier and its subcontractors have registered and participate in a federal work authorization program intended to ensure that only lawful citizens or lawful immigrants are employed by the supplier or subcontractor. All state entities are required to obtain such signed and notarized affidavits from suppliers prior to entering into any public works contract involving the supplier's physical performance of services within the state of Georgia. A supplier must submit the affidavit to be eligible for contract award.

For all public works contracts established through the competitive bidding process, the state entity solicitation will instruct suppliers to complete and return SPD-SP054 Immigration and Security Form as part of the supplier's response. If the state entity is conducting an electronic bidding process, the state entity may permit this form to be submitted by the supplier outside of the electronic bidding process (i.e. via mail) as this form must be signed and notarized. In addition to initial contract award, the supplier's continued compliance will be a factor in the state entity's decision to renew any multi-year agreements. This form can be found by using the following link.

<http://doas.ga.gov/StateLocal/SPD/Seven/Pages/Home.aspx>

Registration and participation in the federal work authorization program also extends to the supplier's subcontractors. Therefore, to the extent the supplier's response to the solicitation also identifies subcontractors; the supplier's response must also include signed and notarized affidavits from each of the identified subcontractors. If subcontractors are not identified until after contract award, the supplier is required to identify the subcontractors to the state entity no later than five business days from the date the supplier enters into the agreement with the subcontractor. In addition to notifying the state entity of the subcontractor(s), the supplier must also submit a signed and notarized affidavit from the subcontractor(s). Suppliers should note that most if

not all state entity contracts require the supplier to obtain the state entity's approval prior to introducing new subcontractors.

The state entity must maintain all affidavits for five years from the date of the state entity's receipt of the affidavit. Therefore, it is recommended that the state entity date stamp the affidavit upon the state entity's receipt of the affidavit. State entities' compliance with this requirement is subject to audit by the Georgia Department of Labor or other appropriate governmental entity. Any supplier determined to have made a knowingly and willfully false, fictitious or fraudulent statement in the affidavit is guilty of violating (O.C.G.) Section 16-10-20. If convicted, the supplier and/or subcontractor will be prohibited from bidding on or entering into any public contract for 12 months following such conviction.

6.4 Procurement Requisitions (RFP, RFQ, etc.)

All DCH procurements must be initiated through Requisitions entered into Team Georgia Marketplace (TGM). Each Division has dedicated staff or Requestors responsible for entering requisitions in TGM.

6.5 Evaluation Criteria

The Program Manager/Business Owner is responsible for providing the Evaluation criteria to the OPS Officer at the time the final Statement of Work is submitted. The Issuing Officer will review the tool and scoring methodology. The Issuing Officer may suggest alternatives if deemed appropriate.

6.6 Questions and Answers (Q&A)

Vendors may submit written questions to the OPS Officer or DOAS Officer (where applicable) regarding the procurement within the specified timeframes. The OPS Officer, or DOAS Officer, organizes the questions in a table format and submits to the program manager for response. The Issuing Officer posts the Q&A to the TGM when complete.

6.7 Administrative Review

Upon receipt of proposals, the Issuing Officer reviews proposals to ensure that they meet Mandatory Requirements. The purpose of the administrative review process is to identify any responses which are not eligible for further evaluation.

6.8 Evaluation Kick-Off Meeting

The Issuing Officer will facilitate the beginning of the evaluation period with the group of selected individuals identified to have technical skills within the commodity or service area, to provide their expertise and guidance during the evaluation of proposals.

The Evaluation Kick-Off Meeting entails a discussion of the rules governing the evaluation process, including confidentiality and the reporting of any conflicts of interest among evaluator team members with Offerors. The Issuing Officer will schedule and lead the

procurement evaluation kick-off meeting with the Evaluation Team. The Evaluation Kick-Off entails securing signatures on confidentiality and conflict of interest forms, which will be retained in the procurement file. Documents generated for procurements issued by DOAS on behalf of DCH will remain under the retention of DOAS; otherwise, the DCH Issuing Officer will retain the forms.

6.9 Proposal Distribution

Upon receipt of the signed Evaluation Participation Form, the Issuing Officer distributes proposals which pass the Administrative Review, to the Evaluation Team members for evaluation.

6.10 Proposal Evaluation

The Issuing Officer facilitates the Evaluation Team meetings and records scores/comments. The Issuing Officer reviews and ranks final scores. At the conclusion of the evaluation process, the Issuing Officer will collect and retain all working documents from each Evaluation Team member.

The procurement professional may also schedule product demonstrations and/or oral presentations in which suppliers provide additional information regarding their proposed products or services after the solicitation has closed. (GPM Section: 5.6.5.2.)

Any requirement for the supplier to provide an oral presentation or product demonstration to the evaluation committee should be clearly stated as part of the solicitation. If the solicitation includes a requirement for the supplier to make an oral presentation or product demonstration, then the issuing officer is responsible for arranging these presentations/demonstrations during the evaluation process. An oral presentation or product demonstration is not a negotiation and suppliers are not permitted to revise their responses as part of the presentation/demonstration.

6.11 References

The OPS Officer may perform a reference check on the Apparent Successful Vendor (ASV) or the top three (3) responsive and responsible vendors. Standard script and questions will be used when checking references.

6.12 Site Visit (if requested)

A decision regarding the need of site visits should be made prior to the release of the solicitation. This means that the procurement will contain language that speaks to what will or will not determine the need for a site visit. The Program Manager will provide the OPS Officer with a schedule and agenda for site visits.

6.13 Negotiations

Discussions and negotiations may be conducted with Offerors who are deemed qualified and reasonably susceptible for award based on criteria set forth in the solicitation document. The OPS Officer or DOAS Officer in coordination with Contract Administration may engage in one or more rounds of discussions and negotiations for the purpose of seeking clarifications, revisions, and/or best and final offers. All such discussion and negotiation results shall be documented prior to final approval and signing of the contract.

In conducting discussions and negotiations, there shall be no disclosure to competing Offerors of any information contained in the competing Offerors proposals. Discussions and negotiations conducted by DOAS will follow the process outlined in the Georgia Procurement Manual.

6.14 Apparent Successful Vendor / Notice of Intent to Award

Once the Apparent Successful Vendor (ASV) is identified, the ASV is contacted and the development and issuance of the final Contract document shall be initiated in Contract Administration. Once the ASV signs the Contract, the Contract Administration will obtain the necessary DCH signatures needed for contract execution.

If the solicitation is over \$100,000 a mandatory Notice of Intent to Award (**NOIA**) will be posted on the DOAS website at which time the ten (10) calendar day protest period begins. No contracts shall be executed and no work shall commence during the NOIA period without the vendor agreeing to work at risk and at no expense to be incurred by DCH.

6.15 Notice of Award

The *Notice of Award (NOA)* is DCH's official announcement of actual contract award to the identified supplier(s). The **NOA** also identifies the amount of the actual contract award, the names of all suppliers whose responses were rejected, and the reasons for the rejection of the unsuccessful suppliers. The **NOA** must be publicly posted within one day of contract award (i.e., issuing a purchase order to the supplier and/or executing a contract). The **NOA** is mandatory for announcing any and all awards resulting from solicitations regardless of the dollar amount. (GPM Section: 6.2.2.2)

7.0 ETHICAL AND PROFESSIONAL CONDUCT

7.1 Restrictions on Communications with Staff

From the issue date of the solicitation and until a supplier is selected for contract award and the selection is made public, suppliers are not allowed to communicate for any reason with any state staff regarding the solicitation except through the issuing officer (or his/her designee) named in the solicitation. Prohibited communication includes all contact or interaction, including but not limited to

telephonic communications, emails, faxes, letters, or personal meetings, such as lunch, entertainment, or otherwise. Exceptions to this restriction on communication include the following:

- Communication during bidders’/Offerors’ conference provided the issuing officer is present,
- As necessary to perform under any existing contracts with the state entity,
- With SPD State Purchasing Division pursuant to the protest process, and
- With SPD’s technical staff to resolve any issues with the electronic bidding process.

A supplier’s violation of the restriction on communication can lead to disqualification of the supplier’s response from consideration for contract award and/or other disciplinary action by **SPD**, such as suspension or debarment.

7.2 Ethics in Procurement

Employees must ensure that fair and open competition exists in all procurement activities and contracting relationships in order to avoid the appearance of and prevent the opportunity for favoritism. OPS will apply the state procurement rules, guidelines, and policies. Open and competitive bidding and contracting will be the rule. Therefore it is critical that all divisions ensure that vendors contracting with DCH are fully informed of DCH policies concerning their relationships with DCH staff and that these policies be uniformly applied to all vendors by requiring all vendors to be aware of the specific ethics guidelines.

8.0 PROTESTS

DCH will use the principles of the Georgia Procurement Manual (GPM) where appropriate, to govern the manner in which protests are handled. DOAS requires that all applicable protests be submitted to DOAS SPDDDC – Procurement according to the specifications outlined in the GPM (Section 6.5).

There are certain entities and specific categories of purchasing which fall under the exempt category as stated in O.C.G.A. §50-5-58 and Chapter 2, Section 3 of the GPM, which are exempt from State Purchasing requirements. Vendors objecting to solicitations by these entities or solicitation concerning the specific exempt categories must address their complaints to the entity or state agency responsible for the solicitation. All other protests must be filed according to the rules within Section 6.5.3 of the manual. Protests for exempt State Health Benefit Plan (SHBP) solicitations will be handled in accordance with the SHBP Procurement Policy.

9.0 RECORD RETENTION

In accordance with Georgia law O.C.G.A section 50-18-92 (a), any record created by public funds shall be retained for documenting the history, organization, functions, policies, decisions, and procedures for the agency or office. All bids and competitive selection records will be retained according the guidelines and schedule developed by the Georgia

Record Act (O.C.G.A. § 50-18-90 et. seq.). This record shall be retained for permanent preservation when it is no longer in current use by the agency for a minimum term of seven (7) years.

10.0 DEFINITIONS

- A **Contractor/Vendor.** The individual or firm providing professional services as a party to the agreement. The firm may be a proprietorship, partnership, corporation, co-venture, or joint venture.
- B **Department.** As used herein, are the Department of Community Health (DCH), the entirety of its organizational units, and an Agency of the State of Georgia.
- C **Division.** Any one of the formally designated organizational units labeled "Divisions" within the organizational structure of the DCH.
- D **Evaluation Team.** The evaluation team should consist of at least three persons who are subject matter experts and employees of the State.
- E **Goods.** Any commodities including equipment, materials, supplies, and information technology.
- F **Negotiation.** This is the exchange in either a competitive or sole source environment between DCH/DOAS and Offerors with the intent of allowing Offerors to revise their cost offers. Revisions may apply to price, schedule, or other terms of the proposed contract with the exclusion of technical requirements. Negotiations are specific to each offer and shall be conducted to maximize DCH's ability to obtain best value based on the evaluation factors set forth in the solicitation. DCH may at its discretion also give evaluation credit for technical solutions exceeding mandatory minimums or negotiate with Offerors for increased performance beyond mandatory minimums.
- G **Offer.** The bid or proposal submitted in response to any solicitation document utilizing an established procurement type.
- H **OPS Officer.** The OPS official authorized to manage a particular procurement and to issue a Contract Award with respect thereto, as set forth in the applicable Solicitation Documents for such procurement.
- I **Price.** The amount paid by DCH to a vendor for a good or service.
- J **Procurement.** The acquisition of goods and services.
- K **Protest.** Any protest, challenge or other claim, howsoever designated, to any aspect of a DCH procurement.

- L Scope of Work.** A detailed description of the work or service needs and the tasks and deliverables needed to complete the contract. This statement should also specify functions to be performed by the Division and all other parties bound under the contract.
- M Services.** Any process of providing services requiring specialized knowledge, experience, expertise, professional qualifications, or similar capabilities for any aspect of service including, but not limited to, work or task performance, review, analysis, and advice in formulating or implementing improvements in programs or services.
- N Solicitation Document.** The written or electronic RFQ, RFP, SON, or other acquisition document expressly used to invite offers or request information regarding the acquisition of goods and services.

APPENDIX ONE

CHECKLIST FOR THE DEVELOPMENT OF A SOLICITATION

Instructions: The responses to the questions below will aid in preparation and proper submission of your solicitation.

ACTION	
Impacted Agencies and Contact Information	Is Lead Agency Identification table information accurate?
	Are multiple Agencies involved? If “Yes”, is the appropriate information provided in the table? If multiple Agencies are not involved, is “Not Applicable” entered in the table?
	What is the nature of collaboration with other agencies (if any) clearly identified?
Background	What is the objective or purpose of this procurement?
	What are the desired results of the vendor’s proposals?
	What is the anticipated duration of this contract? (i.e. One year with four annual renewals)
	Have you had any discussions with vendors regarding this procurement or have any vendors provided you with information to assist with this project?
	Do you have exhaustive product material specification data to include the technical components and functionality of the system?
	Do you have plans for this project evolving over time, if so in what why?

	With what type of DCH equipment will the vendor’s product interface?
	Will DCH personnel be used in any form to provide support to the vendor?
	Do you have a suggested vendor list that you would like included?
Glossary	Are all acronyms and other Division programmatic terms used defined?
Project Description	Business Problem / Business Need: Is the Division’s key strategy or business plan clearly identified and documented?
	Are there any specific economic factors that are driving this project?
	Are there any specific factors that are driving this project?
	Are statistics included that help Offerors determine the solution needed?
	Are statistics included that help to show current trends?
	Is there any specific legal mandate that will be addressed by this project (e.g. name the specific mandate)?
	Who are the customers (internal and external) that will be impacted by this project? How will they be impacted?

Solicitation Objectives	Are the objectives clearly stated?
	Do the objectives clearly address/support the points outlined in the Scope of Work description?
	Are the objectives attainable?
	Are there objectives related to ‘People’?
	Are there objectives related to ‘Processes’?
	Are there objectives related to ‘Technology’?
	Are there objectives related to ‘Communication’?
Project Approach	Is it clearly described whether this solicitation is for a new program or the continuation of an existing application?
	If the solicitation is to replace/upgrade an existing program function, what is the name of that program function?
	Does this replace an existing service or product and if so, what is the expectation of how this replacement should be transitioned/ implemented in and the old contract closed?
	Are additional privacy considerations documented (e.g.: HIPAA)?

Non-Recurring Project Costs Total Estimated Project Costs and Post-Implementation Costs for ALL Impacted Divisions:	Do the costs adequately estimate the total project cost, across all impacted Divisions, for each of the account codes?
	Are the costs appropriately identified by year?
	Does the estimated project costs include adequate contingency?
	What amount do you have budgeted for this project?
	What is more important on this project cost or service?
	Is any IT equipment greater than \$5000 required? If yes, are the number of units and anticipated price of each indicated where requested?
Recurring Project Costs	Does the cost adequately estimate the total recurring costs, across all impacted Divisions, for each of the account codes?
	Are the costs appropriately identified by year?
	Does the estimated recurring costs include adequate contingency?
	If maintenance is allowable for multiple years; how do you intend to allow for inflation increases in the remaining years? What is your proposed inflation rate?

Performance Warranty	Is there any way that the state can be damaged as a result of the vendor's failure to perform?
	Does this procurement require a performance bond?
	What type of maintenance will be required for this project? Does the project require an after warranty maintenance quote?
	What type of warranty will be required for this project?
Software	If IT related: Have you received GTA authorization for this procurement?
	Is this software written specifically for DCH or is it universal?
	Will licenses to the software be purchased by DCH? Are those universal licenses or workstation?
Project Timeline	Does the anticipated project start date appear to take into account approval and procurement timeframes?
	If the anticipated project start date is less than one month from today, does the justification of an "urgent" request contain enough detail to allow the reviewers to understand the rationale for the "urgency"?
	Does the estimated implementation timeline include to adequate contingency?
	Is the duration identified for each of the high level project milestones appropriate for a project of this size and complexity?

Signoffs	Do you have the Office Head approving signature?
	If applicable, do you have other signoff(s)?

APPENDIX TWO

WORKFLOW FOR THE COMPLETION AND EVALUATION OF ALL SOLICITATIONS

Instructions: The following provides a broad overview of the procurement process and will aid in the preparation and proper submission of the solicitation.

- Prior to submitting a Request, the Division should develop the Scope of Work (SOW) for the services needed.
- Each Division Chief shall determine when outside specialized consulting services are needed to assist in their total work program. Once approved, the Office Head will forward such requests, along with their personal endorsement, to DCH Procurement OPS for review.
- Upon obtaining the appropriate signatures and developing a draft of the Scope of Work the Division should forward all of the documents to DCHs' OPS.
- An OPS Officer will work with the Division in finalizing the Scope of Work. The Division will request a Shell Contract incorporating the SOW prior to posting the solicitation.
- The Division should determine the members of the evaluation team. Each member must sign an Evaluation Participation Form before beginning the evaluation process.
- Upon close of the solicitation process and mandatory requirements review, the Division should be notified of the responsible and responsive respondents. Division may then receive the evaluation packets and begin the evaluation process.
- Once the evaluation process is complete, the Division should forward all evaluation documents to the OPS Officer.
- The proposal results will be reviewed and tabulated to determine the most responsive responsible respondent.
- Upon completion of the Solicitation Process, the Division will complete a Request for New Contract. A Notice of Intent to Award (NOIA) will be posted for ten (10) days for purchases of \$100,000.00 or more.
- Upon completion of the ten (10) day protest period a Notice of Award (NOA) will be issued and implementation may begin.