LOUISIANA

VENDOR GUIDE

How to Do Business with the State of Louisiana

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Section 1.0 – General

1.1 - Introduction

This manual is intended to acquaint vendors with the State of Louisiana's procurement process and encourage them to become suppliers to the State of Louisiana. The Office of State Procurement developed this manual, but most of the information included is also applicable to State Agencies; though, some State Agencies may have requirements specific to them that are not addressed within this document.

Procurement is a major activity for the State of Louisiana, and the system is designed to ensure a fair and equitable treatment of all persons who participate in the procurement process. Vendors are an important element in this process and Vendors participation is crucial to the success of existing and new programs.

Procurement is rapidly changing at the Office of State Procurement to meet the needs of the agencies we serve. We continue to look for ways to improve existing programs and create new and innovative programs to obtain the best value for goods and services. Vendors will find information on some of our programs and processes in this guide such as the RFP, LaCarte (the State of Louisiana procurement card), and LaPAC (Louisiana Procurement and Contract Network). As part of the LaPAC program you as a vendor have the opportunity to publicize your business to potential buyers and obtain a listing of other registered businesses. You will also find information on our contracting methods with Master Pricing Agreements and Internet Catalog Contracts.

The Office of State Procurement Vendor Performance Program includes tracking of contract compliance and performance, recognition of vendor excellence, and vendor training. Visit our website often at www.procurement.la.gov where you will find the latest information to familiarize youwith our programs.

This manual is provided as a general guideline to help you understand some of the processes. Nothing contained herein shall be construed to amend or override any statute, rule, regulation, policy or procedure of the State of Louisiana, or the provision of any document used in any competitive procurement. The Office of State Procurement reserves the right to modify this manual without prior notice and without issuance of such modification to all holders of the manual.

You are encouraged to visit our office. An appointment made in advance will enable productive utilization of time for both parties. Our business hours are 8:00 a.m. to 5:00 p.m. central time weekdays excluding State holidays. Vendors should bring catalogs, brochures, descriptive material, and price lists to familiarize the State Purchasing Officer with their products and services. A staff listing with telephone numbers, E-mail addresses and assigned commodities can be found on our website at: https://www.doa.la.gov/doa/osp/osp-overview-and-staff-directory/

Any "qualified individual with a disability" as defined by the Americans with Disabilities Act who wishes to attend a scheduled meeting or has submitted a bid and desires to attend the meeting or bid opening, must notify the Office of State Procurement in writing not later than seven (7) days prior to the meeting or bid opening date of their need for special accommodations. If the request cannot be reasonably accommodated, the individual will be informed prior to the meeting or bid opening.

Office of State Procurement

1.2

OUR VISION

Simplify and improve the procurement process.

OUR MISSION

The mission of the Office of State Procurement is to develop and implement sound procurement practices in accordance with executive policy and legislative mandates, and to provide quality and timely services to the agency and vendor communities.

OUR PHILOSOPHY

Be **P**roactive in recommending and implementing legislation, regulations, policy and procedural changes.

Be **R**esponsive to management and customer needs.

To **O**versee the procurement process to ensure that goods and services are purchased within legal parameters.

To **C**ommunicate timely and effectively with state agencies, vendors, and executive and legislative management.

Be **U**niform in dispensing interpretations of the Procurement Code, regulations and policies

To **R**esolve issues in a timely and professional manner.

To **E**ncourage innovation and better value for state purchases.

To **M**anage change effectively and efficiently.

Be **E**thical in the performance of all our duties.

To **N**otice and give recognition for the good work of others.

Be **T**eam players and actively promote collaboration to achieve mutual goals in the best interest of the State.

To **S**implify the purchasing and contracting processes wherever possible.

1.3 – Location and Address

The Office of State Procurement is located on the 2nd floor of the Claiborne Building. A map with directions is on the next page.

The U. S. Postal Service does not make deliveries to our physical location.

If bidders chose to deliver their bid by U.S. Postal Service to the P.O. Box, bidders must mail the bid to allow sufficient time for the mail to then be transmitted to the Office of State Procurement.

Bidders are solely responsible for ensuring that their courier service provider makes inside deliveries to our physical location. The Office of State Procurement is not responsible for any delays caused bythe bidder's chosen means of bid delivery. Bidders are solely responsible for the timely delivery of their bids. Failure to meet bid opening dates and times shall result in rejection of bids.

Our Mailing Address:
Office of State Procurement
P. O. Box 94095
Baton Rouge, LA 70804-9095

Our Street Address:
Office of State Procurement
Claiborne Building
Suite 2-160
1201 North 3rd Street
Baton Rouge, LA 70802

Main phone number: 225-342-8010
Main fax number: 225-342-9756
Help desk: 225-342-8010

The Office of State Procurement

1.4 - Map with Directions

Take the Capitol Access Road exit off I-110. Merge right onto Capitol Lake Road. Turn right onto 3rd Street. Building is on the left.

The Office of State Procurement is on the 2nd floor of the Claiborne Building.

A picture ID is required to enter building. Please allow time to obtain a security badge when visiting.

1.5 - Our Website

Our Internet home page is: https://www.doa.la.gov/doa/osp/. Our web site is a source for useful information. We are constantly updating and adding information. Listed below is some of the information found on our home page:

About Us
- -Contacts*
- -Office Location
- -State Procurement Overview
- -Vision, Mission, Philosophy

Agency Center
- -Helpful Information About Emergency Procurement
- -Excluded Parties List System (EPLS)
- -Procurement Handbook
- -Request for Proposal (RFP) Manual with Exhibits
- -Quick Reference Pocket Guide
- -OSP Agency Memos
- -LaPAC – Louisiana Procurement and Contract Network
- -LA eCat – Louisiana's Electronic Catalog
- -LaCarte Procurement Card Program
- -UNSPSC Code Search
- -Employee Purchase Program
- -Equipment Financing Program
- -Frequently Asked Questions
- -Glossary of Printing Terms
- -Louisiana Purchasing News
- -State by State Reciprocal Preference
- -NIGP – LA Chapter
- -Vendor Payee Inquiry

VendorCenter
- -LaPAC – Louisiana Procurement & Contract Network
- -Contracting Opportunities
- -How to Do Business with the State of Louisiana
- -Frequently Asked Questions
- -Vendor Registration
- -Vendor Registration Help Scripts
- -UNSPSC Code Search
- -Unit of Measure Codes

Vendor Center (continued)
- -Louisiana State Regional Map
- -Brand Name or LaMAS Contracts
- -OSP Vendor Memos
- -Louisiana Procurement Technical Assistance Center
- -Procedures – BN Microcomputer Contracts
- -Microcomputer Contracts Additions
- -Vendor Payee Inquiry

Contracts
- -Contracts Search
- -Contracts by Title and T Number
- -Louisiana Pricing Schedule (LaPS) Contracts
- -Approved Catalog Contracts
- -LaMAS Contracts
- -TechnologyContracts
- -Geaux Green with Recycled Goods and Services
- -Copier Contracts
- -Courier Service
- -Furniture Contracts
- -MMCAP
- -Printing Contracts
- -Vehicle Contracts

Online Forms Legal Information
- -Small Purchases Executive Order
- -Policies and Procedures Memorandum 49
- -Policies and Procedures Memorandum 50
- -Policies and Procedures Memorandum 51
- -Purchasing Rules and Regulations
- -Louisiana Law – Search

State Travel
- -Travel Homepage
- -Travel Policy
- -New Updates
- -Travel Guide
- -Travel Pocket Guide
- -Contact Travel Staff

Louisiana Small Entrepreneurship (Hudson and Veteran Initiative) Programs

LA eCAT – Contract Search tool

If you do not have access to the Internet, you may contact our office at the address shown on the cover or telephone number (225) 342-8010 for copies of the above listed information.

*Staff, telephone numbers, E-mail addresses and their commodities

Section 2.0 – Purposes and Policies

Purposes and Policies of the Central Purchasing Office (La. R.S. 39:1552.B)

1. To simplify, clarify, and modernize the law governing procurement by this state.
2. To permit the continued development of procurement policies and practices.
3. To provide for increased public confidence in the procedures followed in public procurement.
4. To ensure the fair and equitable treatment of all persons who deal with the procurement system of this state.
5. To provide increased economy in state procurement activities by fostering effective competition.
6. To provide safeguards for the maintenance of a procurement system of quality and integrity.

Section 3.0 – Authority and Responsibility

3.1 - Authority and Duties of the Commissioner of Administration (La. R.S. 39:1561)

The Commissioner shall have the authority and responsibility to promulgate rules and regulations governing the procurement, management and control of any and all supplies, services, major repairs and personal, professional, consulting or social services required to be procured by most state agencies.

3.2 - Authority of the State Chief Procurement Officer (La. R.S. 39:1564)

The Director of the Office of State Procurement serves as the state chief procurement officer and director of the central procurement office of the State of Louisiana. The director, within the limitations of regulations, shall:

- Supervise and/or direct the procurement of all supplies, services, major repairs and personal, professional, consulting or social services needed by the state
- Adopt rules governing the internal procedures
- Exercise supervision over all inventories of warehoused supplies belonging to the state
- Establish and maintain programs for the inspection, testing and acceptance of supplies, services and major repairs
- Provide for contractual forms and specifications to be used in the confection of all contracts provided for in the Procurement Code.

3.3 - Delegation of Purchasing Authority (La. R.S. 39:1566)

Each non-exempt state agency is formally delegated a purchasing authority in writing by the Director of State Procurement within certain dollar limits based on the number of purchasing classifications, training, and performance. This is known as a “Delegated Purchasing Authority” (DPA). Non-exempt agencies may process purchases within their DPA unless excluded by other provisions such as labor and material project purchases.

Non-contract purchases over a non-exempt agency's DPA are sent to the Office of State Procurement for processing.

Currently, exempt and non-exempt agencies must submit all vehicles, certain telecommunication purchases, and certain information technology purchases for processing and/or approval by the Office of State Procurement.

Section 4.0 – Ethics

Vendors should refrain from offering anything of economic value to a state employee who exercises procurement responsibility or influences procurement decisions. Questions concerning ethics should be directed to the Louisiana Board of Ethics. The ethics law (La. R.S. 42:1101-1170) can be searched from our website under Legal Information at: https://www.doa.la.gov/doa/osp/agency-resources/.

Section 5.0 – Procurement Statutes, Rules and Regulations, and Small Purchases Executive Order

5.1 - Statutes Governing Procurement

The Office of State Procurement's primary objective is to serve the taxpayers of this state, the departments for which it acts as an agent, and the business community through the use of sound, prudent, and consistent competitive bidding practices. Political and arbitrary considerations do not affect awards. The Office of State Procurement makes decisions according to purchasing rules and regulations that are in the State's and therefore its taxpayers' best interest.

The Office of State Procurement operates under the authority of numerous statutes. The primary statutes governing procurement as follows:

- La. R.S. 38:2211 – 2296 Public Contracts
- La. R.S. 39:196-200 Information Technology
- La. R.S. 39:1551 – 1755 La. Procurement Code
- La. R.S. 39:1761 – 1771 Lease/Purchase
- La. R.S. 42:1101 – 1170 Code of Ethics
- La. R.S. 43:1 – 34 Printing
- La. R.S. 43:111 – 211 Advertisements
- La. R.S. 44:1 – 41 Public Records

5.2 - Exemptions (La. R.S. 39:1572)

The following agencies are exempt from central purchasing (except for certain commodities) but may avail themselves of the central purchasing facilities whenever the best interest of such governmental body and the State may be served. These agencies are subject to the requirements of the Louisiana Procurement Code and the Rules and Regulations unless otherwise exempted by law:

- Louisiana State University System (This includes the Health Care Service Division that operates the charity hospitals).
- Southern University System
- University of Louisiana System
- Special schools and other institutions under the supervision of the State Board of Elementary and Secondary Education
- The office of the State Bond Commission in the Department of the Treasury for printing only.
- Louisiana Community and Technical College System.

The following agencies are exempt from central purchasing and regulations of the Commissioner of Administration but shall nevertheless be subject to the requirements of Chapter 17 (Louisiana Procurement Code) and such regulations as may be promulgated by the head of such governmental body:

- The Department of Transportation and Development, for procurement of materials, services and supplies that will become a component part of any road, highway, bridge, or appurtenance thereto
- Textbooks, scientific and laboratory equipment, teaching materials, teaching devices, and teaching supplies procured by the Department of Education
- The New Orleans Food Center Authority
- The Louisiana Crawfish Market Development Authority

5.3 - Rules and Regulations

Our Rules and Regulations are found in Title 34 of the Louisiana Administrative Code. You may access a copy of the Rules and Regulations that State Agencies operate under from our website at: https://www.doa.la.gov/doa/osp/agency-resources/. If you do not have access to the Internet, you may contact the Office of State Procurement for a copy at the address or telephone number shown on the cover page of this manual.

5.4 - Small Purchases Executive Order

The Governor's Small Purchases Executive Order prescribes small purchase procedures, definitions, guidelines and exemptions for State Agencies. You may access a copy of this executive order from our website at https://www.doa.la.gov/media/20gfd4f3/smallpurchaseproceduresjbe2020-21.pdf. If you do not have access to the Internet, you may contact the Office of State Procurement for a copy at the address or telephone number shown on the cover page of this manual.

Section 6.0 - The State's LaGov ERP System

The State has implemented a LaGov ERP system that will bring one business system to all state agencies.

Statewide contracts are now processed in LaGov. As a result of the system, some of our processes have changed slightly such as the vendor enrollment portal and commodity codes. This guide has been updated to reflect those changes.

We strongly recommend all vendors wishing to do business with the state, to enroll through the vendor enrollment portal to receive electronic notifications of solicitations of interest. See additional vendor registration information in Section 7.0 of this Guide.

Section 7.0 – Vendor Registration and Additional Information

It is not necessary to register with the State to do business but you may want to consider registration if you want to be automatically notified of invitations to bid. The following options are available to you:

7.1 - Self Monitor

All procurements of $25,000 or greater are advertised in the official journal, The Advocate, and a newspaper of general circulation printed in the parish where the goods or services will be delivered. You can monitor these publications and request copies of invitations to bid as they are published. You may also request copies of any invitation to bid you are aware of as long as you have a reference number.

7.2 - LaGov On-line Registration

All vendors interested in doing business with the State of Louisiana through the procurement process are encouraged to register on-line in LaGov at:
https://lagoverpvendor.doa.louisiana.gov/irj/portal/anonymous?guest_user=self_reg.

Once you are enrolled, you have the ability to manage your account and update your information at any time from this link: https://lagoverpvendor.doa.louisiana.gov/irj/portal. By enrolling as a vendor, you will receive automatic email notifications of all solicitations and addenda that are posted to LaPAC (Louisiana Procurement and Contract Network) by the Office of State Procurement and other governmental agencies in your selected commodity classes. There is currently no fee for enrollment.

You can search in LaPAC, https://wwwcfprd.doa.louisiana.gov/osp/lapac/pubMain.cfm, for solicitations by bid category (commodity groups), by department, bid number, or open bids. You may view the complete bid documents on line and those of interest can be printed and submitted by mail.

Instructions for searching and printing bid forms are located on the Office of State Procurement website. If you do not have a computer, you may take advantage of public resource centers and libraries.

Registered vendors must submit a Federal W-9 form, Request for Taxpayer Identification Number and Certification prior to receiving an award. You will be notified when this is required.

If you have any questions or need assistance with vendor registration, contact the Office of State Procurement, Vendor Enrollment Section, at telephone (225) 342-8010 or e-mail your inquiries to vendr_inq@la.gov.

Vendors doing business with other agencies, universities, etc., will need to continue to work with those agencies to stay on their bid list since they may not use the Office of State Procurement's vendor list and may not post all of their solicitations in LaPAC. LaPAC posting is required by all state agencies that follow the Louisiana Procurement Code on all Requests for Proposals and Invitations to Bid.

If you find that your company is not receiving any bids or e-mail notifications of solicitations, you may not be enrolled in the correct commodity class or may have an incorrect e-mail address on file. The commodity class drives the electronic bid list. Companies can bid in a commodity class other than the ones designated on their on-line registration; however, they are responsible for requesting the solicitations.

7.3 - Commodity Code

The Office of State Procurement utilizes the UNSPSC (United Nations Standard Products & Services) commodity codes for vendor enrollment and product category classification in LaGov.

Vendors that wish to register to do business with the state will need to register in LaGov. The link to the LaGov vendor portal for registration is on OSP's website along with help scripts and the UNSPSC commodity code search.

7.4 - Selection of Bidders

The Office of State Procurement solicits all vendors enrolled in the class for the requested item that is being bid on all routine purchases.

State agencies have the option of using the Office of State Procurement's computerized vendor list and posting their solicitations on LaPAC, but they are only required to post those solicitations which exceed the Small Purchase limit. State agencies are responsible for soliciting the correct number of bona fide vendors in accordance with the law.

Most exempt and many non-exempt agencies, have their own vendor databases. We suggest that you contact each agency in order to be included in their database. The most current listing of all state agencies can be accessed from our website at: http://louisiana.gov/Government/Agency_Index/

The Governor's Small Purchases Executive Order prescribes the required number of bids to solicit for each applicable dollar threshold. You may access this executive order from our website under "Legal Info" at: https://www.doa.la.gov/media/20gfd4f3/smallpurchaseproceduresjbe2020-21.pdf.

7.5 - Discrimination Prohibited

Vendors submitting signed bids agree to EEOC compliance and certify that they agree to adhere to the mandates dictated by Title VI and VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, Federal Executive Order 11246, as amended, the Federal Rehabilitation Act of 1973, as amended, the Vietnam Era Veteran's Readjustment Assistance Act of 1974, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, the Fair

Housing Act of 1968 as amended, and agrees to abide by the requirements of the Americans with Disabilities Act of 1990.

Bidders agree not to discriminate in its employment practices, and will render services under the contract without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, veteran status, political affiliation, disability, or age in any matter relating to employment. Any act of discrimination committed by bidders, or failure to comply with these statutory obligations when applicable shall be grounds for termination of the contract.

Bidders must agree to keep informed of and comply with all federal, state and local laws, ordinances and regulations which affect their employees or prospective employees.

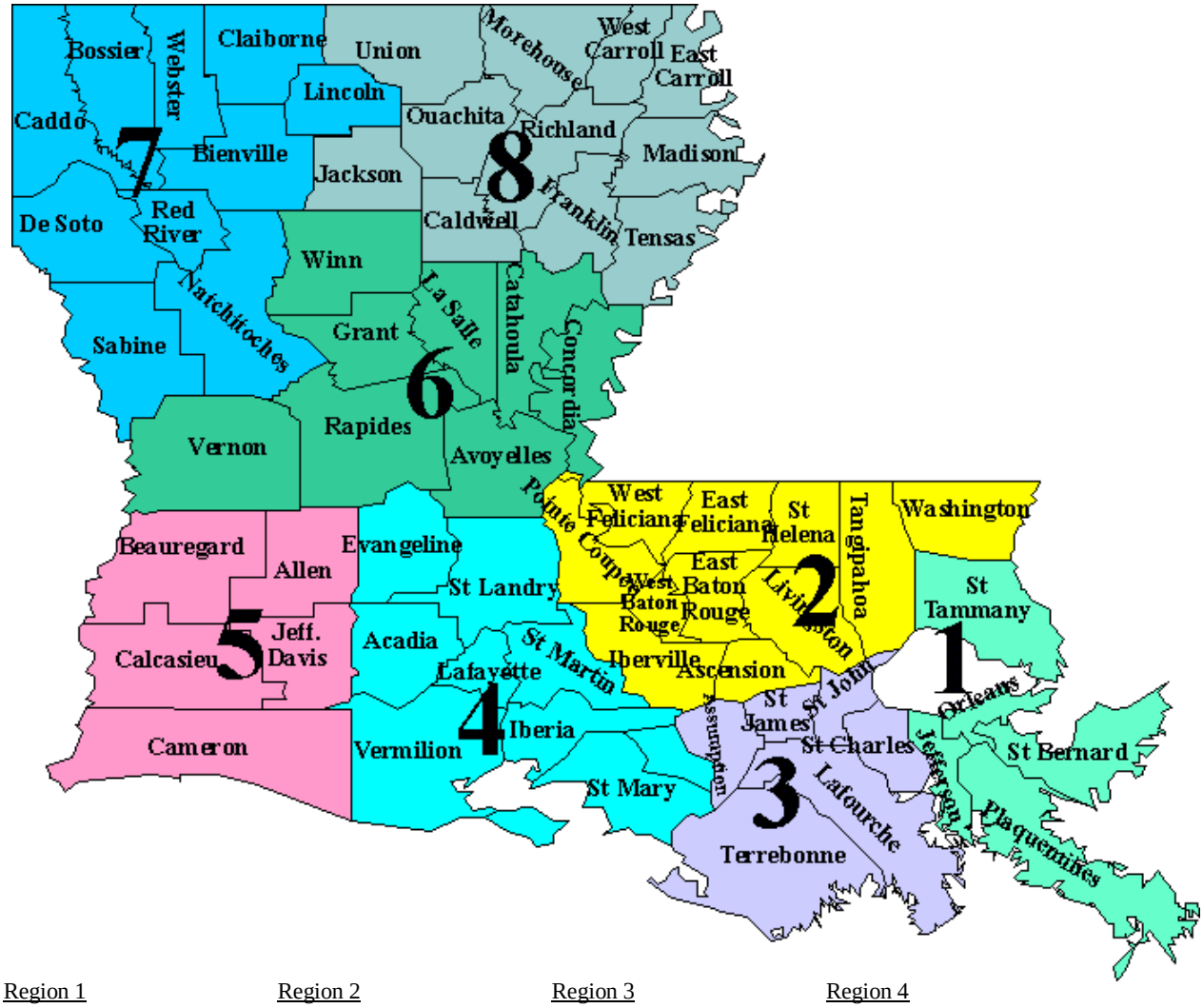
7.6 - Gray Market Vendors

All equipment purchases must carry the manufacturer's warranty and liability on such equipment. Evidence to substantiate the dealer's relationship with the manufacturer may be required.

7.7 – Marketing

Although you must be the lowest responsible bidder, marketing is a key ingredient to becoming a successful vendor with the State. Merely getting on the bid list will not ensure automatic awards. You are encouraged to build a business rapport with the State Purchasing officers and product users and targetyour sales to the state as you would any other customer. The most successful vendors understand the purchasing process, know their product, and work diligently to market their product to the state.

7.8 - STATE PLANNING REGIONS



Region 1
St. Tammany
Jefferson
Plaquemine
St. Bernard
Orleans

Region 5
Beauregard
Allen
Calcasieu
Jefferson Davis
Cameron

Region 2
Washington
Tangipahoa
Ascension
Iberville
St. Helena
East Feliciana
West Feliciana
East Baton Rouge
West Baton Rouge
Livingston
Point Coupee

Region 6
Winn
LaSalle
Grant
Catahoula
Concordia
Rapides
Avoyelles
Vernon

Region 3
St. John
St. James
Assumption
Lafourche
Terrebonne
St. Charles

Region 7
Caddo
Bossier
Webster
Claiborne
Lincoln
Natchitoches
Sabine
Red River
Bienville
De Soto

Region 4
Evangeline
St. Landry
Acadia
St. Martin
Lafayette
Iberia
St. Mary
Vermilion

Region 8
Union
Morehouse
West Carroll
East Carroll
Ouachita
Madison
Caldwell
Franklin
Tensas
Richland
Jackson

Section 8.0 – Procurement Methods and Source Selection

8.1 - Small Purchases

Small purchases are defined in the Governor's Small Purchases Executive Order. It can be viewed on our website at: https://www.doa.la.gov/media/20gfd4f3/smallpurchaseproceduresjbe2020-21.pdf or a copy can be obtained from the Office of State Procurement.

8.2 - Sole Source

Sole source procurements are permissible only when properly justified and approved, determined to be available from only one source, and in the State's best interest.

8.3 - Proprietary Purchases

In accordance with La. R.S. 39:1655.A., a specification may be drafted which describes a product which is proprietary to one company only where:

1. No other kind of specification is reasonably available for the state to describe its requirements; or
2. There is a requirement for specifying a particular design or make of product due to factors of compatibility, standardization, or maintainability; or
3. Such specification includes language which specifically permits an equivalent product to be supplied. Such specification shall include a description of the essential characteristics of the product.
4. Such specification is determined to be in the best interest of the state as provided for by La. R.S. 39:1568.1.

Proprietary purchases are permissible when properly justified and approved, in the State's best interest, and available from more than one source. Solicitations must indicate when proprietary specifications have been approved as such.

8.4 - Emergency Purchases

An emergency condition is a situation which creates an immediate and serious need for supplies, services, or major repairs that cannot be met through normal procurement methods and the lack of which would seriously threaten the functioning of Louisiana government; the preservation or protection of property; or the health or safety of any person. The source selection method used shall be selected with a view to the end of assuring that the required supplies, services, or major repair items are procured in time to meet the emergency. Given this constraint, such competition as is practicable should be obtained.

8.5 - Professional, Personal, Consulting and Social Service Contracts

Personal, Professional, Consulting or Social Services contracts are received by the Office of State Procurement's Professional Contracts section and reviewed for appropriateness of contract terms and language, signature authorities, evidence of funding and compliance with applicable laws, regulations,

executive orders and policies. The Professional Contracts section also reviews agencies' procurement processes against competitive solicitation requirements of law.

8.6 - ITB – Invitation to Bid

The Invitation to Bid (ITB) is a solicitation process for procuring goods and services by evaluating bids against specifications, terms and conditions and awarding to the lowest responsive and responsible bidder who is technically compliant. The evaluation is done by the purchasing officer with technical assistance from the user or agency.

8.7 - RFP - Request for Proposal

The RFP procurement process is used for highly technical equipment, complex services or when contracting with group purchasing organizations. This method of procurement is used when cost is not the only selection criteria to be used and/or when soliciting solutions to a defined problem when it appears that sealed bidding is not practical or advantageous to the State. The RFP defines requirements, asks suppliers for proposed solutions, defines criteria for evaluation and outlines terms and conditions. Recommendations for award are made by a multi-function selection team who determinewhich offer is in the best interest of the State based on evaluation criteria defined in the RFP. This process requires a contract with monitoring and reporting. Proposals are publicly opened on the scheduled date/time and only the names of the proposers are revealed to those present, pricing is not revealed at this time.

8.8 - RFx – Request for something

This is a new acronym used in the State's LaGov system. An RFx can be a request for bid, request for quotation, request for proposal, etc. The type of request will be identified in the solicitation.

8. 9 - RFI or RFR

The RFI (Request for Information) or RFR (Request for Response) is utilized when an agency desires information regarding a product or service and/or when they are establishing a prequalified products list. Prices are <u>not requested</u> in this process and awards <u>are not</u> made. It is not a bid process.It is a process for gathering information only.

Once the information received from an RFI or RFR is reviewed, an RFP may be issued. RFPs are often mentioned when a "value-added" or "best practice" process is being considered. "Value added" or "best practice" means a process, or practice that brings greater value or enhancement to the overall operation of a particular department or an entire organization that could mean easing the way we perform a function, time or money savings, etc.

8.10 – LaCarte (Procurement Card)

LaCarte is the procurement card program which provides our agency customers with increased flexibility in expediting the acquisition of small purchases, reducing procurement cycle times, number of purchase orders, invoices and payments.

8.11 - Statewide Term Contracts

Statewide contracts are developed to group the needs of several agencies, to standardize, to combine usage for lower prices, and to ease the purchase process of commonly used items. Contracts are usually in effect for an initial twelve (12) month period and may have two (2) or more additional twelve (12) month renewal options, which may be exercised if proven to be in the best interest of the state. Multi-year contracts may be utilized if properly justified and in the state's best interest. Competitive contracts include specifications that allow for multiple brands to compete. Brand name contracts allow only the specified brand to be bid. Procedures for requesting a brand name or LaMAS contract and makingchanges to them follows in the next paragraphs. There may be times when moratoriums are issued that prohibit creation of new contracts for certain commodities.

8.12- Procedures for Requesting a Brand Name Contract

Visit our website for additional information and updates concerning this type of contract.

These are the general procedures for requesting a brand name contract issued by the Division of Administration, Office of State Procurement. Other procedures might apply to specific commodities. Please contact the Office of State Procurement to ensure that you have the latest procedures for your specific commodity.

Brand name contracts are usually developed because item(s) cannot be competitively bid and meet the needs of the agencies, item(s) cannot be objectively evaluated using a competitive specification, or expertise is not available to develop a competitive specification.

1. Please submit the following when requesting establishment of a brand name contract:

    a. Letterhead request for the establishment of a contract with all pertinent information included from the Manufacturer or the authorized representative.
    b. Detailed specifications of the item(s) requested by the departments to be placed on contract, including packaging, model numbers, product literature and MSDS (when applicable). Items requested should be separated into like commodity categories such as Janitorial Chemicals, Water Treatment Chemicals, Laboratory Reagents, Catheters, Office Equipment, etc.
    c. A minimum of three (3) letters from three (3) separate departments is necessary to designate their intent to purchase the items if placed on contract. Acceptable letters to be from authorized Louisiana departments in either of the following categories:
        - State Agency;
        - Quasi-Public Agency;
        - Political Subdivision.

    It is a requirement that at a minimum one (1) of the letters is to be from a State Agency.

    Letters must include items that the department intends to purchase, correct packaging (where applicable), and the anticipated annual usage per item. ***Letters must be signed bya department representative authorized to obligate funds for the department and must certify their department's full intent to purchase from the contract once established.*** Failure to

submit accurate and complete information will cause the request to be delayed.

In order to expedite the request, it is best to submit all of the above information as one complete package at the same time. The request for a brand name contract is subject to approval after all information is received in proper order. Feasibility questionnaires may be needed to clarify information.

2. When approval is granted, a solicitation will be prepared by the Office of State Procurement including those items in specific packaging as requested in the letters from the departments.

3. Vendors must submit with the bid response the most recent, published, manufacturer's printed price list or a signed and notarized typed listing of manufacturer's prices covering all items requested for brand name contracts.

4. All vendors seeking to establish a brand name contract must be registered in the LaGov Vendor Portal. Registration is intuitive at the following link: https://lagoverpvendor.doa.louisiana.gov/irj/portal/anonymous?guest_user=self_reg.

   Help scripts are available on the Office of State Procurement website under Vendor Center at: https://www.doa.la.gov/doa/osp/vendor-resources/.

   Newly registered vendors must submit a completed W-9 form. The form is available on the Office of State Procurement website at: https://www.irs.gov/pub/irs-pdf/fw9.pdf.

5. All vendors seeking to establish a brand name contract must be registered and in good standing with the Louisiana Secretary of State Office.

6. Each brand name contract will be reviewed annually by the Office of State Procurement, approximately four (4) months prior to the expiration date of the contract. Brand Name contracts are expected to meet the usage requirements as indicated below for the previous twelve (12) month period:

COMMODITY	**ANNUAL USAGE**
Agricultural Equipment	$100,000
Industrial Equipment	$250,000
Janitorial Chemicals	$50,000
Lawn Equipment	$50,000
Mailing Equipment	$50,000
Networking Equipment	$50,000
Surveillance Equipment	$50,000
Water Treatment Chemicals	$50,000

This usage amount may be waived in whole or in part due to extenuating circumstances in the state's best interest. Contract purchases from state agencies, quasi-public agencies and/or political subdivisions will be considered. Prime contractors are required to submit detailed contract usage reports quarterly to the Office of State Procurement Contracts Manager for the contract reflecting

governmental sales, inclusive of sales by any authorized distributors.

The specific usage report content scope and format requirements is available on the Office of State Procurement website under Purchasing/Online Forms/Vendor Forms: https://www.doa.la.gov/doa/osp/vendor-resources/. In addition, the person's namewho compiles the report and their contact information shall be provided. The Office of State Procurement reserves the right to request copies of any purchase orders and/or invoices issued against the contract to substantiate vendor usage reports for audit purposes.

The usage report shall be submitted utilizing this format or an equivalent format that has been approved by the Office of State Procurement.

The due dates of each quarterly report are as follows:

QUARTER	REPORTING PERIOD	DUE DATE
First	July 1 through September 30	October 31
Second	October 1 through December 31	January 31
Third	January 1 through March 31	April 30
Fourth	April 1 through June 30	July 31

Initiation and submission of the quarterly reports to the Office of State Procurement is the responsibility of the Contractor without prompting or notification by the Office of State Procurement Contracts Manager. If these reports are not submitted in a timely manner evidencing adequate sales volumes, the Office of Procurement shall have the right to terminate the contract, without consideration for reestablishment for a period of two (2) years. Also, individual items with no usage may be deleted unless copies of purchase orders from departments can substantiateusage.

8.13 - Procedures for Requesting Changes to an Existing Brand Name Contract

1. The following procedures should be followed when requesting the addition of items(s) to an existing brand name contract:

   a. Letterhead request from the contract holder requesting the addition of the item(s) with all pertinent information included.

   b. Detailed specifications of the item(s) requested to be placed on contract are necessary, including model numbers, product name, product codes, packaging information, description and literature, and price to the State of Louisiana.

   c. Contract holder must submit with the request for item(s) the most recent, published, manufacturer's printed price list or a signed and notarized typed listing of manufacturer's prices covering all items.

   d. A minimum of one (1) letter from a department is necessary to designate their intent to purchase the specific item(s) if placed on contract. Acceptable letters may be from a state

agency; quasi-public agency; or political subdivision. Letters must include those items that the department intends to purchase, the correct packaging (where applicable), including the anticipated annual usage per item. ***Letters must be signed by a department representative authorized to obligate funds for the department and must certify their department's full intent to purchase the item(s) once the item has been added to the contract.*** Failure to submit accurate and complete information will cause the request to be delayed. In order to expedite the request, it is best to submit all of the above at the same time. The request for the addition of item(s) is subject to approval after all information is received and in proper order.

2. Additions to brand name contracts will be allowed only two (2) times within a twelve (12) month period, other than amendments made at the time of bid or renewal.

3. Distributor vendor changes, price reductions and item deletions may be made at any time during the contract period. The contract holder must submit a written request for these changes.

4. Price increases will be considered only when provided for in the state's contract terms and conditions and must be tied to a recognized index.

Waivers
Only the Director of State Procurement can approve waivers to procedures. All requests for exceptions must be submitted in writing.

8.14 - Procedures for Requesting a LaMAS Contract

Visit our website for additional information and updates concerning this type of contract.

These are the general procedures for requesting a LaMAS (Louisiana Multiple Award Schedule) contract issued by the Division of Administration, Office of State Procurement. Other procedures might apply to specific commodities. Please contact the Office of State Procurement to ensure that you have the latest procedures for your specific commodity.

LaMAS contracts are based on prices no higher than GSA (General Service Administration) and will only be considered when the Office of State Procurement determines that the commodity is open for consideration. The Office of State Procurement will consider the commodity when there are no existing Louisiana statewide competitive contracts for the commodity or there is a valid business case. The Office of State Procurement will post the commodities on their website that are open for LaMAS contract consideration.

1. Please submit the following when requesting establishment of a LaMAS contract:

    a. Letterhead request for the establishment of a LaMAS contract with all pertinent information included from the GSA contractor that includes consent to extend prices no higher than GSA to the state for LaMAS contracts.

    b. Name and contact information of the Louisiana licensed dealer or distributor who will be participating in the contract. Louisiana licensed dealer or distributors must meet the

requirement of a resident business as defined in La. R.S. 39:1556(47).

c. Current GSA Price Schedule.

d. A minimum of three (3) letters from three (3) separate departments is necessary to designate their intent to purchase the items if placed on contract. Acceptable letters to be from authorized Louisiana Departments in either of the following categories:
   - State Agency
   - Quasi-Public Agency
   - Political Subdivision

   Letters must include items that the department intends to purchase, correct packaging (where applicable), and the anticipated annual usage per item. ***Letters must be signed by a department representative authorized to obligate funds for the department and must certify their department's full intent to purchase from the contract once established.*** Failure to submit accurate and complete information will cause the request to be delayed.

In order to expedite the request, it is best to submit all of the above information as one complete package at the same time. The request for a LaMAS contract is subject to approval after all information is received in proper order. Feasibility questionnaires may be needed to clarify information.

2. When approval is granted, an agreement with the State of Louisiana terms and conditions will be negotiated between the State and the Contractor.

3. All vendors seeking to establish a Brand Name contract must be registered in the LaGov Vendor Portal. Registration is intuitive at the following link: https://lagoverpvendor.doa.louisiana.gov/irj/portal/anonymous?guest_user=self_reg.

   Help scripts are available on the Office of State Procurement website under Vendor Center at: https://www.doa.la.gov/doa/osp/vendor-resources/.

   Newly registered vendors must submit a completed W-9 form. The form is available on the Office of State Procurement website at: https://www.irs.gov/pub/irs-pdf/fw9.pdf.

4. All vendors seeking to establish a LaMAS contract must be registered and in good standing with the Louisiana Secretary of State Office.

5. Each LaMAS contract will be reviewed annually by the Office of State Procurement, approximately four (4) months prior to the expiration date of the contract. LaMAS Contracts are expected to meet the usage requirements as indicated below for the previous twelve (12) month period:

COMMODITY	ANNUAL USAGE
Automotive Shop Equipment & Supplies	$50,000
Carpet	$50,000
Digital Court Reporting Equipment & Software	$50,000
Fire Trucks	$250,000
Fixed Seating	$50,000
Floor Maintenance Machines	$50,000
Hand Tools	$50,000
Light Bars and Sirens	$50,000
Machinery and Hardware, Industrial	$50,000
Specialty Vehicles for Homeland Defense	$250,000

This usage amount may be waived in whole or in part due to extenuating circumstances in the State's best interest. Contract purchases from State Agencies, Quasi-Public Agencies and/or Political Subdivisions will be considered. Prime contractors are required to submit detailed contract usage reports quarterly to the Office of State Procurement Contracts Manager for the contract reflecting governmental sales, inclusive of sales by any authorized distributors.

The specific usage report content scope and format requirements is available on the Office of State Procurement website under Purchasing/Online Forms/Vendor forms: https://www.doa.la.gov/doa/osp/vendor-resources/. In addition, the person's namewho compiles the report and their contact information shall be provided. The Office of State Procurement reserve the right to request copies of any purchase orders and/or invoices issued against the contract to substantiate vendor usage reports for audit purposes.

The usage report shall be submitted utilizing this format or an equivalent format that has been approved by the Office of State Procurement.

The due dates of each quarterly report are as follows:

QUARTER	REPORTING PERIOD	DUE DATE
First	July 1 through September 30	October 31
Second	October 1 through December 31	January 31
Third	January 1 through March 31	April 30
Fourth	April 1 through June 30	July 31

Initiation and submission of the quarterly reports to the Office of State Procurement is the responsibility of the Contractor without prompting or notification by the Office of State Procurement Contracts Manager. If these reports are not submitted in a timely manner evidencing adequate sales volumes the Office of State Procurement shall have the right to terminate the contract, without consideration for reestablishment for a period of two (2) years. Also, individual items with no usage may be deleted unless copies of purchase orders from agencies can substantiate usage.

8.15 - Procedures for Requesting Changes to an Existing LaMAS Contract

1. The following procedures should be followed when requesting the addition of item(s) to an existing LaMAS contract:

   a. Letterhead request from the contract holder requesting the addition of the item(s) with all pertinent information included.
   b. Detailed specifications of the item(s) requested to be placed on contract are necessary, including model numbers, product name, product codes, packaging information, description and literature, and price to the State of Louisiana.

   c. The most recent GSA price schedule or proof that item(s) has been added to the GSA contract.

   d. A minimum of one (1) letter from a department is necessary to designate their intent to purchase the specific item(s) if placed on contract. Acceptable letters may be from a state agency; political subdivision or quasi-public agency. Letters must include those items that the agency intends to purchase, the correct packaging (where applicable), including the anticipated annual usage per item. ***Letters must be signed by a department representative authorized to obligate funds for the department and must certify their department's full intent to purchase the item(s) once the item has been added to the contract***. Failure to submit accurate and complete information will cause the request to be delayed. In order to expedite the request, it is best to submit all of the above at the same time. The request for the addition of item(s) is subject to approval after all information is received and in proper order.

2. Additions to LaMAS contracts will be allowed only two (2) times within a twelve (12) month period, other than amendments made at the time of renewal.

3. Distributor vendor changes, price reductions and item deletions may be made at any time during the contract period. The contract holder must submit a written request for these changes.

4. Price increases will be considered only when provided for in the state's contract terms and conditions and must be authorized by GSA.

Waivers
Only the Director of State Procurement can approve waivers to procedures. All requests for exceptions must be submitted in writing.

8.16 - Procedures for Requesting a Brand Name Microcomputer and/or Peripheral Contract

Procedures are available on the Office of State Procurement website under the Vendor Section at: https://www.doa.la.gov/doa/osp/vendor-resources/.

8.17 – LaPS (Louisiana Pricing Schedules)

The Office of State Procurement creates many statewide Brand Name, LaMAS and Multi-State contracts for agencies' convenience. Agencies are encouraged to shop and compare products on these contracts,

where same or similar items appear on more than one contract, and to make a best value decision when making their selection. Where LaPS exist for the same or similar item(s), i.e. routers, fire trucks, microcomputers, and the total procurement exceeds $25,000.00, all eligible users of these contracts are to comply with the rules L.A.C. 34:V.1709. Rules require that agencies prepare Request for Responses and submit to at least (3) three LaPS contract holders, whenever available, offering functionally equivalent products and/or services that will meet their needs. Review the rules for additional information.

Note: All statewide contracts can be searched from OSP website by clicking on the LA eCat (Louisiana's Electronic Catalog) link. eCat is an Internet-based search tool where contracts can be searched in LaGov using multiple criteria.

8.18 - Cooperative Purchasing

Pursuant to La. R.S. 39:1702 et.seq., other public procurement units may be permitted to purchase from contracts administered by the Office of State Procurement. The contractor may, at its option, when responding to a solicitation, elect to state that his proposal will not apply to other public procurement units should he receive a contract award. Other public procurement units wishing to purchase commodities from state contracts must submit, prior to their first purchase, a completed State Contract Questionnaire, available on our website at: https://www.doa.la.gov/doa/osp/agency-resources/osp-purchasing/#Quasi to the Director of the Office of State Procurement, Post Office Box 94095, Baton Rouge, LA 70804-9095. To access the State Contract Questionnaire from our website, click on Online Forms, Quasi Agency, then State Contract Questionnaire.

To access a current listing of Louisiana state agencies, colleges and universities and approved quasi agencies on our website, click on About Us, Contacts and then make your selection.

A vendor's willingness or denial to participate in cooperative purchasing does not affect their status with the Office of State Procurement.

For statewide purchasing contracts, it is the policy of the Office of State Procurement to include an administrative fee or rebate of 1% or more, to defray the costs associated with maintaining such contracts and making them available for statewide use. If this is a requirement of such contracts, a statement to that affect will be included in the solicitation and vendors should plan for the cost of the fee/rebate, and include such within their base pricing, if applicable.

8.19 - Other Procurement Methods

We have indicated the most common types of procurements in the previous paragraphs. Please refer to the Rules and Regulations on our website for other allowable procurement methods.

8.20 – Steps of Competitive Purchasing Process for Invitation to Bid (ITB)

Participation	Action	Activity
Requesting Department/Agency	Identify need, enter requisition (shopping cart), proposed specifications, transmit to the Office of State Procurement if agency's delegated authority is exceeded.	Agency Requisition (shopping cart)
Office of State Procurement (State Purchasing Officer)	Review and Modify specifications, include terms and conditions, and issue ITB (RFx).	ITB (RFx) Issued
Bidders	Prepare bid responses and return by due date and time.	Bid Responses
Office of State Procurement	Open, publicly read and tabulate bids.	Bid Tabulated
Office of State Procurement (State Purchasing Officer)	Evaluate and award bids to the lowest responsive and responsible bidder.	Bid Evaluated
Office of State Procurement	Obtain approval on some files required by supervisor and purchasing management.	Approval
Office of State Procurement	Issue purchase order and mail to vendor and agency.	Purchase Order

8.21 – Steps of Competitive Purchasing Process for Request for Proposals (RFP)

Participation	Action	Activity
Requesting Department/Agency	Identify need, submit request letter with RFP justification, draft RFP, evaluation criteria and point value	Agency RFP Request Letter
Office of State Procurement	Review request for RFP procurement	Approval
Requesting Department/Agency	Select evaluation committee	Committee Selection
Office of State Procurement	Instruct evaluation committee, review and modify RFP, select proposers and issue RFP	RFP Issued
Proposers	Prepare proposal response and return by due date and time.	Proposal Response
Office of State Procurement	Proposals opened and proposers revealed (prices not public until award)	Proposal Opened
Evaluation Committee/Agency	Evaluate proposals and recommend award to best offeror based on evaluation criteria	Proposals Evaluated
Office of State Procurement	Review award recommendation and Issue Intent to Award Letter(s) and Regret Letter(s)	Intent to Award and Regret Letters Issued
Office of State Procurement at Proposer's Request/Agency	Debrief Proposers	Proposers Debriefed
Office of State Procurement, Agency, and Contractor	Negotiate, obtain approvals and Issue Contract	Contract Issued

8.22- DIFFERENCES BETWEEN

ITB (Invitation to Bid)	**RFP** (Request for Proposal)
Used when agency has a definitive need. Award is made to the lowest responsive and responsible bidder.	Used when seeking a solution to a definitive problem, for highly technical equipment, complex services or contracting with a group purchasing organization. Award is made to the responsible offeror whose proposal is the most responsive and advantageous to the state with consideration to cost as well as other evaluation criteria.
Agency identifies need and submits requisition (shopping cart) to the Office of State Procurement with specifications and suggested sources for processing.	Agency identifies need, submits RFP request letter with justification, draft RFP, evaluation criteria with point value of each to the Office of State Procurement.
The Office of State Procurement reviews and modifies, includes terms and conditions, selects bidders and issues ITB.	The Office of State Procurement reviews request and RFP draft after approval, modifies, includes terms and conditions, selects proposers with assistance from agency, and issues RFP.
	Evaluation committee is selected by agency and instructed by the Office of State Procurement.
If over $25,000, file is advertised and posted to LaPAC for twenty-one (21) days (minimum of ten (10) days statutorily required) prior to bid opening and bids are mailed to all known bidders. Other requirements apply to long contracts that involve labor and material.	File is advertised, posted to LaPAC, and notices are mailed to all known potential offerors at least thirty (30) days prior to proposal opening.
Bidders prepare bid response and submit prior to bid opening.	Offerors prepare offer and submit prior to proposal opening.
Bids are publicly opened. Names of bidders and prices quoted are read.	Proposals are publicly opened and only the names of offerors are read.
Bids are tabulated and given to the State Purchasing Officer.	Copies of all proposals are distributed to the Evaluation Committee.
The State Purchasing Officer evaluates the bids against specifications in the ITB solicitation and obtains technical advice from agency when required.	Evaluation Committee members conduct independent reviews of each offer based on evaluation criteria defined in the RFP and meet to arrive at consensus scoring.
State Purchasing Officer awards the purchase order to the lowest responsive and responsible bidder.	Evaluation Committee develops award recommendation, project leader obtains agency management approval, and forwards to the Office of State Procurement.
	The Office of State Procurement administratively reviews award recommendation and obtains approval from the Assistant Director.
	"Intent to Award" letter(s) and "Notice of Regret" letter(s) are sent to all offerors, as appropriate.
Bids may be examined within seventy-two (72) hours of request after bid opening, by request.	Proposers may be debriefed by contacting the Office of State Procurement. Offerors may submit a public records request and information is provided within seventy-two (72) hours.
Bids cannot be negotiated. Purchase order is issued.	All RFP awards must be reduced to a contract. Contract terms and conditions and non-mandatory requirements can be negotiated.
State Purchasing Officer signs the purchase order.	Agency and successful offeror sign the contract and forward to the Director of State Procurement for signature.

	Agency must monitor contract, evaluate contract performance and utility of the final product and provide report to the Office of State Procurement any time upon request during contract term and within one-hundred twenty (120) days of completion.

Section 9.0 – Bid Preparation

9.1 - Preparing a Response to an Invitation to Bid (ITB)

The following should help you prepare and submit bid documents to the Office of State Procurement:

1. Thoroughly read and understand the bid documents, including all specifications, terms, and conditions in the solicitation. Unless otherwise specified in the solicitation, a bidder may contact the buyer whose name appears on the bidding documents for clarification of specifications or terms and conditions.

2. Indicate the bid price in the proper areas of the ITB for the unit size requested. Prices must be typed or written in ink. Corrections, erasures, and clarifications of pricing information must be initialed by the person signing the bid. Prices must be complete, including transportation and other applicable shipping charges, prepaid by bidder to destination and firm for acceptance for a minimum of thirty (30) days.

3. Indicate brand name, model and number when requested. You may bid more than one brand and model on the same bid proposal as long as each brand and model and price are identifiedso that it can be clearly understood what you are bidding. Any alternates must meet or exceed the minimum specifications as outlined in the solicitation.

4. Indicate delivery terms and shipment information on the signature page. Bids other than F.O.B. destination may be rejected.

5. Bids must be signed by a person authorized to bind the vendor. In accordance with La. R.S. 39:1594, the person signing the bid must be:

    - Either a corporate officer who is listed on the most current annual report on file with the Louisiana Secretary of State Office or a member of a partnership or partnership in commendam as reflected in the most current partnership records on file with the Louisiana Secretary of State Office. A copy of the annual report or partnership record must be submitted to OSP before contract award.

    - A representative authorized to submit bids as evidenced by documents such as corporate resolution, certification as to corporate principal, etc. If this applies a copy of the resolution, certification, or other supportive documents should be attached to the bid.

    - One who has filed with the Louisiana Secretary of State Office an affidavit or resolution or other acknowledged/authentic document indicating that the signer is authorized to submit bids for public contracts. A copy of the applicable document must be submitted to OSP before contract award.

    - One who has been designated as authorized to submit bids on the bidder's vendor registration on file with the Office of State Procurement.

By signing the bid, the bidder certifies compliance with the above.

6. Bidders should ensure that the correct company name is indicated on the bid form.

7. Indicate a telephone number in the space provided and a FAX number if available.

8. Submit bid in an envelope which is identified and marked on the outside of the envelope with the file number and/or solicitation number, and the bid opening date and time. If recognized before bid opening and made a part of the bid opening, it will be considered. The Office of State Procurement will not be responsible if a bid is not recognized on time because of lack of proper marking.

9. Submit the ITB prior to the time and date specified in the solicitation. If bids are mailed through an expedited mail service such as Overnight Letter, Federal Express, UPS, etc., the bid must arrive at the Office of State Procurement prior to the scheduled bid opening date and time. Late bids will not be accepted.

10. Include literature, if required in the ITB, so that the Office of State Procurement can verify that the product offered meets specifications.

11. When samples are required be sure they are labeled with the appropriate solicitation or file number and arrive by the time specified in the bid.

9.2 - Mistakes Commonly Made by Vendors When Preparing a Bid

- Failure to sign the bid documents or indicate intent to be bound.
- Failure to mail or submit bid document in a timely manner.
- Failure to submit samples or literature on specification when required.
- Failure to submit a bid bond when required or bid bond amount is insufficient.
- Failure to respond to mandatory requirements contained in the bid invitation such as: furnishing bid bonds, mandatory price list, returning all pages when mandatory, etc.
- Failure to properly identify the file number and/or solicitation number and bid opening date and time on the outside of the envelope, or mailing the bid to the requesting state agency for whom the solicitation was issued.
- Failure to indicate on the bid when bidding other than specified.
- Changing the F.O.B. point to something other than “agency destination” may cause your bid to be rejected.

- Taking exception to terms and conditions of the ITB or requiring the Office of State Procurement to agree to the laws of another state.

- Failure to visit the jobsite (when required).

- Failure to submit the bid on the State's standard forms.

9.3 - Faxed Bids and Addenda

Faxed bids **are not** acceptable for sealed bids. A faxed proposal does not guarantee the integrity and confidentiality of the sealed bid process. Faxed bids are allowed for emergency procurements and when authorized by the Governor's Small Purchases Executive Order and when identified as such in the bid documents.

Faxed addenda **are** acceptable provided both the original bid has been received and time-stamped before the published bid opening date and time.

9.4 - Withdrawal of Bids

A written request for the withdrawal of a bid or any part thereof will be granted if the request is received prior to the specified time of opening. If a bidder withdraws a bid, all bid documents shall remainthe property of the State, unless return is requested in writing.

9.5 - Cash Discount for Prompt Payment

If a cash discount for prompt payment is offered, it must be shown in the space provided on the bid form. Cash discounts for less than thirty (30) days or less than 1% will be accepted, but will not be considered in determining awards. On indefinite quantity term contracts, cash discounts will be accepted and taken but will not be considered in determining award.

9.6 - New Products

Unless specifically called for in the solicitation, all products for purchase must be new, never previously used, and the current model and/or packaging. No remanufactured, demonstrator, used or irregular product will be considered for purchase unless otherwise specified in the solicitation. The manufacturer's standard warranty will apply unless otherwise specified in the solicitation.

9.7 - Taxes

Vendors are responsible for including all applicable taxes in the bid price. State agencies are exempt from all state and local sales and use taxes.

9.8 - Bid Bonds

A bid bond may be required. When required, the amount of the bid bond will be stated in the solicitation as a set amount or as a percentage of the total bid amount. Bid bonds must accompany

the bid. A bid bond, cashier's check, or certified check is acceptable made payable to the Department of the Treasury of the State of Louisiana.

Bid bonds remain in the file. Checks are returned to the bidders after the award is made.

9.9 - Performance Bonds

A performance bond may be required. When required, the amount of the performance bond will be stated in the solicitation as equal to or a percentage of the contract sum. The successful bidder will be notified by letter to secure a performance bond according to solicitation requirements.

The Bond must be received within the time specified from the date of notification. If the bond isnot received within this period of time, the Office of State Procurement reserves the right to award to the next acceptable low bidder, or to reject all bids and rebid, whichever is in the best interest of the State of Louisiana.

9.10 - Specifications

Specifications are usually developed by the using agencies and/or State Purchasing Officers working together as a team with technical and/or legal staff. The primary purpose of a specification is to provide a basis for obtaining a product or service that will satisfy a particular need at an economical cost. Specifications are written to invite maximum reasonable competition unless otherwise statutorily exempted. Specifications should not be unduly restrictive. By nature, however, a specification sets limits and thereby eliminates, or potentially eliminates, items that are outside the boundaries drawn. Bidders should notify the Office of State Procurement if they feel specifications are unduly restrictive. Brand names, models and numbers may be provided to indicate a quality level; however, alternate brands on equivalent products are given every reasonable consideration unless the solicitation indicates otherwise. Louisiana statutes allow for proprietary specifications when properly justified and approved.

9.11 - Conflict Resolution

Any person who is aggrieved in connection with the solicitation or award of a contract may protest to the chief procurement officer. Protests with respect to a solicitation shall be submitted in writing at least two (2) days prior to the opening of bids. Protests with respect to the award of a contract shall be submitted in writing within fourteen (14) days after contract award.

Section 10.0 – Bid Response

10.1 - Bid Openings

Bidders may attend bid openings, but no information or opinions concerning the ultimate contract awards will be given at the bid opening or during the evaluation process. Prices will not be revealed on Request for Proposals (RFP) at the proposal opening.

10.2 - Late Bids

Under no circumstances will late bids be accepted, regardless of the reason. All bids must be received by the bid opening date and time shown on the bid document. If a bid is delayed by actions of the Office of State Procurement or the agency, and this delay prejudices a vendor, then the Office of State Procurement or the agency must cancel the solicitation and rebid. Late bids are not returned to the bidders unless requested in writing.

10.3 - No Bids

It is not necessary to return "no bids". A company will not be removed from the Office of State Procurement's bid list and a company's bidder status will not be adversely affected.

10.4 – Award Information

Award results are not available the day of the bid opening. Bids are tabulated in our automated purchasing system prior to release to the purchasing officer for evaluation. Depending on workloads, the tabulation process may take several days.

Tabulations are not given over the telephone. Award information including successful vendor and their award total is posted on our website in LaPAC. Successful vendors are notified in the form ofa purchase order.

10.5 - Inspection of Bids or Request for Proposals

Bids may be examined within seventy-two (72) hours after request. RFP responses may be examined after the "Notice of Intent to Award" has been issued. Proposers on RFPs may be debriefed after the Notice of Intent to Award has been issued. It is suggested that you call prior to your visit to review the file. Information pertaining to completed files may be obtained by visiting the Office of State Procurement during normal working hours.

Section 11.0 – Evaluation and Awards

11.1 - Evaluation and Awards

After the bids are opened and tabulated, the State Purchasing Officer evaluates the bids for compliance with the terms and conditions and the specifications contained in the solicitation. The State reserves the right to award items separately, grouped or on an all-or-none basis and to reject any or all bids and waive any informalities.

After request for proposals are opened they are evaluated by a committee. Each member reviews proposals independently and the committee meets to arrive at a consensus scoring.

Award(s) are made on competitive sealed bids (Invitations to Bid or ITB) to the lowest responsive and responsible bidder(s) whose bid meets the requirements and criteria set forth in the solicitation.

Awards are made on competitive Request for Proposals (RFP) to the offeror whose proposal conforms to the RFP and will be the most advantageous to the state, considering price and other evaluation factors set forth in the RFP.

The Office of State Procurement does not consider the following in evaluating bids:

- Assistance in developing specifications or other advisory services a vendor provides. Although such assistance is appreciated, there can be no preferential treatment for these services.
- Cash discounts for early payment in accordance with Section 9.5.
- Equipment a vendor installs on a free trial basis.

11.2 - Responsive Bidder

A responsive bidder is a person who has submitted a bid under La. R.S. 39:1594 which conforms in all substantive respects to the invitation for bids including the specifications set forth in the invitation to bid. Some of the responsive indicators are specifications, signing the bid, bonding requirements, delivery time, license requirements, product testing and/or samples.

11.3 - Responsible Bidder

A responsible bidder is a person who has the capability in all respects to perform the contract requirements and the integrity and reliability which will assure good faith performance. Some of the responsible indicators are ability to perform, inventory, staff and technical support, equipment, complaints on file, financial capabilities, and prior contracts.

11.4 - Mistakes in Bids

Patent errors in bids or errors in bids supported by clear and convincing evidence may be corrected,or bids may be withdrawn, if such correction or withdrawal does not prejudice other bidders, and such actions may be taken only to the extent permitted under the Purchasing Rules and Regulations. A request to withdraw a bid after the bid opening must be made within three (3) business days after bid opening, and supported in writing. If it is determined that the error is patently obvious, then the bid may be withdrawn, and if a bid guaranty was required it shall be returned to the bidder.

11.5 - Tie Bids

A tie bid exists where two (2) or more responsive bids from responsible bidders are identical in price and meet all requirements and criteria set forth in the solicitation. The award shall be madein any manner that will discourage tie bids. This includes, but is not limited to, consideration of such factors as resident business, proximity to the agency, past performance, delivery, and completeness of bid proposal. Tie bids with a value of $10,000 or greater or suspected antitrust violations are reported to the Attorney General's office.

11.6 - Preferences

Louisiana statutes allow for preferences for:

- Products produced, manufactured, assembled, grown, or harvested in Louisiana
- Vendor residency on a reciprocal basis
- Organizing rodeos and livestock shows
- Sheltered workshops
- Louisiana retailers
- Steel rolled in Louisiana
- Buy America

11.7 - Rejection of Bids/ Cancellation of Solicitation

Solicitations may be cancelled in whole or in part when the chief procurement officer or a head of a purchasing agency determines in writing that such action is in the State's best interest. Some of the reasons are included in Title 34, Part V, Section 1307 of the Purchasing Rules and Regulations. When a solicitation is cancelled, a notice of cancellation is sent to all bidders if the amount exceeds the "Small Purchases" Executive Order. The notice of cancellation will explain the reason(s) for the cancellation. If the file is rebid, bidders will be given an opportunity to compete on the rebid.

Section 12.0 – Vendor Performance

12.1 - Purchase Orders

Written purchase orders are sent to the successful bidders to authorize shipment.

12.2 - Deficiency/Complaints

If an agency is unsuccessful in resolving problems relative to late or non-deliveries, inferior products, or vendor's failure to perform in accordance with the contract, agencies utilize a form to report the deficiency to the Office of State Procurement. The Office of State Procurement forwards a copy of the complaint to the vendor requesting a written reply. Vendors must reply to written complaints within the designated time frame. Copies of all deficiency/complaints and related correspondence are maintained in each vendor file.

12.3 - Default of Contractor

Failure to deliver within the time specified in the bid will constitute a default and may cause the cancellation of the contract. Where the State has determined the contractor to be in default, the state reserves the right to purchase any or all products or services covered by the contract on the open market and to charge the contractor with cost in excess of the contract price. Until such assessed charges have been paid, no subsequent bid from the defaulting contractor will be considered.

Section 13.0 – Changes after Award

13.1 - Cancellation of Purchase Orders

Purchase orders are issued as legal binding documents and cancellations can only be made in writing.

Agencies may request cancellation if provisions were part of the solicitation, the vendor is in default, or the vendor grants permission. Vendors may request cancellation in writing and relief may be granted by the Director of State Procurement for circumstances not attributed to the fault or negligence of the vendor.

13.2 – Change Orders

Written change orders may be issued to change quantities if allowed by Louisiana law or provisions were part of the solicitation or for administrative reasons if it does not change the scope of the contract.

13.3 - Assignments

No contract or purchase order or proceeds thereof may be assigned, sublet or transferred without written consent of the Commissioner of Administration. This does not include agencies exempt in La. R.S. 39:1572.

Section 14.0 – Small and Emerging Business Development

The Division of Small and Emerging Business Development (SEBD) is a division of the Louisiana Department of Economic Development. SEBD has several assistance programs. To obtain information about their programs, contact their agency at 1051 N . Third St., Baton Rouge, LA 70802-5239, telephone number (225) 342-3000 or 1-800-450-8115.

In accordance with the Governor's Small Purchase Procedures, Executive Order (see our website for review of complete document - https://www.doa.la.gov/media/20gfd4f3/smallpurchaseproceduresjbe2020-21.pdf) at least one (1) bona fide SEB, small entrepreneurship, or a veteranor service-connected disabled veteran-owned business shall be solicited on purchases exceeding $5000 but not exceeding $15,000, where possible. At least two (2) bona fide SEBs, small entrepreneurships, or a veteran or service-connected disabled veteran-owned businesses shall be solicited for purchases exceeding $15,000 but not exceeding $25,000, where possible.

The State of Louisiana does not have a set aside program for small, woman owned or minority owned businesses.

Section 15.0 – Small Entrepreneurships (Hudson and Veteran Initiatives)

The Small Entrepreneurship Programs are intended to provide additional opportunities for certified Louisiana- based small entrepreneurships to participate in contracting and procurement activities with the State of Louisiana.

General information about the small entrepreneurship programs:

- They are race and gender neutral
- They are goal oriented

- All state agencies are required to participate
- All agencies are required to have an initiative coordinator
- Agencies determine how they will
- meet goals or which solicitations are deemed suitable for small entrepreneurship participation
- Statutes – R.S. 39:2001 through 2008 and 39:2171 through 2179
- Rules – LAC 19:VIII. Chapters 1 through 13 and LAC 19:IX. Chapters 1 through 13

A Small Entrepreneurship is a business that has been certified as a small entrepreneurship by the Department of Economic Development (LED).

To obtain information about certification, visit the Department of Economic Development's Small Business Certification System website at http://www.opportunitylouisiana.com/small-business or telephone number (800) 450-8115 or (225) 342-3000.

In addition to LED certification, it is **important** that small entrepreneurships **enroll in** LaGov and select applicable UNSPSC commodity codes. LaGov is the state's free online vendor self- enrollment program and is separate from LED's vendor certification data base. Vendors who enroll in LaGov will automatically receive email notifications of opportunities that are posted to LaPAC based on the selected UNSPSC commodity codes. LaPAC is used by most state agencies to post bid and contract opportunities. Notifications are sent to actively enrolled LaPAC vendors.

Louisiana State & Quasi Agencies

This list is updated frequently. Please check our website at https://www.doa.la.gov/doa/osp/agency-resources/osp-purchasing/#Quasi