

LOUISIANA



VENDOR GUIDE

How to Do Business with the State of Louisiana

Denise Lea, Director of State Purchasing

Division of Administration
Office of State Purchasing & Travel
1201 North 3rd Street
Suite 2-160
P. O. Box 94095
Baton Rouge, LA 70804-9095

(225)342-8010
FAX (225)342-8688
www.doa.Louisiana.gov/osp

February, 2008

Table of Contents

Section		
1.0	<u>General</u>	1
	1.1 Introduction.....	1
	1.2 Vision, Mission and Philosophy	2
	1.3 Location and Address	3
	1.4 Map.....	4
	1.5 Website	5
2.0	<u>Purposes and Policies</u>	6
3.0	<u>Authority and Responsibility</u>	6
	3.1 Authority and Duties of the Commissioner of Administration	6
	3.2 Authority of the State Director of Purchasing.....	6
	3.3 Delegation of Purchasing Authority.....	6
4.0	<u>Ethics</u>	7
5.0	<u>Procurement Statutes, Rules and Regulations and Small Purchases Executive Order</u>	7
	5.1 Statutes governing procurement.....	7
	5.2 Exemptions	7
	5.3 Rules and Regulations.....	8
	5.4 Small Purchases Executive Order	8
6.0	<u>Vendor Registration and Additional Information</u>	8
	6.1 Self Monitoring.....	8
	6.2 LaPAC On-line Registration.....	8
	6.3 Commodity Code.....	9
	6.4 Selection of Bidders	9
	6.5 Discrimination Prohibited.....	10
	6.6 Gray Market Vendors	10
	6.7 Marketing.....	10
	6.8 State Planning Districts.....	11
7.0	<u>Procurement Methods and Source Selection</u>	12
	7.1 Small Purchases	12
	7.2 Sole Source	12
	7.3 Proprietary Purchases.....	12
	7.4 Emergency Purchases	12
	7.5 Professional, Personal, Consulting and Social Service Contracts.....	12
	7.6 ITB (Invitation to Bid).....	12
	7.7 RFP (Request for Proposal)	13
	7.8 RFI or RFR (Request for Information or Request for Response)	13
	7.9 LaCarte (Procurement Card).....	13
	7.10 Statewide Term Contracts.....	13
	7.11 Procedures for Requesting a Brand Name or LaMAS Contract.....	13
	7.12 Procedures for Requesting Changes to an Existing Brand Name or LaMAS Contract.....	15

	7.13 LaPS (Louisiana Pricing Schedule)	16
	7.14 Cooperative Purchasing	17
	7.15 Other Procurement Methods	17
	7.16 Steps of ITB (Invitation to Bid) Purchasing Process	18
	7.17 Steps of RFP (Request for Proposal) Purchasing Process.....	19
	7.18 Differences Between ITB and RFP.....	20
8.0	<u>Bid Preparation</u>	21
	8.1 Preparing a Response to ITB	22
	8.2 Mistakes commonly made by vendors when preparing bids	22
	8.3 Faxed Bids and Addenda	22
	8.4 Withdrawal of Bids	23
	8.5 Cash Discount for Prompt Payment.....	23
	8.6 New Products.....	23
	8.7 Taxes.....	23
	8.8 Bid Bonds	23
	8.9 Performance Bonds.....	23
	8.10 Specifications.....	23
	8.11 Conflict Resolution	24
9.0	<u>Bid Response</u>	24
	9.1 Bid Openings	24
	9.2 Late Bids.....	24
	9.3 No Bids	24
	9.4 Award Information.....	24
	9.5 Inspection of Bids	24
10.0	<u>Evaluation and Award</u>	25
	10.1 Evaluation and Award.....	25
	10.2 Responsive Bidder	25
	10.3 Responsible Bidder	25
	10.4 Mistakes in Bids.....	25
	10.5 Tie Bids.....	26
	10.6 Preferences.....	26
	10.7 Rejection of Bids/Cancellation of Solicitation.....	26
11.0	<u>Vendor Performance</u>	26
	11.1 Purchase orders	26
	11.2 Deficiency/Complaints	26
	11.3 Default of Contractor	26
12.0	<u>Changes After Award</u>	27
	12.1 Cancellation of Purchase Orders.....	27
	12.2 Change Orders	27
	12.3 Assignments.....	27
13.0	<u>Small and Emerging Business Development</u>	27
14.0	<u>Small Entrepreneurship Program</u> <u>(Hudson Initiative)</u>	27

Section 1.0 – General

1.1 - INTRODUCTION

This manual is intended to acquaint vendors with Louisiana's procurement process and encourage them to become suppliers to the State of Louisiana. State Purchasing developed it, but most of the information included is also applicable to state agencies. Procurement is a major activity for the state, and the system is designed to ensure a fair and equitable treatment of all persons who participate in the procurement process. You are an important element in this process and your participation is crucial to the success of existing and new programs.

Procurement is rapidly changing at State Purchasing 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. You will find information on some of our new programs in this guide such as the RFP, La Carte (the 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. Other new developments at State Purchasing include our contracting methods with Master Pricing Agreements and Internet Catalog Contracts. In the future, we plan to implement the Vendor Performance Program that will include tracking of contract compliance and performance, recognition of vendor excellence, and vendor training. Visit our website often at <http://www.doa.louisiana.gov/osp>, where you

will find the latest information to familiarize you with our programs.

This 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. State Purchasing 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 to 5:00 weekdays excluding holidays. Vendors should bring catalogs, brochures, descriptive material, and price lists to familiarize the State Purchasing Officer with their products and services. A list of State Purchasing Officers with telephone numbers, E-mail addresses and their commodities can be found on our website.

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 this office in writing not later than seven 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.

State Purchasing

1.2

OUR VISION

Simplify and improve the procurement process.

OUR MISSION

The mission of State Purchasing 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 legislative, policy and procedural changes.

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

To **O**versee the 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.

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 of our duties.

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

Be **T**eamplayers and actively promote collaboration to achieve mutual goals in the best interest of the state.

To **S**implify the purchasing process wherever possible.



1.3 – Location and Address

State Purchasing 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.

Bidders are solely responsible for ensuring that their courier service provider makes inside deliveries to our physical location. The Office of State Purchasing is not responsible for any delays caused by the 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 Purchasing & Travel
P. O. Box 94095
Baton Rouge, LA 70804-9095

Our Street Address:

Office of State Purchasing & Travel
Claiborne Building
Suite 2-160
1201 North 3rd Street
Baton Rouge, LA 70802

Our telephone number: 225-342-8010

Our fax number: 225-342-8688

**State
Purchasing**



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.

State Purchasing is on the 2nd floor of the Claiborne Building.

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

1.5 Our Website

Our Internet home page: <http://www.doa.louisiana.gov/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

- Vision, Mission, Philosophy
- State Purchasing Overview
- Office Location
- Contacts
 - ◆Office of State Purchasing and Travel Staff**
 - ◆State Agency List*
 - ◆Certified Small & Emerging Businesses Directory
 - ◆Cooperative Purchasing – Participating Entities*
 - ◆Reference Links

Agency Center

- LaPAC
- Louisiana Purchasing News
- Frequently Asked Questions
- OSP Memoranda

Vendor Center

- LaPAC (where solicitations are posted)
- Frequently Asked Questions
- Vendor Registration
- Commodity Catalog*
- Louisiana State Regional Map
- OSP Memoranda
 - Procedures BN Microcomputer Contract
 - ◆PC Contr. Additions (Instrns. & Form)

Legal Information

- Small Purchases Executive Order*
- Policy and Procedures Memorandum 51*
- Purchasing Rules and Regulations*
- Louisiana's Law - Search

Contracts

- Statewide Contracts – Search
- Approved Catalog Contracts
- Featured Contracts
- Brand Name or LaMAS Contracts

State Travel

- Office of State Travel Homepage
 - ◆State Travel Office
 - ◆Travel Policy and Procedures
 - ◆Airlines
 - ◆Vehicles
 - ◆Travel Corporate Card
 - ◆La Carte (Procurement Card)
 - ◆Lodging and Meals
- Travel Bulletins
- Travel Guide

Services

- OSP Help Desk (225) 219-HOW2 (219-4692)
- LAeCat (LA's Electronic Catalog)***

*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.

**State Purchasing staff, telephone numbers, E-mail addresses and the commodities handled by each purchasing officer can be accessed.

*****LA eCAT** - Louisiana's Electronic Catalog (LA eCat) provides an Internet-based shopping tool for placement of contract orders. Users of the contracts are able to shop via the Internet, create shopping baskets, and place orders online. Orders are sent electronically to the vendor, with email notification that the order has been issued and is waiting for them to retrieve it. After receiving this notification, the contract vendor has the ability to log into LA eCat and retrieve his purchase orders, thereby avoiding delays associated with normal mail.

Vendors who hold state contracts can enroll in LA eCat in order to take advantage of this electronic service. A form is available on our website under Services\LA eCat\ Vendor Enrollment or under Online Forms\Vendor Forms

Section 2.0 – Purposes and Policies

Purposes and Policies of the Central Purchasing Office (RS39:1552.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 (RS39:1561)

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 and major repairs required to be procured by most state agencies.

3.2 - Authority of the State Director of Purchasing (RS39:1564)

The Director serves as the central procurement officer of the State. The director, within the limitations of regulations, shall:

- Supervise the procurement of all supplies, services and major repairs 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

3.3 - Delegation of Purchasing Authority (RS39:1566)

Each non-exempt state agency is formally delegated a purchasing authority in writing by the Director of State Purchasing 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 delegated authority unless excluded by other provisions such as labor and material project purchases.

Non-contract purchases over a non-exempt agency’s delegated authority are sent to State Purchasing for processing.

Exempt and non-exempt agencies must submit all vehicles, certain telecommunication purchases, and certain information technology purchases for processing and/or approval by State Purchasing.

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 (RS42:1101-1170) can be searched from our website under legal information.

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

5.1 - Statutes Governing Procurement
State Purchasing'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. State Purchasing makes decisions according to purchasing rules and regulations that are in the State's and therefore its taxpayers' best interest.

State Purchasing operates under the authority of numerous statutes. The primary statutes governing procurement are listed:

RS 38:2211 - 2296	Public Contracts
RS 39:196 - 200	Data Processing
RS 39:1551 – 1755	La. Procurement Code
RS 39:1761	Lease/Purchase

RS 42:1101 – 1170	Code of Ethics
RS 43:1 - 34	Printing
RS 43:111 - 211	Advertisements
RS 44:1 – 41	Public Records

5.2 - Exemptions (RS 39:1572)

The following agencies are exempt from central purchasing (except for certain commodities) but may avail themselves to 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:

- Louisiana State University System (This includes the Health Care Service Division that operates the charity hospitals).
- Southern University System
- Board of Trustees of State Colleges and Universities System
- Vocational-technical schools, special schools, and other institutions under the supervision of the Board of Elementary and Secondary Education
- Department of Education for items other than those listed in second bullet of next paragraph
- The office of the State Bond Commission in the Department of the Treasury for printing only

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 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 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 <http://www.doa.louisiana.gov/osp/legalinfo/rulesregs/index.htm>. If you do not have access to the Internet, you may contact State Purchasing for a copy at the address or telephone number shown in Section 1.3 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 <http://www.doa.louisiana.gov/osp/legalinfo/docs/smallpurchasesexecorder.pdf>. If you do not have access to the Internet, you may contact State Purchasing for a copy at the address or telephone number shown in Section 1.3 of this manual.

Section 6.0 – 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:

6.1 - 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.

6.2- LaPAC 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 LaPAC (Louisiana Procurement and Contract Network) at **no charge**. LaPAC, our centralized electronic site for posted bid opportunities, is accessible from our website at <http://www.prd.doa.louisiana.gov/osp/LaPAC/pubmain.asp>. By enrolling in this service, you automatically have access to solicitations issued by the Office of State Purchasing and other governmental agencies in your selected commodity classes and state delivery

regions. You can search in LaPAC for solicitations by bid category (commodity groups), by department, bid number, or open bids. After you register, you will receive email notifications each time the commodities you select are bid. You may view the complete bid documents on line and those of interest can be printed and submitted by mail.

In addition to automatic notification of bids and addenda, you will have the ability to publicize your business to potential buyers and the ability to update company information and revise enrollment categories on-line at any time.

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

LaPAC registrants must submit a Federal W-9 form, Request for Taxpayer Identification Number and Certification, prior to receiving an award.

If you have any questions or need assistance with vendor registration, contact the Office of State Purchasing, Vendor Enrollment Section, at telephone (225) 342-8049, or e-mail your inquiries to vendr_inq@doa.louisiana.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 AGPS vendor list and may not be posting all of their solicitations in LaPAC. LaPAC posting is required by all state agencies who follow the Louisiana Procurement Code on all Requests for Proposals, but only on

Invitations to Bid which exceed the Small Purchase limit. Otherwise, posting on LaPAC is voluntary for the agencies

If you find that your company is not receiving any bids or e-mail notification 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.

6.3 - Commodity Code

State Purchasing utilizes the NIGP (National Institute of Governmental Purchasing) commodity classification codes with additions to include our specific requirements. The five digit (class and subclass) commodity codes are used to classify and enroll vendors in the appropriate commodities according to their request on the mail-in registration. The three digit (class) commodity code is used to classify and enroll vendors in the appropriate commodities according to their request on the LaPAC registration.

Each commodity list contains the name and mailing address of all registered vendors that have indicated they wish to provide products or services under that particular class and subclass.

6.4 - Selection of Bidders

State Purchasing solicits all bidders enrolled in the class for the requested item that is being bid on all routine purchases.

State agencies have the option of using State Purchasing'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 bidders in accordance with the law.

Most exempt and many non-exempt agencies, have their own vendor databases. We suggest that you contact the purchasing department at each agency in order to be included in their database. You may access a listing of all state agencies from our website. This list will be the most current; however, we have included the most current listing as of this publication date in the back of this publication.

The Governor's executive order for small purchases prescribes the required number of bids to solicit and dollar thresholds. You may access this executive order from our website under "Legal Info".

6.5 - 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 Right Act of 1964, as amended by the Equal Opportunity Act of 1972, Federal

Executive Order 11246, 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 Act of 1975, and agrees to abide by the requirements of the Americans with Disabilities Act of 1990.

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.

6.6 - 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.

6.7 - 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 procurement officers and product users and target your 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.

6.8 - STATE PLANNING DISTRICTS



District 1
 St. Tammany
 Jefferson
 Plaquemine
 St. Bernard
 Orleans

District 5
 Beauregard
 Allen
 Calcasieu
 Jefferson Davis
 Cameron

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

District 6
 Winn
 LaSalle
 Grant
 Catahoula
 Concordia
 Rapides
 Avoyelles
 Vernon

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

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

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

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

Section 7.0 – Procurement Methods and Source Selection

7.1 - Small Purchases

Small purchases are defined in the Governor's Small Purchases Executive Order. It can be viewed on our website or a copy can be obtained from the Office of State Purchasing.

7.2 - 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.

7.3 - Proprietary Purchases

In accordance with R.S. 39:1655.A, a proprietary purchase is permissible 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 R.S. 39:1613.

Proprietary purchases are permissible when properly justified and approved, in the State's best interest, and available

from more than one source. Solicitations indicate when a purchase is proprietary.

7.4 - 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.

7.5 - Professional, Personal, Consulting and Social Service Contracts

Central Purchasing does not process professional, personal, consulting and social service contracts. They are processed by the Office of Contractual Review which may be contacted at (225)342-7097.

7.6 - ITB – Invitation to Bid

The Invitation to Bid 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 agent with technical assistance from the user or agency.

7.7 - 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 determine which 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.

7.8 - 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 not requested in this process and awards are not made. It is not a bid process. It is a process for gathering information only.

Requests for Information generally result in a Request for Proposal being 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, or delegating greater authority and responsibility to the end users in order to reduce the number of people involved in the purchasing process.

7.9 – LaCarte (Procurement Card)

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

7.10 - 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 12 month period and may have two additional 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 making changes to them follows in the next paragraphs. There may be times when moratoriums are issued that prohibit creation of new contracts for certain commodities.

7.11- Procedures for Requesting a Brand Name or LaMAS Contract

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

<http://www.doa.louisiana.gov/osp/contracts/lamas/lamas.htm>. These are the general procedures for requesting brand name or LaMAS (Louisiana Multiple Award Schedule) contracts issued by the Division of Administration, Office of State Purchasing. Other procedures might apply to specific commodities. Please contact State Purchasing to ensure that you have the latest procedures for your specific commodity.

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

1. Please submit the following when requesting establishment of a brand name or LaMAS contract:
 - a. Letterhead request for the establishment of a contract with all pertinent information included from:
 - 1) Manufacturer or his authorized representative for brand name contracts, or
 - 2) GSA contractor that includes consent to extend prices no higher than GSA to the state for LaMAS contracts.
 - b. Detailed specifications of the item(s) requested by the agencies to be placed on contract, including packaging, model numbers, product literature and MSDSs (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 agencies as defined below is necessary to designate their intent to purchase or rent the items if placed on contract. However, if a strong business case is presented by a single agency, the requirement for three letters may be waived. Only one letter is required when submitted by agencies that are responsible for numerous agencies such as Department of Social Services. The only acceptable letters for brand name contracts will be from state agencies. Acceptable letters for LaMAS contracts may be from state agencies and/or political subdivisions or quasi-public agencies.

Letters must include items that the agency intends to purchase or rent, correct packaging (where applicable), and the anticipated annual usage per item. **Letters must be signed by an agency representative authorized to obligate funds for the agency and must certify their agency's full intent to purchase from the contract once established.** Failure to submit accurate and complete information will cause your request to be delayed. In order to expedite your 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 or 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, a solicitation will be prepared by State Purchasing including those items in specific packaging as requested in the agency letters.
3. Vendors must submit with bid 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. Vendors must submit the most recent GSA price schedule for LaMAS contracts.
4. All vendors seeking to establish a brand name or LaMAS contract should submit a W-9 (form is available on our website)
5. Each brand name and LaMAS contract will be reviewed annually by the Office of State Purchasing, approximately four (4) months prior to expiration of contract. Contracts are expected to have at least \$20,000 usage for the previous twelve months. This usage amount may be waived in whole or in part due to extenuating circumstances in the state's best interest. Contract purchases from both state agencies and political subdivisions will be considered. Prime contractors are required to furnish a contract usage report reflecting governmental sales within the most recent twelve- month period, inclusive of sales by any authorized distributors. The report

should show the names of the purchasing entities, their order numbers, and vendor corresponding invoice numbers. It should also include a summary of the total order quantities and dollars by individual contract line numbers. We reserve the right to require copies of orders and invoices to substantiate vendor usage reports. The inability or failure to timely produce usage reports evidencing adequate sales volumes may result in cancellation of brand name and LaMAS contracts without consideration for reestablishment for a period of two (2) years. Individual items with no usage may be deleted unless copies of purchase orders from agencies can substantiate these.

7.12 - Procedures for Requesting Changes to an Existing Brand Name or LaMAS Contract

1. The following procedures should be followed when requesting the addition of item(s) to an existing brand name or 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 State of Louisiana.
 - c. Prime vendor 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 requested for brand name contracts. LaMAS contractors must submit their most recent GSA price schedule or proof that item(s) has been added to their GSA contract.
- d. A minimum of one (1) letter from an agency is necessary to designate their intent to purchase or rent the specific item(s) if placed on contract. The only acceptable letters for brand name contracts will be from state agencies. Letters from political subdivisions or quasi-public agencies will be considered for LaMAS contracts only. Letters must include those items that the agency intends to purchase or rent, the correct packaging (where applicable), including the anticipated annual usage per item. *Letters must be signed by an agency representative authorized to obligate funds for the agency and must certify their agency's full intent to purchase the item(s) once established.* Failure to submit accurate and complete information will cause your request to be delayed. In order to expedite your 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.
 - e. Item(s) requested to be added to a contract at the time of award will be expected to comply with all of the above.
2. Additions to brand name or LaMAS contracts will be made only twice

during the contract 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 prime vendor 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 or tied to a recognized index.

Waivers

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

7.13 – LaPS (Louisiana Pricing Schedules)

State Purchasing 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. 34:1709 http://www.doa.louisiana.gov/osr/lac/34v01/34v01.doc#_Toc187460918. Rules require that agencies prepare Request for Responses and submit to at least three LaPS contract holders, whenever available, offering functionally

equivalent products and/or services that will meet their needs. Review the rules for additional information.

7.14 - Cooperative Purchasing

Pursuant to LRS 39:1701 et. Seq., other public procurement units may be permitted to purchase from contracts administered by the Office of State Purchasing. The contractor may however, at its option, amend a bid so that any contract awarded will not apply to other public procurement units. Other public procurement units wishing to purchase commodities through the Statewide Contract Management System must submit, prior to their first purchase, a completed State Contract Questionnaire, available on our website at <http://www.doa.louisiana.gov/osp/onlineforms/nosubmit/questionnaire.pdf> to Denise Lea, Director, Office of State Purchasing, 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 his status with State Purchasing.

7.15 - 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.

7.16 - Steps of Competitive Purchasing Process For Invitation to Bid (ITB)

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

7.17 - Steps of Competitive Purchasing Process For Request for Proposals (RFP)

<u>Participation</u>	<u>Action</u>	<u>Activity</u>
Requesting Department/ Agency	Identify need, submit request letter with RFP justification, statement of work, evaluation criteria and point value	Agency RFP Request Letter
Central Purchasing	Review request for RFP procurement	Approval
Requesting Department/ Agency	Submit draft RFP and select evaluation committee	Draft RFP and Committee Selection
Central Purchasing	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
Central Purchasing	Proposals opened and proposers revealed (prices not public until award)	Proposals Opened
Evaluation Committee/ Agency	Evaluate proposals and recommend award to best offeror based on evaluation criteria	Proposals Evaluated
Central Purchasing	Review award recommendation and Issue Intent to Award Letter(s) and Regret Letter(s)	Intent to Award and Regret Letters Issued
Central Purchasing at Proposer's Request/Agency	Debrief proposers	Proposers Debriefed
Central Purchasing, Agency, and Contractor	Negotiate, obtain approvals and Issue Contract	Contract Issued

7.18- 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 to State Purchasing with specifications and suggested sources for processing.	Agency identifies need, submits RFP request letter with justification, statement of work, evaluation criteria with point value of each to State Purchasing.
State Purchasing reviews and modifies, includes terms and conditions, selects bidders and issues ITB.	State Purchasing reviews request and RFP draft after approval, modified, includes terms and conditions, selects bidders with assistance from agency, and issues RFP.
	Evaluation committee is selected by agency and instructed by State Purchasing.
If over \$25,000, file is advertised and posted to LaPAC for 21 days (minimum of 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 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 evaluations 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 State Purchasing.
	State Purchasing administratively reviews award recommendation and obtains approval from the Director.
	“Intent to Award” letter(s) and “Notice of Regret” letter(s) are sent to all offerors, as appropriate.
Bids may be examined within 72 hours of request after bid opening, by request.	Proposers may be debriefed by contacting the Office of State Purchasing. Offerors may submit a public records request and information is provided within 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 but not price alterations.
State Purchasing Officer signs the purchase order.	Agency and successful offeror sign the contract and forward to Director of State Purchasing for signature.
	Agency must monitor contract, evaluate contract performance and utility of the final product and provide report to State Purchasing any time upon request during contract term and within 120 days of completion.

Section 8.0 – Bid Preparation

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

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

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 (black preferred.). Corrections, erasures, and clarifications of pricing information must be initialed by the person signing the bid. Prices must be complete, including transportation prepaid by bidder to destination and firm for acceptance for a minimum of 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 identified so 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 L.R.S. 39:1594, the person signing the bid must be:
 - A current corporate officer, partnership member or other individual specifically authorized to submit a bid as reflected in the appropriate records on file with the Secretary of State; or
 - An individual authorized to bind the vendor as reflected by an accompanying corporate resolution, certificate or affidavit; or
 - An individual listed on the state of Louisiana bidder's application as authorized to execute bids-

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

6. Bidders should ensure that 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 the envelope if provided which is color-coded to ensure recognition as a bid and is identified with the file number, bid opening

date and time. If you use another envelope, always mark the outside of your 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. State Purchasing will not be responsible if a bid is not recognized on time because of use of an improper envelope/lack of proper marking.

9. Submit the ITB prior to 10:00 A.M. on the date specified in the solicitation. If bids are mailed through an expedited mail service such as Overnight Letter, Federal Express, etc., the bid must arrive at the Office of State Purchasing prior to 10:00 A.M. on the scheduled bid opening date. Late bids will not be accepted.
10. Include literature, if required in the ITB, so that the Office of State Purchasing 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.

8.2 - 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 submit the bid in the envelope provided by the Office of State Purchasing or properly identifying the bid on the outside of the envelope if a plain envelope is used, or mailing the bid to the requesting state agency for whom the solicitation was issued
- failure to indicate on 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 Purchasing to agree to the laws of another state
- failure to visit the jobsite (when required)
- failure to submit bid on the State’s standard forms

8.3 - 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 your original bid and addendum have been received and time-stamped before the published bid opening date and time.

8.4 - 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 remain the property of the State, unless return is requested in writing.

8.5 - 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 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.

8.6 - 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.

8.7 - 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.

8.8 - 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.

8.9 - 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 is not received within this period of time, the Division of Administration 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.

8.10 - Specifications

Specifications are usually developed by the using agencies and/or State Purchasing Officers working together as a team. 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 State Purchasing 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.

8.11 - 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 days prior to the opening of bids. Protests with respect to the award of a contract shall be submitted in writing within fourteen days after contract award.

Section 9.0 – Bid Response

9.1 - 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.

9.2 - 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 Purchasing or the agency, and this delay prejudices a vendor, then State Purchasing or the agency must cancel the solicitation and rebid. Late bids are not returned to the bidders unless requested in writing within 2 months after bid opening. Late bids are destroyed 2 months after bid opening.

9.3 - No Bids

It is not necessary to return “no bids”. A company will not be removed from State Purchasing’s bid list and a company’s bidder’s status will not be adversely affected.

9.4 – 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 agents 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 of a purchase order.

9.5 - Inspection of Bids

Bids may be examined within 72 hours after request. Proposers on RFPs may be debriefed after the Notice of Intent to Award has been issued. They may also submit a public records request to review the proposals. It is suggested that you call prior to your visit to review the file. Information pertaining to completed files may be secured by visiting State

Purchasing during normal working hours.

Section 10.0 – Evaluation and Awards

10.1 - 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 proposals are opened they are evaluated by a committee. Each member scores 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.

State Purchasing 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 8.5.
- Equipment a vendor installs on a free trial basis.

10.2 - Responsive Bidder

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

10.3 - 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.

10.4 - 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 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.

10.5 - Tie Bids

A tie bid exists where two 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 made in 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.

10.6 - 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
- Steel rolled in Louisiana

10.7 - 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 Section 1307 of the Rules and Regulations, which may be accessed from our website. 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 11.0 – Vendor Performance

11.1 - Purchase Orders

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

11.2 - 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 State Purchasing. State Purchasing 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.

11.3 - Default of Contractor

Failure to deliver within the time specified in the bid will constitute a default and may cause 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 12.0 – Changes after Award

12.1 - 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 Purchasing for circumstances not attributed to the fault or negligence of the vendor.

12.2 - 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.

12.3 - 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 R.S. 39:1572.

Section 13.0 – 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., P. O. Box 94185, Baton Rouge, LA 70804-9185, telephone number (225) 342-4320.

In accordance with the Governor's Small Purchase Procedures, Executive Order No. KBB 2004-30(see our website for review of complete document), at least one bona fide SEB shall be solicited on purchases exceeding \$500 (or \$1,000 if purchased with the procurement card) but not exceeding \$5,000, where possible. At least two bona fide SEBs shall be solicited for purchases exceeding \$5,000 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 14.0 – Small Entrepreneurship (Hudson Initiative) – SE/HI

The Small Entrepreneurship Program (also known as the Hudson Initiative) is intended to provide additional opportunities for Louisiana-based small entrepreneurs to participate in contracting and procurement activities with the State of Louisiana.

Information about the small entrepreneurship program:

- It is race and gender neutral
- It is goal oriented
- All state agencies are required to

- participate
- All agencies 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
 - Rules – LAC 19:VIII.Chapters 11 and 13

A Small Entrepreneurship is a business that has been certified as a small entrepreneurship by the Department of Economic Development (DED), in accordance with the provisions of the Louisiana Initiative for Small Entrepreneurships (Hudson Initiative), R.S. 39:2006.B.

In addition to DED certification, it is **important** that small entrepreneurs **enroll in LaPAC**. LaPAC is the state's free online vendor self-enrollment program that sends email notifications of bid opportunities. LaPAC is separate from DED's vendor data base and is used by most state agencies.

To obtain information about certification, visit the Department of Economic Development's website at <https://smallbiz.louisianaforward.com/index 2.asp> or contact them at 1051 N. Third St., P. O. Box 94185, Baton Rouge, LA 70804-9185, telephone number (800) 450-8115 or (225) 342-3000.