



**State of Vermont**

**Office of Purchasing & Contracting**

**Buyer's Resource Guide**

Revised: January 2023

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## INTRODUCTION

This manual is intended as a guide for Vermont state agency personnel to the policies, procedures, and practices that guide the state's procurement process. The goal of the Office of Purchasing & Contracting is to provide state agencies with good products and services that meet agency requirements effectively, at the lowest cost, through a process that meets all applicable laws and administrative requirements.

Title 29, Chapter 49 V.S.A. states "The Commissioner of Buildings and General Services shall contract for and make all purchases, including but not limited to all fuel, supplies, materials, equipment, for all departments, offices, institutions and other agencies of the state and counties."

The Office of Purchasing & Contracting is charged by the Commissioner to provide these services and administer the requirements outlined in the statutes and applicable administrative bulletins.



## PURCHASING DEFINITIONS

**BID DOCUMENTS:** “Request for Proposal”, “Request for Quotation”, or other documents that formally solicit bids, whether cost-based or otherwise, for services or products for the state.

**BLANKET DELEGATION OF AUTHORITY (BDA):** A formal document through which the Commissioner of Buildings and General Services delegates authority to other agency/department heads to make certain types of purchases directly, without going through the Office of Purchasing & Contracting, Department of Buildings and General Services. Agencies and departments must follow the terms and conditions in their approved BDA.

**CAPITAL LEASE:** Refer to Section VI.C. Capital Leases of Administrative Bulletin 3.5.

**CONTRACT:** Is any legally enforceable agreement between an agency and another legal entity to provide services and/or products. (The term contract includes all such agreements whether or not characterized as a “contract,” “agreement,” “miscellaneous agreement,” “letter of agreement,” “purchase order,” “license agreement,” “maintenance agreement” “support agreement,” or other similar term.). Common types of contracts are:

**Statewide Contracts:** The Department of Buildings and General Services (BGS) has the responsibility under 29 V.S.A. § 902 to contract for and/or purchase all supplies for state government. To simplify the acquisition process, BGS maintains numerous statewide contracts for supplies, which include materials, equipment, parts, and commodities. Unless otherwise approved in advance, **these BGS contracts must be used by all state government entities.** To find out if a contract exists that meets an agency’s need, contact the Office of Purchasing & Contracting or refer to the BGS web site at <http://bgs.vermont.gov/purchasing>. Please note that not all contracts are listed on the web site.

**Contract for Services:** Any contract that involves the contractor’s personnel coming onto state property to provide service, maintenance, training, or technical support related to **existing** equipment should be developed as a contract for services under Bulletin 3.5. All such contracts must therefore include Attachment C: Standard State Provisions for Contracts and Grants and comply with all other applicable provisions of Bulletin 3.5.

**Commodities Contract:** Any contract for the purchase of a product, commodity, equipment, or software that also involves the contractor’s personnel coming onto state property to install or service the purchased item or to train state personnel in the use of the item purchased should be developed as a commodities contract



under Bulletin 3.5 by submitting a requisition to the Office of Purchasing & Contracting, Department of Buildings and General Services.

**COMMODITIES:** A collective term given to the tangible products we purchase for state government. These include, but are not limited to, materials, equipment, supplies, fuel, and printing. A Purchasing Agent's area of responsibility is often described by one's commodity assignments.

**EMERGENCY PURCHASES:** Purchases that take place under time constraints involving public health, public safety, or where immediate purchase is required for repairs to state property to prevent or minimize serious disruption in state operations.

**NO-SUBSTITUTE PURCHASE:** An award for the acquisition of a specific make, model, or brand item without considering alternatives.

**PURCHASE ORDER (PO):** The document written for an order to a vendor. The Purchase Order details and defines the terms and conditions of the purchase.

Agencies prepare Purchase Orders in the VISION System to order items available on contracts. Purchasing also prepares Purchase Orders to meet agency requirements that are not covered by a contract or BDA. Agencies are responsible for dispatching and mailing all Purchase Orders prepared in the VISION System.

**REQUEST FOR COMMENT (RFC):** A Request for Comment (RFC) is the process whereby the State issues a future/proposed RFP to the Vendor community in order to solicit input about all or a portion of the RFP structure, language, methodology (or any other aspect of the future/proposed RFP). The use of an RFC allows the Agency to gather information (comments or responses) and to revise the planned RFP if necessary and appropriate, in an effort to create an RFP that will yield the highest number of bidders and a successful outcome for the State.

**REQUEST FOR INFORMATION (RFI):** If an Agency does not have sufficient information from which to develop an effective RFP, the Agency may issue a RFI to the vendor community to gather information and cost estimates on the subject matter of the eventual contract, such as capabilities, practices, systems, licenses, standards, etc. An RFI may be solicited by issuing a "Public Notice" or individual RFI requests may be sent directly to a representative number of organizations for information. With the information gained, the Agency should then be able to develop an effective RFP resulting in a number of valid competitive RFP responses.

**REQUEST FOR QUOTATION (RFQ):** Is a bid process used for routine "bid and buy" transactions where the primary award factors are limited to price and delivery.

**REQUEST FOR PROPOSAL (RFP):** Is a bid process used when the purchasing process is more complex and the response requires the bidder to provide a solution or long term vendor commitment. Bids are opened publicly at a set date and time, and late bids are not considered.

**REQUISITION:** A request submitted through the state's VISION System to the Office of Purchasing & Contracting is used to initiate the purchasing process. It contains details of the requested product such as description, quantity, delivery times and places, and special terms and conditions. It serves as the authorization for the division to proceed to acquire the item(s). It is important that requisitions include a realistic estimate of the cost of the item being requested.

**SERVICES:** Broadly interpreted, and includes personal and professional services of an individual or of persons working for a business enterprise, construction services, design and engineering services, information technology services, real estate services, and the maintenance of equipment.

**SOLE SOURCE PURCHASE:** Means a Contract or Purchase Order that is entered into without first undertaking a competitive process described in Bulletin 3.5.

**SIMPLIFIED BID PROCESS:** A simplified bidding process requires an Agency to develop a specific and detailed Statement of Work for the service and/or product desired and solicit price quotations from at least three potential Vendors known to provide the specified services or products. The Simplified Bid process does not require a public bid posting nor a public bid opening.

**STANDARD BID PROCESS:** A standard RFP is required for all services which are anticipated to exceed the threshold set in Administrative Bulletin 3.5. <http://bgs.vermont.gov/purchasing/bids>. An RFP is recommended for use when a bid process is more complex and the response requires the bidder to provide a solution or long term commitment. The RFP must contain all requirements and conditions of the particular procurement process. The Standard Bid Process requires a public bid posting and a public bid opening.

**VISION (VERMONT INTEGRATED SOLUTION FOR INFORMATION AND ORGANIZATIONAL NEEDS):** VISION is the state's integrated Financial and Purchasing Management System. State agencies use it to process both purchasing and financial transactions.

## WHAT WE BUY

V. S. A. (Title 29, Chapter 49, subsection 902) states that the Commissioner of Buildings and General Services shall contract for and make all purchases of material, equipment, fuel, supplies and printing for the agencies of State Government. The Office of Purchasing and Contracting (OPC), within AOA is responsible for making all purchases of goods/products, including fuel, supplies, materials and equipment for all State Agencies and Departments. Further, OPC is responsible for administering solicitation, procurement and contracting, as set forth in Administrative Bulletin 3.5. As such, OPC has centralized authority for commodity purchases (technology and non-technology), bid administration of technology projects, oversight of some Statewide services (technology and non-technology), vertical construction procurements for the Department of Buildings and General Services (BGS), and procurements by specific State Agencies and Departments over a certain threshold.

## HOW WE BUY

The Office of Purchasing & Contracting administers a competitive purchasing process that meets statutory requirements and complies with Administrative Bulletin 3.5. The document is available and can be downloaded by accessing the following link: <https://bgs.vermont.gov/purchasing-contracting/publications>

Agency requirements are met through one or a combination of the following:

### Statewide Commodity Contracts

The Office of Purchasing & Contracting maintains over 400 contracts for a wide range of items used by state agencies. Users may access and order from contracts through the VISION System. A current list of widely used contracts is also available on the Internet and are available to print from the web site at <https://bgs.vermont.gov/purchasing-contracting/contract-info> just click on 'current contracts' then click on the contract number. This list is updated on an on-going basis.

### Competitive Proposals

Depending on the type of item or service required, the Division may use Requests for Quotation (RFQ), Standard Bids, or Requests for Proposal (RFP) to solicit bids to meet the state's requirements.

## Requisitions

Agencies submit requisitions online through the VISION System to order items that are not currently available on contract or covered by a BDA (see below). Requisition requirements are normally put out to bid and result in a Purchase Order or Contract.

## Quick Quote

*STREAMLINING TIP – “QUICK QUOTE”* – Agencies can significantly streamline the process of moving from a Requisition to a Purchase Order if an agency does the “groundwork” of seeking quotes from three bidders.

This Quick Quote option for Requisitions is subject to the same ceiling as other forms of Simplified Bid (as described in more detail in Bulletin 3.5).

Quotes must be sought from at least 3 potential suppliers, but an agency can opt to get more than three quotes if it chooses to get more than three. It is important that the quotes are sought on a basis in which each bidder has a clear, common understanding of the requirements. It is also important that bidders understand that they will be required to accept a Purchase Order containing the State’s standard terms and conditions.

Bidder responses should be in some written form but need not be in a specific format; email is sufficient.

It is preferred, when possible, to have three actual quotes (from sources able to supply, and their quoted price).

It is possible, if an agency has a written response from a credible potential supplier, that the supplier cannot supply the item, or cannot supply it at the needed time, or the supplier chooses to respond with “no bid” - to count one or two such non-bids, as evidence that the agency **sought** the three bids. The crucial factor is to document that the State sought the three (or more) bids and that the bidders acknowledged/ responded, in some manner.

If an agency opts to do this “Quick Quote” streamlining groundwork, please reach out to the Office of Purchasing & Contracting via email, prior to entering your Requisition in VISION. Attach your three quotes, in PDF, to your email.

Use the Directory, earlier in this guide, to identify/ send to a specific Purchasing Agent I or II – if the material you are purchasing is handled buy a different Purchasing Agent, the person you contact will direct you to the Purchasing Agent who handles that type of commodity/product.

## **Purchase Orders**

Agencies prepare Purchase Orders in the VISION System to order items that are available on statewide commodity contracts. Purchasing also prepares Purchase Orders to meet agency requirements that are not covered by a Contract or BDA.

## **Blanket Delegations of Authority (BDA)**

A formal document through which the Commissioner of Buildings and General Services delegates authority to other agency/department heads to make certain types of purchases directly, without going through the Office of Purchasing & Contracting, Department of Buildings and General Services. Agencies and departments must follow the terms and conditions in their approved BDA.

## **Emergency Purchase Authorization**

Emergency purchases (exceeding \$3,500) occurring during working hours should be approved in advance by the Office of Purchasing & Contracting. When approval is received, the agency will be furnished with a Purchase Authorization number that must be indicated on the payment voucher. Emergencies that occur during non-working hours necessitating immediate purchase may be made with the individual agency or department head taking responsibility for the purchase. In such cases, you need to contact the Office of Purchasing & Contracting to request approval the next working day.

## **Purchase Authorization Number**

When Agencies have an immediate need for an item that is not available through any of the above methods, they can consult with the Purchasing Agent assigned to the commodity prior to purchase. If appropriate, the Agent can approve the purchase and issue a unique approval number. Approval numbers are not issued for purchases exceeding \$10,000.

# SUSPENSION AND DEBARMENT POLICIES & PROCEDURES

On April 1, 2007, the Commissioner of Finance & Management issued **Finance & Management Policy #1: Suspension and Debarment Policies & Procedures**. This policy was created to address federal requirements prohibiting purchases from vendors who have been suspended or debarred by the federal government. Policy #1 extends the federal requirements to all purchases made by the State of Vermont (within certain thresholds), regardless of funding source.

The policy requires departments to verify that a vendor has not been suspended or debarred before making a covered purchase. (A covered purchase is a purchase of goods or services over \$25,000 or a grant of any amount.) This verification can be accomplished by including a clause in the grant or contractual agreement (all boilerplate grants and contracts now contain this clause), requiring the vendor to sign a certification statement, or manually searching for the vendor on a federal website. The policy can be found on the Policies page of the Finance & Management website at <https://finance.vermont.gov/policies-and-procedures>

## Debarment List

In addition to the Debarment Policies and Procedures, the Agency of Administration shall ensure that the state and any of its subdivisions do not contract, directly or indirectly, with employers who are prohibited from contracting by the commissioner of labor pursuant to 21 V.S.A. Sec. 692, 708, and 1314a or the commissioner of banking, insurance, securities, and health care administration [department of federal regulation] pursuant to 8 V.S.A. Section 3661.

The Act also requires the Secretary of Administration to maintain a public list of businesses that have been debarred. The Department of Buildings and General Services has been designated by the Secretary of Administration to maintain a current list of employers that have been debarred which is available on-line at: <https://bgs.vermont.gov/purchasing-contracting/debarment>

The Act requires departments to verify that a vendor has not been suspended or debarred before making a covered purchase.

## **SOLE SOURCE AND NO-SUBSTITUTE PURCHASES**

Every reasonable effort should be taken to promote a competitive bid process when selecting a contractor. However, in certain circumstances, negotiating with only one contractor or selecting a specific product may be appropriate.

### **Sole Source Purchase**

As stated in Administrative Bulletin 3.5, use of “Sole Source” or “no-bid” Contracts is contrary to the competitive process supported by the State. Sole Source Contracts will be avoided except when no available alternative exists. A clear and convincing link must exist between the service requirements sought and the reasons why the Agency deems the Sole Source Vendor or Contractor “the only one capable” of meeting the requirements. Possible Sole Source uses might include:

- an unusual and compelling urgency, such as when health, public safety, or the conservation of public resources is at stake;
- situations posing extreme financial consequences to the State;
- legislatively mandated situations; and,
- when required by a warranty or proprietary license agreement.

All sole source requests for product, regardless of the dollar amount, must be submitted in writing to the Office of Purchasing & Contracting with appropriate documentation. Sole source procurements are reviewed in accordance with the approvals required under Administrative Bulletin 3.5.

### **No-Substitute Purchase**

A no-substitute purchase is defined as an award for the acquisition of a specific make, model, or brand item without considering alternatives. No-substitute purchases will be bid out through the normal requisition process. Agencies requesting that items be purchased on a no-substitute basis must provide satisfactory documentation to support the request. If a no-substitute request results in a sole source acquisition the process described above must be followed.

All of the processes described above are listed in detail elsewhere in the Resource Guide, which is designed to help agencies in working with the state’s procurement process. If you have any questions concerning the Office of Purchasing & Contracting and the processes we use, please contact Deborah Damore, Purchasing & Contracting Director, Office of Purchasing & Contracting, Phone: (802) 828-5784  
E-mail: [deborah.damore@vermont.gov](mailto:deborah.damore@vermont.gov) .

## PURCHASING CARD

The State of Vermont Purchasing Card is a Visa credit card administered by the Department of Buildings and General Services, Office of Purchasing & Contracting on behalf of the State of Vermont. The Card is used for state business only. No personal purchases are allowed.

**Program Overview:** The Program was designed to establish a more efficient, cost-effective method of purchasing and paying for small dollar transactions as well as high volume repetitive purchases. The program was also designed to:

- eliminate the number of invoices received and processed by the state
- control spending limits at point of sale
- restrict unauthorized purchases at point of sale
- empower employees with purchasing authority
- expedite receipt of goods and services
- improve vendor payments
- add accountability

The Purchasing Cards are issued with the following basic parameters:

- \$3,500.00 per-transaction limit (or less) for non-contract goods and allowable services – defined by issuing departments
- Can be used for State of Vermont business only
- No personal purchases are allowed
- Receipts for every purchase must be retained and presented
- Ability to use the card for travel expenses
- Not intended to avoid or bypass appropriate purchasing or payment procedures
- Many vendors accept the p-card for purchases from statewide commodity contracts.

**Program Design:** Office of Purchasing & Contracting oversees the State of Vermont program in conjunction with an Advisory Group. This includes setting all program parameters, policies, and procedures. Each individual agency or department is set-up independently and may set tighter parameters within the guidelines of the program.

**Payment to Provider:** Under the Program, AoA Accounting has responsibility for receiving and paying the individual “statements” or invoices that we receive monthly from the bank. We currently receive one statement for each participating department. The participating department is responsible for timely reimbursement to BGS.

For more information about the program, please contact your business manager or visit the Purchasing Card web-site at <https://bgs.vermont.gov/purchasing-contracting/pcard>



## **PURCHASING ETHICS**

Ethics are rules or standards that govern the conduct of members of a profession. All state personnel involved in the purchasing process must recognize and understand the importance of proprieties of conduct in purchasing transactions. A public purchasing function can only remain effective as long as it maintains its reputation for courtesy, honesty, integrity, and fair dealing. Maintaining a good reputation with suppliers means practicing good moral standards and conveying them by exhibiting fair and above board practices. Further information can be found under Administrative Bulletin 3.5 XI(C).

### **Employee Conduct**

State Personnel Policy states: "Employees shall not use their positions to obtain special privileges or exemptions for themselves or others." Specifically, state personnel involved in the purchasing process should not use their position to solicit, receive, or agree to receive any compensation, gift, reward, or gratuity from any supplier.

### **Confidential Information**

State personnel involved in the purchasing process shall not use or disclose confidential information gained by reason of their official position or activities in any way, except as authorized by law, nor shall they use such information for their personal gain or benefit.

### **Conflict of Interest**

State personnel involved in the purchasing process should not participate in any purchasing transaction where they may be perceived to have a personal interest. Prior to taking any official action which purchasing personnel have reason to believe involves a real or perceived conflict of interest, they shall furnish their supervisor a written statement describing the matter and the nature of the potential conflict of interest.

### **Vendor Relationships**

Vendors are an important part of the purchasing process and should be treated fairly and with respect.

## **TIME FRAMES**

The Office of Purchasing & Contracting is committed to supplying the products or services you need, when you need them, at the lowest cost. Working together, we can accomplish this goal. As a customer, you can help us meet our commitment to effectively serve all agencies. With a little advance planning, almost all your requirements can be met in a reasonable timeframe.

For frequently ordered items, contracts should be considered instead of going out to bid each time the need arises. With a contract in place, items can be ordered whenever they are needed and shipped right away. This saves time for both the customer and the vendor.

We encourage you to involve us at the earliest stage of your ordering process. That way we can help you plan your purchasing needs in advance and effectively meet your requirements. In emergencies we will make special efforts to expedite the process.

## **ADDITIONAL PURCHASING RESOURCES**

In addition to this **Buyer's Resource Guide**, the following can be used to provide help and information:

### **Administrative Bulletin 3.5**

This administrative bulletin provides the guidelines that all departments/agencies must follow when contracting for services. The Office of Purchasing & Contracting must also follow these guidelines, so the procedures would be applied to your requests to us. Our staff can provide assistance in ensuring compliance with the Bulletin's provisions which can be accessed with the following link: <https://bgs.vermont.gov/purchasing-contracting/publications>

### **Service Contracts**

The Office of Purchasing & Contracting can provide assistance in drafting specifications and Requests for Proposal for service contracts. Refer to your business office for internal requirements. All contracts must include the Standard State Contract Provisions which can be accessed with the following link: <https://bgs.vermont.gov/purchasing-contracting/forms>

### **Office of Purchasing & Contracting Website**

At <https://bgs.vermont.gov/purchasing> you will find information regarding our staff and the commodities for which they are responsible. In addition, there is a listing of current statewide contracts giving important details with links to the actual text. You will also find the latest news, frequently asked questions, the most updated version of this guide, and all pertinent State contracting forms. The information is updated continually to provide you with the most up to date information.

### **Office of Purchasing & Contracting Staff**

The Purchasing Agents are always available to answer questions. They can assist you with the VISION System, direct you towards contracts, suggest sources of supply, act on your behalf if you are unable to solve a problem with a vendor, and provide assistance on the procurement process. A list of Purchasing Agents and commodity assignments can be accessed with the following link: <https://bgs.vermont.gov/purchasing-contracting/contact-us>

## Vermont Bid System

Information about Bid Opportunities is posted on the internet via State's Electronic Bulletin Board (EBB) ([www.vermontbidsystem.com](http://www.vermontbidsystem.com)) administered by the Department of Economic Development's Vermont Business Assistance Network program. Each posting contains a brief summary of the proposal, deadlines for submission of bids, and a contact point to obtain a complete copy of the bid.

Requests for Proposal (RFP) and/or Requests for Quote (RFQ) issued by OPC are posted online as follows:

- The Notice of Solicitation is posted on the EBB at <http://www.vermontbidsystem.com/>. The notice contains a brief summary of the RFP, deadlines for submission of bids, and a point of contact for the RFP. To download the full documentation visit OPC's website (listed below).
- The RFP or RFQ is posted on the OPC's website under Bid Opportunities at <http://www.bgs.state.vt.us/pca/bids/bids.php>.
- Construction RFPs are posted at: <http://www.blueprintsetc.com>.

## VISION Help Desk

Individuals with a strong knowledge of the VISION System's functionality staff The VISION Helpdesk. If you have problems entering transactions on the system contact the Helpdesk at 802/828-6700.

## Office of Purchasing & Contracting Newsletter

OPC publishes two newsletters entitled "Let's Connect" and "Buyer's Buzz News" providing subscribers with up-to-date information about the contracts, bid events and contracting activities in the State of Vermont.

<https://bgs.vermont.gov/purchasing-contracting/publications/newsletter>

If you would like to become a subscriber, please send us an email to:  
[SOV.OPC@vermont.gov](mailto:SOV.OPC@vermont.gov)

We welcome your comments and suggestions about the information provided and how to make it more useful.

## **Outreach Training**

The Office of Purchasing & Contracting routinely engages in internal and well as external outreach sessions annually. A list of events is posted on the Purchasing & Contracting website at: <https://bgs.vermont.gov/content/events>.

We will come to your work place and meet with staff from your agency to provide training or assistance as well as discuss how we can serve you better. For more information on training, contact (802) 828-2211.

# VISION

(VERMONT INTEGRATED SOLUTION FOR INFORMATION AND ORGANIZATIONAL NEEDS)

Vermont's VISION System is used to acquire the materials, equipment, services, and supplies required by agencies of Vermont state government. Contact your business manager to set up your access.

Features of this system include:

- ◆ Access to a universal commodity database (Item Table) that provides current specifications, process for ordering items needed, vendors, last prices paid, contract status, etc.
- ◆ Agency ability to create, authorize, and review requisition status as well as review finalized purchase orders and contracts. This gives user's information such as delivery dates, price, and awarded vendor.
- ◆ Agency inquiry and printing of contracts, terms, conditions and contract line item inquiry. For example, have they been extended? What is the expiration date? Has the contract been replaced by another contract? Etc.
- ◆ Report section is used to generate a list of contracts available to various state agencies.

## GENERAL STEPS IN THE PURCHASING PROCESS

**STEP #1: Determine What You Need:** Be specific in defining what it is you need, when you need it, and what special requirements you might have, e.g. training, inside delivery, or installation. (reference Specification Development Section)

**STEP #2: Is it available through one of the Office of Purchasing & Contracting Contracts?** To find out, you can go to the VISION System, check with your business office, call Office of Purchasing & Contracting or check the web site at <https://bgs.vermont.gov/purchasing-contracting/contract-info/current>

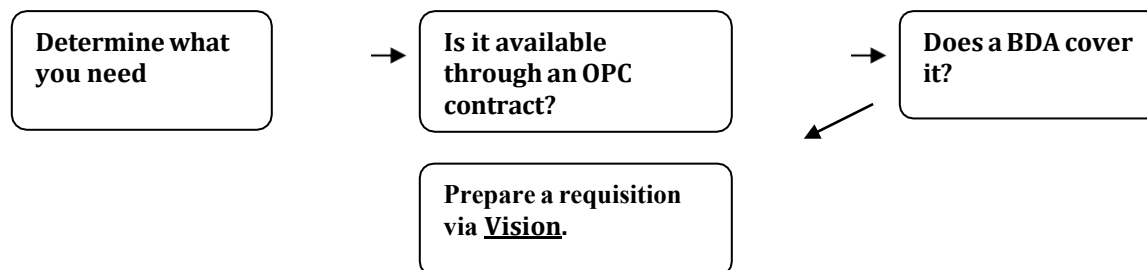
- ◆ YES! Follow the Contract's "method of ordering" instructions.
- ◆ NO! Go to Step 3.

**STEP #3: Does Blanket Delegation of Authority #1 (BDA-1) or another BDA cover it?** You can find out by checking with your business office or the Office of Purchasing & Contracting web-site <https://bgs.vermont.gov/purchasing-contracting/forms/bda>

- ◆ YES! Follow your agency/department procedures for purchasing under the BDA.
- ◆ NO! Go to Step 4.

**STEP #4: Prepare a Requisition via VISION.** Provide detailed specifications:

- ◆ Delivery times.
- ◆ Special needs, etc.
- ◆ Will this be a one-time order or will the item(s) be purchased frequently?
- ◆ Should a contract be considered?



# THE ACQUISITION PROCESS

## Seeing the Whole Picture

The acquisition process is much more than simply buying something. It includes all activities from planning, preparation and processing of a requisition, solicitation, evaluation, award and contract formation to receipt and acceptance of delivery, payment, inventory tracking and property disposition. Regardless of whether the product or service required is processed by the agency under delegated authority or sent to the Office of Purchasing and Contracting for processing, the workflow is essentially the same. Here are some things that need to be considered when making any purchase:

- Identifying the need and product or service that will best fulfill that need. Keeping in mind cost containment, what is the product or service that best fulfills the job requirements? This may require that the agency purchasing personnel meet with end user(s) to identify needs and solutions.
- Development of specifications that describe the characteristics of a product or service being sought. Consideration should be given to suitability and to overall cost effectiveness in addition to acceptability and initial price. Specifications by their nature, set limits and thereby eliminate or restrict items that are outside the boundaries drawn. Specifications should be written to encourage, not discourage, competition consistent with seeking overall economy for the purpose intended. The goal is to invite maximum reasonable competition.
- Bidding or seeking price quotations from a number of possible suppliers as per the rules established by the Office of Purchasing and Contracting and your agency.
- Reviewing the bids or offers to determine overall economy for the intended use of the product or scope of the services. Awards will be made in the best interest of the State who meets the specifications of the product or services you requested.
- Purchasing or contracting for the product or service in accordance with the rules of the Office of Purchasing and Contracting and your agency.
- Receiving the product or service and verifying that it meets the requirements of the purchase order or contract.
- Processing the invoice through appropriate channels in a timely manner.
- Disposal of item at the end of its usable lifespan or after it has been declared surplus property.



- Keeping good records that detail all of the above considerations. Public purchasing requires that most records be made available for public inspection upon request, so good detailed record keeping is essential.

## **Political Subdivisions**

Political Subdivisions are city, town, and village governments, public schools and school districts, and other municipal entities established by the legislature. Whenever possible, the Office of Purchasing & Contracting tries to have vendors make the state contracts available to these groups.

# **SPECIFICATION DEVELOPMENT**

## **Introduction**

Specifications are one of the most important elements of the purchasing process. The preparation of good specifications is probably the most difficult function in the process. Inadequate or poorly written specifications are the cause of many bidders challenges and can considerably delay the purchasing process. This information is designed to define specifications and assist agencies by providing guidelines to good specification writing.

The Office of Purchasing and Contracting has final responsibility for specifications issued as part of formal Invitation to Bids or Request for Proposals. The specification may originate with an agency, an outside consultant, another governmental entity, or a professional society or association, however, the Office of Purchasing and Contracting will review the specifications for suitability and competitiveness. Some agencies have the view that they are authorized to spend to the limits of their budgets and should be able to buy whatever product or service they prefer. However, the Office of Purchasing and Contracting view is to conserve public funds and to refrain from buying a costlier product or service or larger quantity than is actually needed. The Office of Purchasing and Contracting is obligated to try to obtain both product and price competition.

## **Definition of Specification**

The term "specification" refers to a description of the characteristics of a commodity or service required or desired. Specifically, it is defined as the explicit requirement furnished with a solicitation upon which a purchase order or contract is to be based. Specifications set forth the characteristics of the property and services to be purchased so as to enable the vendor to determine and understand that which is to be supplied. This information may be in the form of a description of the physical, functional, or performance characteristics, a reference brand name or both. It may include a description of any requirement for inspecting, testing, or preparing a material, equipment, supplies, or service for delivery. Specifications may be incorporated by reference and/or through attachment to the solicitation. Specifications are written so as to not restrict bidding but encourage open competition. The goal is to invite maximum reasonable competition.

## **Effective Specification Writing**

The degree to which specifications are open and unrestrictive directly affects the type and extent of the competition desired. Specifications provide for quality control, that is, they assure that the quality of an item is suited to its intended use and eliminates unnecessary features or frills.

Specifications are public records; they serve to keep purchases open by allowing the public to see exactly what is being purchased. Specifications are used during the evaluation of bids to determine whether or not bids are responsive.

Some of the difficulty in preparing specifications stems from the fact that the State can seldom dictate the *exact* characteristics of the products it wants. The requirements of an agency are usually not sufficient to justify a special or name brand product. Consequently, specifications are developed around a manufacturer's product specifications. If the specification did not have to satisfy state statutes requiring competitive bidding, the task would be much easier. The immense variety of items purchased by the State further complicates specification writing. Products are improved, new products are introduced, and the needs of the public change. Consequently, the function of preparing and updating specifications must be an ongoing one.

To provide a common basis for bidding, specifications should set out the essential characteristics of the item being purchased, so that all bidders know exactly what is wanted. If an essential requirement is left out of the specification, an award may be made for a product that does not meet the needs of the purchaser. The suitability of the product may not become apparent until much later. Situations such as these are seldom resolved to anyone's satisfaction and can be a waste of taxpayer's money. If such an omission is discovered in time, the bid should be canceled, specifications corrected, and new bids solicited.

Avoid over specifying or under specifying. Items should be able to perform as necessary without unessential frills. Requiring unnecessary features can result in specifications so restrictive that they can defeat competition and increase the cost of the item. Remember that all purchasing activities are subject to public and vendor scrutiny.

If a specification allows both an equal opportunity to bid and objectivity of selection by the bidder, then the specification is serving its intent. A straightforward and fair evaluation based on good specifications will persuade vendors to bid.

### **How to Develop Specifications**

Consideration should be given to suitability and to overall cost effectiveness in addition to acceptability and initial price. Specifications by their nature, set limits and thereby eliminate or restrict items that are outside the boundaries drawn. Specifications should be written to encourage, not discourage, competition consistent with seeking overall economy for the purpose intended.

The function of specifications is to provide a basis for obtaining a commodity or service that will satisfy a particular need at an economical cost. A good specification should do these things:

- Identify minimum requirements
- Allow for a competitive bid
- List reproducible test methods to be used in testing for compliance with specifications.
- Provide for an equitable award at the lowest possible cost.

To assure that your specifications meet the above criteria, use the following checklist:

- Are the specifications clear and accurate, yet simple? They should NOT be so specific that a loophole eliminates competition and allows a bidder to take advantage of the purchaser.
- Are the specifications understandable to both the bidder and the purchaser?
- Are the specifications as flexible as possible? Inflexible specifications defeat the competitive bid process.
- Are the specifications legible and concise?
- Are the specifications capable of being checked? Specifications that are written in such a way that a product or service offered cannot be checked as meeting specifications is of little value and results in confusion.
- Is the specification reasonable in its tolerances? Unnecessary precision is expensive.
- Is the specification as fair to bidders as possible and does it allow for competitive bidding by several bidders?

## **Specification Sources**

There are many available sources that can be of assistance to you when you are developing your specifications. Here are suggestions for gathering specification information:

- Collect as much information as possible from the end user as to the function and performance of the requested product. Use their expertise and knowledge.
- Collect product information from the industry (brochures, catalogs, specs, etc.). Many manufacturers list their catalogs and product specifications on the Internet.
- Look for standards and test information from professional societies where available.
- Look for specification information from other government entities. Check to see if standard specifications already exist. Use the Internet and e-mail for research. Many states have standard specifications listed on the Internet.
- Call on other “experts” in the purchasing community for help.
- NIGP: The National Institute of Governmental Purchasing maintains a library of over 10,000 specifications developed by federal, state, and local government

purchasing entities in the U.S., and Federal, Provincial, and local entities in Canada.

## **Types of Specifications**

There are several different types of specifications to address the thing being purchased in a number of ways. The great variety of goods and services bought by the State necessitates the use of all of the following types of specifications:

### **Standard**

Where items that have similar usage are needed frequently or repetitively, standard specifications are developed. This establishes performance and quality levels, reduces the variety of things bought, simplifies inventories, allows for large volume contracts to be developed, and eliminates duplicative specification writing. Most statewide contracts use standard specifications to describe products required.

The standard specification details the characteristics that the item must possess without naming a brand or model.

### **Non-Standard**

Most purchases use non-standard or have no standard specifications developed for the item or services required and are used on a one-time basis. A non-standard specification can be anything from a simple brand name-or-equal description to a statement of work for professional services.

### **Brand Name**

Brand name specifications cite a brand name, model number, or some other designation that identifies a specific product of a manufacturer. Brand name specifications are not considered good specifications, but they do have a legitimate use in public purchasing. An example might be when a particular brand name item must be purchased in order to be compatible with existing equipment.

The most restrictive type of specification, they have the effect of limiting bidding to a single product and are only used when only one product will meet an intended need.

### **Brand Name "or Equal"**

In the absence of standard specifications, the State often uses manufacturers' brand or model designations as a standard. Brand names are used to indicate general performance and quality levels. Unless otherwise noted, it is understood that other brands or models will be accepted on an "or equal" basis.

To aid in communicating the desired quality level to bidders, an effort should be made to use brand name designations that are known throughout the industry or have specifications that are readily available. If a bidder does not know which of his products is comparable to the designated brand names, he cannot bid intelligently and may not bid at all. Bidders customarily know their competition and can usually tell without too much difficulty which of their brands or models will be considered equal. Still, the bidder cannot be sure which features of the item will be considered crucial in making the award. In addition to the brand name, the specifications should name the minimum salient characteristics to be used in comparing brands and making the award.

Vendors who represent other brands or models as "or equal" which clearly do not meet this standard of quality or use, may be dropped from the bid list. It is the responsibility of the bidder to furnish with the original bid or proposal submission sufficient data for the State to determine if the goods or services offered conform to the bid specifications. The purchaser reserves the right to determine equivalency.

### **Detailed Design-type or Custom-made**

Design specifications set the requirements for the item to be purchased by detailing the characteristics that the item must possess. These specifications are used to determine how a product is to be fabricated or constructed and is primarily used where a structure or product has to be specially made to meet a unique requirement. Design specifications have precise characteristics that can limit competition and generally do not accommodate rapidly changing technology. Their use is limited.

### **Functional or Performance-type**

The use of performance type specifications has steadily increased. This type of specification states the function that a user wishes to achieve and can contain both elements of design and performance. The emphasis is on what the product does, how well it performs, and at what cost for its intended use. This encourages ingenuity, innovation, and cost reduction.

Writing performance specifications and evaluating bids requires a different approach and point of view than the more traditional one. Instead of establishing common denominators by looking for equivalencies, one must look for differences that provide equal or better performance and lower costs.

### **Samples and Technical Data**

This type of specification requires that bidders offer their price and a sample of their product and technical data meeting general descriptions. In some instances, the comparison and testing of samples can effectively substitute for a detailed specification.

Samples are evaluated and/or tested on a price/performance, cost-effective basis. Examples of products for which this approach is useful are floor waxes, paints,

disinfectants, cleaning agents, and art materials. All samples and test results should be retained for delivery compliance of products ordered.

### **Alternatives and Optional Items**

Alternate specifications are sometimes needed in the public interest to consider comparisons of costs or to keep awards within the funds available. They can be used to obtain wider competition and other advantages.

Optional items are features that may be adapted to a piece of basic equipment and may enhance performance, may be needed under certain circumstances. Careful consideration should be given as to whether optional items will be purchased or not and if the cost of such optional items should be included in the award consideration.

### **Basic Contents of Specifications**

The following information is presented as a basic outline for specifications. Sections may be added or deleted as required by the product specification being developed.

#### **Scope, Classification, or Description**

The first words or lines of a specification should be a general description, classification, or scope of the product desired and the intended or desired use of the item.

#### **List of Requirements**

These requirements should identify measurable physical, functional, and quality characteristics that meet the requirements. This may include a detailed list of characteristics, such as: sizes, physical dimensions, weights, percent and type of ingredients, types and grades of materials, standard of workmanship, or basic design.

The text should be clear, simple language, free of vague terms or those subject to variation in interpretation. The use of abbreviations should be restricted to those in common usage and not subject to possible misunderstanding.

#### **Shall, May, Should, or Will?**

- Use “shall” to express a requirement binding on the contractor or the purchaser.
- Use “may” or “should” to express non-mandatory provisions.
- Use “will” to express future requirements or when certain conditions are met.

## **Definition of Terms**

The necessity for definition of terms can usually be avoided with good specifications. However, in those cases where proper interpretation is necessary or agreement as to definition of terms is a key part of the specifications, such definitions should be included.

## **Measurements**

All terms relating to measurements (gauge, capacity, volume, etc.) should be used in accordance with established precedent and trade practice. Review the document and make every effort to replace words with numbers or use words and numbers in combination (one (1) two (2)). Whenever you use numbers instead of words, communication is truly enhanced. All measuring and testing equipment is designed to provide specific numerical answers.

## **Figures and Tables**

Figures, illustrations, graphs, etc. can often describe the item more clearly and accurately than text. They should be used as much as possible.

## **References to other Specifications or Publications**

References to other specifications or publications should be limited to the federal government, commercial organizations, technical societies, etc., which are widely recognized and accepted by industry. Examples of recognized organizations are the American Society for Testing and Materials (ASTM) Standards and the American Society of Mechanical Engineers (ASME).

## **Group Terms**

Group terms are designations with established precedent and trade practice, such as: type, grade, class, and composition. These terms are defined as follows:

- Type: Implies design, model, shape, etc. of commodities.
- Grade: Implies quality of a commodity.
- Class: Implies mechanical or other characteristics that are not in quality of grade.
- Composition: Implies chemical differences in commodities.
- Other: Other terms such as: style, color, form, weight, size, etc., are also used as group terms.



## **Sampling, Inspection, and Test Procedures**

When samples are required, it should be clearly identified as a requirement in the specifications. All samples and test results should be retained for delivery compliance of products ordered.

When possible, a test inspection plan should be developed and included in the specification.

## **Packaging and Delivery Information**

Where specifications differ from standard commercial-sized packages, this should be clearly defined. Custom packaging may increase the cost of the product.

Special or unusual delivery dates or delivery points should be listed. Many times, items need to be shipped to a variety of locations within the State. A complete list of delivery addresses should be included in the specifications so that a bidder may take into account delivery costs and submit an accurate bid.

## **Guidelines Pertaining to Specifications**

Specifications serve as the basis for obtaining property adequate and suitable for the using agency's needs in a cost-effective manner, taking into account the costs of ownership and operation as well as initial acquisition costs. Specifications shall be drafted clearly to describe the agency's needs and to enable the vendors to determine and understand the agency's requirements. Specifications shall, as much as practical, be nonrestrictive to provide an equal basis for participation by an optimum number of vendors and to encourage competition. This information may be in the form of a description of the physical, functional or performance characteristics, a reference brand name or both. It may include a description of any required inspection, testing or preparation or delivery. Specifications may be incorporated by reference or contained in an attachment.

## **Use of Functional or Performance Descriptions**

Specifications shall, to the extent practicable, emphasize functional or performance criteria while limiting design or other detailed physical descriptions to those necessary to meet the needs of the agency. To facilitate the use of such criteria, using agencies shall endeavor to include as a part of purchase requisitions their principal functional or performance needs.

## **Brand Name or Equal Specification**

- a. A brand name or equal specifications may be used when the buyer determines that such a specification is in the agency's best interest.
- b. A brand name or equal specification shall seek to designate as many different brands as are practicable as "or equal" and shall state that products substantially equivalent to those designated will be considered for award.
- c. Unless the buyer authorized to finally approve specifications determines that the essential characteristics of the brand names included in the specifications are commonly known in the industry or trade, brand name or equal specifications shall include a description of the particular design and functional or performance characteristics required.
- d. Where a brand name or equal specification is used, the document shall contain explanatory language that the use of a brand name is for the purpose of designating the standard of quality, performance, and characteristics desired and is not intended to restrict competition.

## **Brand Name Specification**

- a. Since use of a brand name specification is restrictive, such a specification may only be used when the administrator or designee makes a written determination. Such determination may be in any form, such as a purchase evaluation or a statement of single manufacturer justification. The written statement must state specific reasons for use of the brand name specification.
- b. The administrator shall seek to identify sources from which the designated brand name item or items can be obtained and shall solicit such sources to achieve whatever degree of competition is practicable.

## FREQUENTLY ASKED QUESTIONS

- 1. What services does the Office of Purchasing & Contracting provide to my Agency?** The Office of Purchasing & Contracting has the responsibility under 29 V.S.A. § 902 to contract for and/or purchase all supplies for state government. To simplify the acquisition process, BGS maintains numerous statewide contracts for supplies, which include materials, equipment, parts, and commodities. Unless otherwise approved in advance, **these BGS contracts must be used by all state government entities.** To find out if a contract exists that meets an agency's need, contact the BGS Office of Purchasing & Contracting or refer to the BGS web site at: <https://bgs.vermont.gov/purchasing-contracting/contract-info/current> .
- 2. What is VISION? Who can instruct me on it?** VISION is the statewide financial management system, and it is the method used to place requisitions, issue contracts, prepare orders for items on contract, and search for commodity information and access contract details. For assistance call the VISION Help Desk at 828-0407. The Office of Purchasing & Contracting staff can also assist in answering contracting-related VISION questions.
- 3. How can I find out if what I want to buy is on Contract? What do I do if it is on Contract?** You can look it up in VISION or check the Purchasing & Contracting web-site at <https://bgs.vermont.gov/purchasing-contracting/contract-info/current> for listings of current statewide contracts. Contracts are easily printed from the VISION system or from the website. If the item is on contract, review it carefully for the method of ordering and other terms and conditions. A purchase order must be prepared for all items ordered.
- 4. What is the dollar limit for a "local purchase order"?** The Commissioner of Buildings and General Services can delegate authority to other agency/department heads to make certain types of purchases without going through the Office of Purchasing & Contracting. A "Blanket Delegation of Authority" (BDA) enables agencies to maintain the continuity of everyday operations. The purchases made under a BDA, however, are still subject to the underlying requirements of competitive bidding as stated in Bulletin 3.5.

BDA#1 grants authority to make any single purchase up to \$3,500 provided that the item being purchased is not available through an existing state contract, is not otherwise restricted by statute or administrative bulletin, and is not an ongoing need of the department. The full text of BDA#1 can be found online at:

<https://bgs.vermont.gov/purchasing-contracting/forms/bda> . (For items that are needed on an ongoing basis, departments are expected to work with the Office of Purchasing and Contracting to establish a contract.) Dollar thresholds also apply. Specific authority covering certain classes of items (for example, fresh produce purchased from local farmers at market prices) can be requested through the Office of Purchasing & Contracting. All BDAs, including BDA#1, are subject to the ongoing approval of the Commissioner of

Buildings and General Services and can be revoked or modified at any time. All purchases made under a Blanket Delegation of Authority are subject to annual audit to determine compliance with this Bulletin and with the applicable BDA.

If the needed item(s) is (are) not available under an existing contract and is (are) not covered by an existing BDA, the agency must prepare a requisition through the VISION system. The Office of Purchasing & Contracting will not have access to the requisition until the Agency/Department budget checks the requisition for sufficient funding by the VISION system.

For example, you could buy a video camera if it was under \$3,500 but not a FAX machine, as these are covered by a contract. Always check your own internal agency rules and procedures.

- 5. Why should we bid out a job when my local vendor has what I need for a fair price?** The Office of Purchasing & Contracting is governed by Title 29, Chapter 49, of the Vermont Statutes Annotated. We are responsible for purchasing all commodities that are needed by the state and are required to engage in an open, competitive bid process prior to making such purchases.

The purpose of the competitive bid process is twofold: to ensure that any person or company has the opportunity to get the state's business, and also to ensure that the taxpayers get the best possible value when their money is being spent by state agencies.

Unlike many jurisdictions, which are required to award contracts to the lowest bidder, in Vermont we evaluate bids based on a variety of factors such as quality, ease of supply, and environmental impact, in order to determine which proposal will provide the best value to the state.

The competitive bid process will establish the best price in the market at a given point in time. The bid process also provides a public record to support purchasing decisions.

- 6. What if my requirement also includes installation and maintenance?** Any contract for the purchase of a product, commodity, equipment, or software that also involves the contractor's personnel coming onto state property to install or service the purchased item or to train state personnel in the use of the item purchased should be developed as a **commodities contract** under Bulletin 3.5 by submitting a requisition to the Office of Purchasing & Contracting, Department of Buildings and General Services.

7. **I found an item on contract for a lower price from a different vendor. Can I order it from this new vendor?** No. To simplify the acquisition process, BGS maintains numerous statewide contracts for supplies, which include materials, equipment, parts, and commodities. Unless otherwise approved in advance, **these BGS contracts must be used by all state government entities.** Contracts are intended as the prime source of supply for state agencies with commodity requirements. If an agency has a requirement for an item on contract that the contractor cannot meet effectively or the agency has justification to have the Office of Purchasing & Contracting solicit bids from another source, they should contact the Purchasing Agent who is responsible for that commodity item and/or contract. The Purchasing Agent will review the justification to purchase the item off-contract and approve or disapprove the request as appropriate.
8. **I called three vendors and got quotes for my requested product. Do I still have to do a requisition?** Discuss further with the appropriate Purchasing Agent.
9. **I bought something without going through Purchasing. The cost is greater than \$3,500. I have the invoice here. Now what?** Talk with the Purchasing Agent in charge of the commodity, explaining why the purchase was made outside established guidelines and explain what steps will be taken to prevent this happening again. The Purchasing Agent will ask you to follow up with an e-mail message. The agent may reply with an authorization number. The original message and the response should be printed and kept with the payment file.
10. **What are "political subdivisions"?** Political Subdivisions are city, town, and village governments, public schools and school districts, and other municipal entities established by the legislature. Whenever possible, the Office of Purchasing & Contracting works with vendors to make the state contracts available to these groups.
11. **Do we have to go with the lowest bidder?** There are a number of factors that are used in making an award. Product quality, delivery time, environmental impact, and vendor ability are a few of these criteria. The lowest bidder that meets all the requirements usually gets the award. Awards to other than the lowest bidder meeting all requirements must be well justified.
12. **I haven't received my goods although a Purchase Order was issued several weeks ago. What do I do?** First make sure your business office has approved the order in the **VISION** System and sent to the vendor. Check the delivery stated on the purchase order. If appropriate, call the vendor. If that doesn't bring results, contact the Purchasing Agent listed on the purchase order.
13. **I didn't check my goods when they were delivered two months ago. Unpacking them I find they are damaged. Now what?** Contact the vendor and request they be replaced. If the issue cannot be resolved, contact the appropriate Purchasing Agent.

14. **Why should I ask for recycled content in my product specifications?** The State of Vermont is dedicated to recycling and source reduction. Buying recycled reduces waste and preserves valuable resources. Please reference the Environmentally Preferred Purchasing (EPP) webpage at: <https://bgs.vermont.gov/purchasing-contracting/forms/epp> for more information.

## RECYCLED AND ENVIRONMENTALLY PREFERABLE PRODUCTS

Environmentally Preferable Purchasing (EPP) means the purchase of products and services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. This comparison may consider raw material acquisition, production, manufacturing, packaging, distribution, re-use, operation, maintenance, or disposal of the product or service).

The State of Vermont has established specific goals and objectives aimed at providing sound environmental stewardship, protecting human health, reducing state operating expenses associated with the use and control of regulated hazardous materials, and reducing potential liability attributable to environmental impact. Therefore, where applicable, the following environmental criteria shall be considered for all State purchasing and contracts.

1. **Paper:** The State desires to reduce the use of chlorine in the products it purchases to protect the environment from pollution. Processed Chlorine Free (PCF) paper means paper in which the recycled content is processed unbleached or is bleached without the use of chlorine or chlorine derivatives AND any virgin material contained therein is totally chlorine free (TCF).
  - 1.1.1. **Copier Paper:** The State requires PCF copier paper which contains a minimum of 50% post-consumer recycled material (any virgin material must be TCF).
  - 1.1.2. **Printing and Writing Paper:** The State requires at least 30% post-consumer recycled content for non-coated paper and at least 10% post-consumer recycled content for coated paper. Preference will be given to chlorine free options when suitable choices are available.
2. **Recycled Content:** The Commissioner of Buildings and General Services may, at his/her discretion, spend up to 10% more for comparable products that are made of recycled materials. If products made of recycled materials are to cost more than 10% more than comparable products, the Commissioner shall receive consent of State entities that are to use the product before completing the order in question.
3. **Sustainable Products:** Bidders are encouraged to provide alternative price quotations on wood or paper products that are derived from sustainably managed forestlands. Sustainably managed forest lands shall be defined as those lands enrolled and/or licensed under one of the following third-party certification programs: Sustainable Forestry Initiative Program, the American Tree Farm System, the Canadian Standards Association's Sustainable Forest Management System Standards, the Finnish Standard, Forest Stewardship Council, Pan-European Forest Certification, Swedish Standard, the United Kingdom Woodland Assurance Scheme or other such credible programs as may be developed and implemented. Vendors must provide satisfactory documentation of certification with their bid.

4. **Life-Cycle Cost Evaluation:** Life cycle cost analysis shall extend beyond the cost of purchasing, to include installation, operation, maintenance, durability, and disposal of a particular product.
5. **Energy Efficiency (Energy Star):** The State will purchase only energy-consuming devices that meet or exceed the Energy Star or comparable standards established by the U.S. federal government, and to operate these devices in a manner that maximizes their energy efficiency features (Executive Order No. 12-17).
6. **Alternative Fuels:** Evaluations for vehicles and other fuel-consuming equipment shall consider not only fuel efficiency, but also the source and type of fuel, to reduce emissions of greenhouse gases and pollutants.
7. **Vehicles:** The State will purchase vehicles that have the highest available fuel efficiency in each respective vehicle class (e.g., passenger cars, light duty trucks, etc.) pursuant to performance specifications recommended by the state Technical Advisory Group established under Executive Order 12-17 section I (D). These performance standards should include consideration of vehicles that not only meet high fuel economy standards but that also provide lower total emissions of greenhouse gases, criteria pollutants, and hazardous air contaminants.

Among the goals we attempt to accomplish by buying “green”:

- **Solid Waste Reduction:** Reduce materials introduced into the state facilities through packaging and re-use materials when possible. This will reduce custodial hours and waste removal costs as well. Purchase products packaged in recycled materials. Properly recycle products and packaging materials at the end of useful life.
- **Energy Efficiency:** Select efficient equipment to accomplish tasks with the minimal amount of energy and reduce the demand for cooling in the state facilities. Efficient purchases will save energy, money, and reduce the environmental impact caused by the generation of the energy.
- **Pollution Prevention:** Green and sustainable products keep the air, waste stream, and water free from harmful pollutants. This helps protect the health and safety of people in state facilities, and protects the waste treatment process and the environment.



# **SPECIAL COMMODITY ORDERING INSTRUCTIONS**

## **Chairs**

The Office of Purchasing & Contracting maintains contracts for ergonomic seating that provides a variety of swivel desk chairs. These chairs have been selected after a review process conducted by the Office of Risk Management to ensure that the chairs purchased by the state have the proper ergonomic features. Contact the Office of Purchasing & Contracting and Risk Management for approval if the chairs on contract do not meet your needs. The Agent responsible for this requirement can be contacted at (802) 249-2817.

## **Fuel Card**

The State currently has a contract with Wright Express to cover the purchase of fuel and vehicle maintenance services at commercial sites for state owned vehicles. Contact your business manager or the Purchasing Agent responsible for this commodity at (802) 249-7394 if you would like more information about this program.

## **Fuel and Fuel Oil**

All fuel purchased (kerosene, fuel oil, diesel, LP gas, gasoline and wood chips) by the state is done under contracts (with the exception of items covered by the fuel card). A list of these contract vendors and locations covered can be found at [FUEL INFORMATION | Buildings and General Services \(vermont.gov\)](#) .

# PRINTING

## **IMPORTANT: Mandatory Change in Practice**

**Vermont Correctional Industries (VCI) and the BGS Print Shop are to be the first choice for all printing projects that involve digital or offset requirements.**

### **Facts considered:**

#### **Reduction in overhead costs**

VCI and the BGS Print Shop both represent a reduction in operating costs over a traditional external supplier since printing resources are already owned and operated by the State, not financed by the margin an external printer might need to charge, especially on lower quantity (digital) printing. Reduced freight costs are an added benefit.

#### **Increased control over paper consumption and prices**

By buying paper directly for jobs produced at BGS and VCI print shops, the State dramatically increases the control and visibility over paper consumption and also can leverage larger overall volumes through decreased prices. This combination of cost and consumption control is often the most powerful driver of savings in any optimized program.

#### **Equipment-product alignment**

Since most of the State's products are or should be printed on digital equipment (as opposed to larger offset printing equipment) because of specification and quantity, there is already existing alignment between current product types and the equipment owned by the State. Only on a few jobs that require much larger equipment (such as magazines and high-quantity calendars for example) or highly specific jobs involving labels or high-security papers does the State need to consider external suppliers. The internal capabilities of the BGS Print Shop and VCI make them very cost-effective options for the majority of the State's printing needs. Overall, equipment-product alignment is another very strong driver of savings.

#### **Outside jobs (those not completed by BGS or VCI)**

The state will still benefit and save money from a new requirement in which the State of Vermont will agree to pay equal to or less than the identified established pricing on standard paper and envelop contracts. These contracts are available on-line at: <https://bgs.vermont.gov/purchasing-contracting/contract-info/current>

**Again, Vermont Correctional Industries (VCI) and the BGS Print Shop are to be the first choice for all printing projects that involve digital or offset requirements.**

- A shift of products that are currently produced by external suppliers to BGS and VCI is good for all the reasons listed above and more, this same rationale can be used for printing “one-off” or non-contracted jobs as well. The BGS print shop and VCI have two distinct specialties in terms of printing -- BGS has excellent digital presses, while VCI has better capabilities for larger quantity offset runs (generally over 8,000 units).
- Recommendations require the BGS and VCI print shops be the “first choice” for all agencies looking to print any “one-off” jobs. What that means:
  - For agencies already utilizing Vermont Correctional Industries (VCI) and the BGS Print Shop for their print requirements, continue to do so.
  - For all other print requirements in which existing contracts must be renewed and/or competitive quotes must be obtained, one-off and/or non-contracted print jobs, requirements must be submitted to the Office of Purchasing & Contracting at which time the Office of Purchasing and Contracting will ascertain whether the print job should be produced at VCI and/or the BGS Print Shop. Analysis will include VCI and/or BGS Print Shop capabilities, and ensuring that paper consumption, paper costs and manufacturing costs are competitive. If the Office of Purchasing & Contracting determines that VCI and/or the BGS Print Shop can do the work and do so at the same or lower cost than an outside vendor, the work will be shifted to in-house print shops. The timeframe for making such a determination is 48 hours (excluding weekends and state holidays). If the Office of Purchasing & Contracting determines neither the BGS Print Shop nor VCI is appropriate, then the project will be bid out by the Office of Purchasing & Contracting at which time the requesting agency will be requested to submit a purchase requisition to expedite the solicitation process.

Blanket Delegation of Authority #1 (BDA-1) excludes all print material.

Additional guidance on print subjects can also be found at:

<https://bgs.vermont.gov/purchasing-contractingprint-procurement>

Any questions can be directed to the State Purchasing & Contracting Director, Deb Damore at [deborah.damore@vermont.gov](mailto:deborah.damore@vermont.gov).

## Requisitions for Printing

When submitting a requisition for a printing job it is very important to include as much information as possible about your printing requirements. This will give the potential bidders the exact specifications they need to provide a good quote. The clearer and more detailed our specifications are, the more competitive the bids. Please try to include information about all of the following topics. If you have any questions call the Purchasing Agent responsible for this commodity at (802)249-1654.

- **TITLE OF PRINT JOB:** Every job should have a title, i.e.: "TA-160 Operator Inspection Report".
- **TRIM SIZE/FINISHED SIZE:** What is the size (dimensions) of the document in inches? If it is folded; what is the final, folded size?
- **NUMBER OF PAGES:** If the cover is on a different paper stock than text, do not include in page count; i.e. "48 pages plus cover").
- **INKS/COVERS:** Number of colors per side (black is a color). Full bleeds (Does the ink go all the way to the edge of the sheet)? Covers usually have four parts: Cover I (front cover), Cover II (inside front), Cover III (inside back), and Cover IV (back cover).
- **INKS/TEXT:** Number of colors per side. Bleeds? A typical specification would read: 2 colors/ 2 sides (or 2/2).
- **STOCK/COVER AND TEXT:** What type of paper should the job be printed on? Please include basis weight, type, color, and brand name (if available) of paper. Per the Governor's Executive Order 06-94, all stock should be recycled with a specific minimum of post-consumer content. Example: "50 lb. Offset white Hal opaque recycled 20% post-consumer content."
- **MECHANICAL:** How will information be supplied? Camera ready, film- supplied, or disk-supplied are some common methods. If photos are included are they halftones (black and white) or color? If color, who is to produce the separations (film)? List the type and number of each in your publication, as well as their sizes.
- **FINISHING:** Folding for mailing or scoring for easy folding are some types of finishing. Perforation is another type of finishing.
- **BINDING:** How will the job be put together? Saddle stitched (stapled) or perfect bound (glued along the spine) are two examples.

- **PROOFS:** This is essential. Who should get the proofs? Someone needs to check the job before it goes on press. What kind of proof do you need? Blueline or dylux is the most common type.
- **PACKAGING:** How should the material be packaged? One way is in cartons clearly marked as to contents.
- **DELIVERY:** If there is no loading dock available at your site you should indicate inside delivery. Advance notice? Special times? Other delivery locations?
- **PRODUCTION CONTACT:** Who will be the contact for printer? This is usually the same person who gets proofs. What is the telephone number of this person?
- **SAMPLES/SKETCHES/DUMMIES (MOCK-UPS):** Please provide ten copies of your job and send to the division to be included in the bid package.
- **DELIVERY DATE:** When do you need this document or form delivered? Indicate any special dates you absolutely must have this job completed and delivered. Be aware that any delays in delivering mechanical or art work to vendor, delays in returning proofs, or any significant changes to the document after the original art is submitted will result in extra charges and extra time to complete your job.

## **Statewide Equipment Maintenance Program (EMP)**

Statewide Equipment Maintenance Program (EMP). The statewide EMP is currently established under a contract with The Remi Group (#36098) and managed through the local office of Hackett Valine and McDonald (HVM). The EMP covers the full cost of equipment maintenance and repair, replacing more expensive individual vendor contracts while in most cases, utilizing the same service providers with no reported reduction in service levels. Benefits are outlined below:

### **Cost Reduction**

Reduces current equipment maintenance expenditures by 30% discount on IT equipment and 27% discount on other covered equipment as compared to conventional service contract pricing.

### **Singular Contract**

Consolidates all of your current service contracts into ONE comprehensive program, eliminating the high costs and inefficiencies of multiple vendor service contracts.

### **Choice of Service Vendor**

Works with national and local service companies and will dispatch your current or preferred service provider. This gives you the ability to choose service providers based on responsiveness, customer service, and quality, ensuring that you are receiving the highest level of service available.

### **Service Management System**

Manages your service call from start to finish. One toll free number for all covered equipment service calls and real-time tracking of each service event ensures that your equipment is maintained properly and fixed right the first time.

### **Online Management Reports via Remi Online**

Enables you to easily access information such as equipment inventory, repair history, performance, and service vendors.

### **Guaranteed Budget**

Solidifies your maintenance budget and protects your investment by providing a "capped cost" solution.

## INFORMATION TECHNOLOGY

The Office of Purchasing & Contracting is the central purchasing authority for IT goods and services.

The Agency of Digital Services (ADS) is responsible, under 22 V.S.A. § 901(a)(1) for providing direction and oversight for all activities directly related to information technology and information security, including telecommunications services, information technology equipment, software, accessibility, and networks in State government.

The Office of the Attorney General (AGO) has the expertise to provide assistance with complex contract negotiations. The AGO is required by law to review all contracts over \$25,000 for compliance with 3 V.S.A. § 311(a) (10). Additionally, Bulletin 3.5 requires the AGO to approve all contracts over \$25,000 “as to form.”

- All information technology and all information security RFPs, regardless of dollar value, must be reviewed by the CIO prior to posting. As such, the Office of Purchasing & Contracting (OPC) will take no action until it has received notification of approval from the CIO.

The Office of Purchasing & Contracting is responsible for the posting of all IT Requests for Proposal (RFP), Requests for Information (RFI), Requests for Comment (RFC), and Requests for Quote (RFQ) regardless of type and cost.

- Administrative Bulletin 3.5. indicates the State Chief Information Officer (CIO), or his/her designee, must give prior approval to:
  - a. All RFPs for Information Technology and Information Security contracts, regardless of dollar value, prior to posting;
  - b. Agreements to Receive or Access Confidential Information described in Section VI.D:
  - c. Contracts for cloud services (SaaS, PaaS and IaaS) regardless of dollar value (see [Technology Handbook - FINAL - 04-01-19.pdf \(vermont.gov\)](http://www.vermont.gov/resources/technology-handbook) for more information);
  - d. Contracts which will involve the electronic processing, storing, or transmission of Confidential Information;
  - e. Sole Source Contracts for Information Technology Activities and Information Security; and
  - f. Information Technology and Information Security Contracts over \$500,000.

Agencies must follow CIO/ADS standards for the management, organization and tracking of Information Technology activities. These standards may be obtained from the Agency of Digital Services (ADS) or found at <http://digitalservices.vermont.gov/>.

Certain IT Activities may require an Independent Review (IR) in accordance with [3 V.S.A. § 3303](http://www.vermont.gov/resources/3-v-s-a-3303). Refer to the IT Guideline for additional information about Information Technology requirements and duties of ADS/the State CIO.

Greater detail can be found in Administrative Bulletin 3.5 at <https://aoa.vermont.gov/bulletins/3point5> as well as the Information Technology Procurement Guideline provided as a companion to Administrative Bulletin 3.5 and is available at: [Technology Handbook - FINAL - 04-01-19.pdf \(vermont.gov\)](#)



## **PAYMENT PROCESSING/PURCHASING APPROVAL**

Whenever a department processes a payment voucher for an invoice greater than \$3,500 that does not show a purchase order, contract, or BDA number, they are responsible for obtaining prior approval from the appropriate Purchasing Agent prior to submission of the payment voucher to Finance.

Departments are responsible for maintaining documentation of approvals received by the Office of Purchasing & Contracting in their files. Departments may request approval by E-mail to the appropriate Purchasing Agent explaining why the purchase was made outside established guidelines. A copy of the Purchasing Agent's E-mail approval should be part of the department's files. Once the Agent has approved the purchase, the voucher may be processed for payment.

## **MULTI-STATE CONTRACTS**

The State of Vermont has participated in various cooperative-purchasing ventures with other states for over 20 years. This approach to contracting is viable when two or more states have common requirements for commodities or services. A lead state is chosen and is responsible for assembling the requirements and making the award(s) in consultation with the others. Each state issues its own contract based upon the accepted results.

Vermont benefits substantially in being a participant in multi-state contract bidding. Lower pricing derived from much greater combined quantities is the prime motivation. Another advantage would be the greater influence over vendors to produce products that will meet special requirements such as recycled content.

Our state currently takes part in several multi-state contracts. The largest is a drug contract that involves 40+ states from across the country. We also have a computer software contract that includes states throughout New England and one for computers that involves 20 states around the country. Other ongoing multi-state contracts that have been going for several years include glass beads, traffic paint, and traffic cones.

The Office of Purchasing & Contracting encourages agencies to make suggestions for other cooperative contracts. Any products your agency uses in common with other states should be considered, especially when it appears that there are no differences in specifications. Ideas for these contracts should be discussed with associates from other states and the appropriate Purchasing Agent.

## **POLITICAL SUBDIVISIONS AND INDEPENDENT COLLEGES**

Title 29, Chapter 49 authorizes the Office of Purchasing & Contracting to work with political subdivisions (cities, towns, schools, and municipalities) and independent colleges in the state. We regularly provide the following services:

### **Contracts**

The Office of Purchasing & Contracting maintains a list of state contracts that are also available for use by political subdivisions and independent colleges. Contractors on this list have agreed to provide items to political subdivisions and independent colleges under the same terms as their state contract. A current list of these contracts is available on the Internet at <https://bgs.vermont.gov/purchasing-contracting/contract-info/current>

### **Resources**

The Office of Purchasing & Contracting provides assistance to political subdivisions and independent colleges in developing specifications and bid proposals. Often the best assistance we can provide is information that they can use to perform their own bid process.

### **Bidding**

The Office of Purchasing & Contracting can bid specific requirements for a political subdivision or an independent college. Usually this is done in conjunction with a bid for similar items for state agencies.

## **CUSTOMER SATISFACTION SURVEY**

Good communication between the Office of Purchasing & Contracting and state agencies is essential for the process to succeed. Please tell us what is working, what isn't working, and give us your suggestions how to do it better.

Contracts Comments Form: To help us understand how we can better serve you, we are interested in receiving your comments regarding the quality of service you received in your most recent interaction with the Department of Buildings & General Services (BGS). Please send an email to: [SOV.OPC@vermont.gov](mailto:SOV.OPC@vermont.gov)

## **PURCHASING AGENTS AND COMMODITY ASSIGNMENTS**

Contact Information for Purchasing Agents and assigned areas of responsibilities can be found at: <https://bgs.vermont.gov/purchasing-contracting/contact-us>

### **BLANKET DELEGATIONS OF AUTHORITY**

Blanket Delegations of Authority (BDA) are used to delegate authority to state agencies to directly purchase specific types and classes of items when the best interests of the state are served.

Agencies may request a BDA for a specific commodity area or project from the purchasing agent managing that area. Purchasing Agents may also initiate a BDA for items in their assigned commodity area. Requests for BDAs will be reviewed and issued, or alternative solutions provided, within 30 days.

1. Purchasing Agents are responsible for drafting BDAs for signature.
2. The Commissioner of Buildings and General Services or designee will sign all BDAs.
3. BDAs are sequentially numbered from the master list.
4. The Office of Purchasing & Contracting will review all delegations at the end of each fiscal year.
5. A complete list of all BDA's can be found on the web site at <https://bgs.vermont.gov/purchasing-contracting/forms/bda>

## **APPENDICES**

- I. Recycled and Environmentally Preferable Products Definitions
- II. Title 29 V.S.A. Section 903
- III. Blanket Delegation of Authority # 1 (BDA#1)

## Recycled and Environmentally Preferable Products Definitions

**Recycled Content:** This is measured in terms of a percent of “post-consumer content” (ingredients made from items diverted from the waste stream). Some of the items currently available with recycled content include copy paper, plastic trash bags, toilet tissue, paper towels, re-refined oil, and re-tread tires. State of Vermont statute requires the Office of Purchasing & Contracting to prepare a biennial report to the Legislature on the dollar amount of recycled content products purchased each year.

**Toxic Use Reduction:** Eliminates certain chemical ingredients of various products that are hazardous to humans and/or pollute the environment such as phosphates or benzene.

**Chlorine-Free Products:** Eliminate a family of organo-chlorines, which are suspected of causing cancer. Most widely used in describing paper products since chlorine (and its derivatives) are commonly used as a bleaching or whitening agent. On August 15, 1996 the Governor issued a directive that the State will use only Processed Chlorine Free (PCF) paper for the transaction of State business. A memo dated January 5, 2004 from the Secretary of Administration further emphasized this directive.

**Life-Cycle Cost Factors:** Look at the entire cost of purchasing, installing, operating, maintaining and disposing of a particular piece of equipment or product when making purchasing decisions.

**Alternatives to Existing Polluting Products:** Use a more environmentally friendly product to accomplish the task such as substituting calcium chloride for rock salt in de-icing applications.

**Energy-Efficient Equipment:** Means buying equipment that carries the Energy Star rating where applicable, or appropriate energy efficiency rating.

**Reduced Packaging:** We should purchase products in returnable, refillable or reusable containers and buy in bulk quantities, such as gallon jugs instead of quarts.

**Construction Practices:** Require high “R values” in the material used in construction projects. Contractors must submit a scrap materials recycling plan detailing how waste construction or demolition materials will be recycled, methods for sorting the recyclables and market locations for the recyclables or, in lieu of market locations, certification that materials will be recycled appropriately.

## **29 V.S.A. § 903 Requisition for supplies and materials**

### **Title 29: Public Property and Supplies Chapter 49: DEPARTMENT OF BUILDINGS AND GENERAL SERVICES**

#### **§ 903. Requisition for supplies and materials**

(a) When any governmental agency is in need of any of the items mentioned in this chapter, the responsible officer thereof shall requisition therefore upon the commissioner of buildings and general services, and the commissioner of buildings and general services shall purchase the items by either advertising for bids or by letters of inquiry and the contract for those items shall be awarded to the person whose bid or quotation is in the best interest of the state. Subject to the provisions of subsections (b) and (c) of this section the commissioner of buildings and general services may reject any or all bids or quotations and with the approval of the secretary of administration procure items in such manner as may be in the best interest of the state.

(b) When purchasing any items mentioned in this chapter, the commissioner of buildings and general services, in any determination of the best interest of the state shall consider (1) specified quality, (2) price, (3) ease of access of supply, (4) incidental administrative costs, (5) proven reliability of bidder, (6) use of recycled materials or products, (7) minimizing the creation, by the state, of solid waste, (8) the extent to which the usage of the item involves the generation of pollutants, (9) life cycle costs, if required under the state agency energy plan, as implemented, (10) the interests of the state relating to the proximity of the supplier and the costs of transportation, and relating to the economy of the state and the need to maintain and create jobs in the state and (11) the use of railroads and the increased revenues returning to the state from its railroad leasing program. The commissioner, in the commissioner's discretion, may spend up to ten percent more for comparable products that are made of recycled materials. If products made of recycled materials are to cost more than ten percent more than comparable products, the commissioner shall receive consent of state entities that are to use the product, before completing the order for the materials in question.

(c) Whenever any business or industry located in Vermont and employing citizens of this state has submitted a bid and the item has not been purchased from them, the commissioner of buildings and general services shall record his reason for assigning the order as he did and his report shall be a public record available to any interested person. All bids or quotations shall be kept on file in his office and open to public inspection.

(d) The commissioner of buildings and general services, with the assistance of all state agencies, shall cooperate with the generators and managers of waste materials which may be recycled and with the producers of products which use recycled materials to maximize the state's use of those materials and products, particularly where the added

cost of using waste materials rather than virgin materials is less than the cost avoided by not having that waste in the waste stream. Proceeds from the sale of waste materials collected by the department of buildings and general services shall be credited to a special fund and shall be available to the department to offset the cost of recycling efforts. The goal for the purchase of recycled materials shall be at least 40 percent by the end of 2008. For purposes of this section, "recycled materials" include, but are not limited to, recycled paper products, retreaded automobile tires, re-refined lubricating oil, used automotive parts, reclaimed solvents, recycled asphalt, recycled concrete and compost materials. By January 15 of each odd-numbered year, the commissioner of buildings and general services shall submit a report to the governor and to the natural resources committees of the general assembly reporting on the implementation of this subsection.

(e) Notwithstanding the provisions of subsection (a) of this section and section 906(d) of this chapter, the commissioner of buildings and general services will administer an equipment revolving fund to be used for internal lease purchase of equipment for state agencies. The secretary of administration will establish criteria for equipment to be purchased through this fund, including limiting amounts for specific equipment and the useful life of the equipment.

Agencies or departments acquiring such equipment shall repay the fund through their regular operating budgets according to an amortization schedule established by the commissioner of finance and management. Repayment shall include charges for administrative costs of the purchase and estimated administrative inflation over the term of the payback.

The secretary of administration will report to the general assembly, on the first of February each year, equipment purchased through this fund, plans for equipment purchased through the fund for the following fiscal year, the status of the fund, and a consolidated amortization schedule.

The commissioner of finance and management may anticipate receipts to this fund and issue warrants based thereon.

(f) [Deleted.]

(g) The commissioner of buildings and general services, when purchasing vehicles for state use shall consider vehicles using alternative fuels when the alternative fuel is suitable for the vehicle's operation, is available in the region where the vehicle will be used, and is competitively priced with traditional fuels. (Added 1959, No. 328 (Adj. Sess.), § 13; amended 1966, No. 9 (Sp. Sess.); 1987, No. 78, §§ 18, 19; 1987, No. 243 (Adj. Sess.), § 36, eff. June 13, 1988; No. 281 (Adj. Sess.), § 311; 1989, No. 286 (Adj. Sess.), § 8; 1991, No. 75, § 5; 1991, No. 259 (Adj. Sess.), §§ 9, 10; 1995, No. 148 (Adj. Sess.), § 4(a), eff. May 6, 1996; No. 183 (Adj. Sess.), § 8, eff. May 22, 1996; 1997, No. 155 (Adj. Sess.), § 4; 2003, No. 121 (Adj. Sess.), § 42, eff. June 8, 2004.)

## **Blanket Delegation of Authority #1 (BDA#1)**

The latest revision of Blanket Delegation of Authority # 1 (BDA#1) can be found at:

[Blanket Delegation of Authority #1](#)