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PROCUREMENT PRESENTATION

1. INTRODUCTION
2. WHAT I WILL COVER
3. GENERAL OVERVIEW OF CONTRACTING PROCESS
 - A. STEP BY STEP COMPETITIVE BID PROCESS
 1. Agency reviews needs.
 2. Agency develops specifications to explain needs to vendors.
 3. Agency talks to its procurement staff.
 4. Agency procurement staff talks to central procurement.
 5. Agency develops bid document or Request for Proposal.
 6. Agency submits bid document or Request for Proposal to D of A—central Procurement.
 7. Central Procurement reviews, discusses with Agency, suggests revisions, makes revisions, sends back for revisions.
 8. Agency finalizes bid document or RFP with Central Procurement. (If IT, agency must file a KITO plan if the project exceeds the KITO threshold.)
 9. Agency submits an electronic copy of specifications (plus the KITO Plan if required) as part of a Purchase Requisition to Central Procurement.
 10. Agency may request Central Procurement establish a Procurement Negotiating Committee (PNC), per KSA 37,102. If so, the PNC, by statute consists of: Director of Purchases or designee, Secretary of Administration or designee, and Agency Head or designee. (Practically speaking, PNCs are generally dominated by the Agency.
 11. Central Procurement posts bid document or Request for Proposal.
 12. Posting can be for as little as 3 days (although 10 days is mandatory if the bid is over \$50,000 or it is an RFP.
 13. Notification is generally based on category code to vendors in SMART and posting in the Kansas Register—little to no mailing.
 14. While the bid is out, and before the closing date, a pre-bid conference or an exchange of pre-bid questions and answers between vendors and the agency may or may not be conducted:
 15. Closing date for response to bid or RFP can be flexible. (Generally the more

complex the longer the time allowed for vendors to provide response—may be extended as necessary or desirable.)

16. Upon receipt of bids, there is a bid opening. (If an RFP, then the technical proposal will be opened first.
17. Review of proposals begins when Technical Proposals only are forwarded to PNC and agency evaluators. (Cost Proposals are retained by Central Procurement.)
18. Agency provides Central Procurement a complete and detailed Technical Evaluation including:
 - a. Response format
 - b. Adequacy and completeness of response to proposal
 - c. Understanding of the proposal by vendor
 - d. Compliance with specs
 - e. Experience in providing like services
 - f. Qualifications of staff
 - g. Methodology to accomplish tasks
 - h. Pros /Cons
 - i. Strengths /Weaknesses
19. Upon receipt of Technical Evaluation, Cost Proposal is released to Agency and PNC for review.
20. Agency reviews Cost with Technical Proposal starting with the lowest bid according to cost. (f lowest not selected, the eventual Director's report will have to contain an explanation as to why the lowest bid was not selected.
21. Upon concurrence of the PNC, a list of vendors is developed to be issued invitations to Negotiations.
22. Negotiations are scheduled.
23. Q and A prepared by Agency; demos may be requested from vendors
24. Agency may extend Request for Revised Offer.
25. Upon submission of RRO, Agency again reviews cost and technical proposals. (may be multiple times)
26. Agency submits formal written recommendation for award. Submission is to the PNC including a deadline for documenting the reasons for not awarding to the low cost vendor should that be the case.
27. Signatures on contract.

28. Work begins.

29. Bid file becomes available for review under KORA.

B. WHEN COMPETITIVE BID REQUIRED

KSA 75-3739(a): All contracts/repairs

Can't sign contracts before bidding

Can't slit orders to stay under delegated authority

C. EXCEPTIONS AND EXEMPTIONS

KSA 75-3739 (a) (1): Competition required except "when, in the judgment of the director of purchases, no competition exists"

No competition exists when a market analysis:

demonstrates the absence of other manufacturers/distributors that are price competitive

2. Consortium/Coop purchasing agreement with other jurisdictions

3. Compatibility with existing equipment

4. Software (not hardware or new software application

5. Delegated authority request under \$25,000 that complies with 75-3739

6. Best interest of the State

7. Emergency

a. Threat to public resources, health, welfare, safety

b. Immediate serious need for supplies, goods and services

c. Time is of the essence—no long term emergency

8. Inter-intra governmental procurements

9. Lab/research supplies

10. Waive granted to "buy off State contract when price is lower on identical product

11. KSA 37, 130 Professional Services Sunshine Act—agency up to \$5,000 \$5,000—25,000—Agency; \$25,000 must be submitted to Central Procurement