



Office of Procurement Management

PROCUREMENT POLICIES AND PROCEDURES MANUAL

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Note: GTA Procurement at its option, may change, delete, suspend, or discontinue parts or the policy in its entirety, at any time without prior notice.

ADOPTED:

A handwritten signature in black ink, appearing to read "Charles Brooks III".

Charles Brooks III
Procurement Director

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1 INTRODUCTION

This document has been developed by GTA Procurement Management to establish the general policies and procedures for the planning, development, solicitation, award and management of procurement and contracting services conducted for the requirements of GTA Supported Offices.

1.1 Procurement Overview

1.1.1 Purpose and Mission

The GTA has established a centralized Procurement Management office to perform the authority's purchasing and contracting functions in compliance with GTA By-laws, the DOAS Georgia Procurement Manual, and the State of Georgia laws. It is the mission of Procurement Management to contribute to the efficiency and effectiveness of goods and services procurement and contracts processes and functions; promote fiscal responsibility; and, help improve customer satisfaction for GTA.

1.1.2 Role in the Organization

Under GTA's establishment as an authority of the state of Georgia and an exempted entity to the DOAS State Purchasing Act, GTA Procurement Management is the primary office with full autonomous and unlimited scope of responsibility for conducting all actions regarding the procurement of supplies, equipment, goods and contractual services for GTA Supported Offices. For purposes of this manual, "GTA Supported Offices" means all organizations, divisions, offices, and customers administratively supported by GTA. .

1.1.3 Enabling Authority

In accordance with O.C.G.A 50-25-4 and the By-laws of GTA, Procurement Management is duly authorized and delegated with unlimited procurement authority by the GTA Executive Director to act on behalf of the GTA in all public procurement activities. Procurement Management is authorized to carry out all other duties and responsibilities of State of Georgia governmental procurement in a manner consistent with prevailing practices, means, and methods, and is relied upon to provide direction in doing so. Procurement Management will adhere to all applicable State of Georgia laws, rules, regulations, policies, and mandates governing procurement of goods and services and the disposition of State property.

1.2 Georgia Procurement Manual (GPM)

The Georgia Procurement Manual (GPM), issued by the Department of Administrative Services (DOAS) State Purchasing Division, is the adopted administrative procurement

rules for the Georgia Technology Authority. All policies and procedures set forth in this internal manual are issued within the authority of GTA and will be maintained in association with the GPM to include any subsequent revisions.

1.3 Procurement Duties and Responsibilities

The Director of Procurement Management has the general responsibility of recommending and prescribing uniform procedures for requisitioning, buying, contracting, and receiving for supplies, materials, equipment and services in accordance with all applicable laws, rules, regulations and policies, for the administrative and operational procurement needs of GTA Supported Offices.

GTA Procurement Management (Procurement) is an administrative support function and must uphold the major strategic task of providing consistent and quality procurement and contracting services to all GTA Supported Offices. The staff of the Procurement Management is responsible for the following tasks associated with the procurement of goods and services for the administrative and operational needs of GTA Supported Offices.

GENERAL FUNCTIONS:

1. Implementing authority-wide procedures for procurement of operational and project goods and services, including information technology, capital equipment and improvements, and consultative services.
2. Determining the proper and most effective procurement methods for obtaining required supplies, equipment and services to take maximum advantage of competitive processes, purchasing power, and volume discounts.
3. Issuing purchase orders and contracts as awarded and properly executed for GTA Supported Offices.
4. Issuing public Requests for Quotes, Proposals, Sealed Bids, Information and Professional Qualifications in solicitation for GTA projects and initiatives.
5. Interfacing with marketplace suppliers and private firms who may be interested in providing goods and/or services, on behalf of GTA Supported Offices.
6. Helping assemble, and managing, stakeholder committees for development of procurement evaluation criteria and the evaluation of project qualifications and proposals for construction.
7. Conducting bid openings, pre-bid conferences, and formal interviews with prospective suppliers, contractors, and professional firms.
8. Producing public bid result notices; procurement recommendation and justification reports; other related reports
9. Working closely with the office of the General Counsel in drafting, collaborating and forwarding for approval various contracts for GTA Supported Offices on a routine basis.

10. Coordinates with Asset Management for material receipt and distribution of goods and supplies for the daily operation of GTA.
11. Studying industry and market trends, reviewing current developments, literature and technical sources of information for advising senior staff in matters of strategic sourcing and procurement.
12. Processes procurement disputes and protests utilizing internal GTA or DOAS Georgia Procurement Manual procedures as appropriate and set forth herein.
13. Training and cross-training all personnel involved in the procurement process in the implementation of the procedures of this manual and other procedures as appropriate.

Although the Procurement Management Office is responsible for managing the activities described above, the procedures contained in this manual are applicable to all GTA Supported Offices personnel involved in the requisitioning, receiving, use, transferring and replacement of any supplies, material, equipment and services utilized for the GTA Supported Offices.

1.4 Exceptions

Any exceptions to any requirement described in these policies and procedures may only be granted by the express approval of the Director of Procurement Management, and the GTA Executive Director and/or the Chief Financial Officer if deemed necessary, to the extent that such exception does not conflict with the DOAS Georgia Procurement Manual, GTA By-Laws or the laws of the State of Georgia.

GTA Supported Office requests for exceptions must be made by the respective senior officer or designated office director in the normal requisition submission to Procurement Management, along with a detailed statement of justification for the exception.

The Director of Procurement Management may also make exceptions to the requirements and thresholds on behalf of departments if Procurement Management deems that an exception may be in the best interest of GTA Supported Office. Such requests will be communicated to the office director and the Senior Officer (with copy to the Executive Director and/or Chief Financial Officer).

If the requested exception is approved, Procurement Management will carry out such determination prescribed by the Procurement Director. If the exception is denied, Procurement Management will follow the normal course for the procurement.

1.5 Manual Revisions

This manual supersedes any or all previous GTA Procurement manuals.

While every effort is made to keep the contents of this document current, GTA Procurement Management reserves the right to modify, suspend, or terminate any of the

policies, procedures, and/or benefits described in the manual with or without prior notice to offices.

2 PROCUREMENT POLICIES AND PROCEDURES

2.1 The Procurement Cycle Overview

The public procurement cycle includes all functions and procedures involved in the procurement of goods and services from the time the need is determined by the GTA Supported Office until such goods and/or services are received, used and disposed of.

2.1.1 Phase I - Procurement Planning

GTA Supported Offices will assesses and determine the need for a product or a service, in what quantity, and when the product or services must be delivered. Once the need is determined, the GTA Supported Office develops and submits a procurement requisition for approval. Procurement Management and the requesting office engage in procurement planning discussions to further define and plan the appropriate method of procurement.

2.1.2 Phase II – Supplier Sourcing and Selection

Procurement Management researches availability of existing contractors and open market suppliers to source from, makes a determination on the best method of procurement, and conducts the appropriate procurement and award procedures to obtaining the required product and/or services.

2.1.3 Phase III – Contract Administration

Procurement Management administers and manages agreements for GTA Supported Offices utilizing vendor management practices, contract negotiation and amendments including renewal procedures, and contract close-out for terminated or expired agreements.

2.2 Procurement Planning Procedures (Phase I)

2.2.1 Policy

GTA Procurement Management is responsible for establishing, implementing and maintaining the appropriate requisition method, processes and tools for use by all GTA Supported Offices in submitting requests for procurement and contract services.

2.2.2 Procurement Planning

When a need arises to purchase goods and/or services, the Requesting Office must consider the level of complexity, volume, dollar value, any unknowns of the needed purchase, and engage the expertise of Procurement Management early in the planning process office for assistance. The Requesting Office is responsible for identifying the

specifications or scope of the requirements, such as recommended manufacturer/brand, model, quantity, size, functionalities, features, capabilities, minimum scope of work, and project deliverables.

Should the needed goods and/or services require a competitive bid solicitation, Procurement Management will collaborate with the Requesting Office and plan the procurement for conducting the phases of the process. (Also, see section 3.4.5 Formal Bid Solicitations)

2.2.3 Requisition Submission

The official and single requisition method to be used by GTA Supported Offices for requesting Procurement services is provided in Appendix 8.2, GTA Procurement Requisition Method and Process Guide. Requisitions issued by Office Requester must be submitted to Procurement Management with the appropriate documentation and approvals.

The following are requirements for requesting goods and services:

- a. The Procurement Requisition form must provide a clear description of supplies and equipment required, including any known item or catalog number, product code or other nomenclature that provides accurate item identification. For procurements involving services, the scope of work and requirements of the needed goods and/or services will be provided by the Requesting Office.
- b. Requesting Office should determine budget amounts and obtain required approvals prior to processing of Requisitions by Procurement Management.
- c. The Requisition form must indicate a reasonable requested delivery date in the "Date needed" block. The average normal processing time from receipt of a Requisition to actual order is approximately three (3) working days for standard, non-emergency or non-special items. Lead time for actual receipt of the item(s) varies by vendor and the particular item(s) ordered.
- d. For procurements conducted through a competitive bid solicitation, determining the appropriate turnaround time for delivery of the good or service or contract commencement must take into consideration Procurement Management expected process lead times to be developed in coordination with GTA Procurement.
- e. For "rush" or Emergency Purchases of \$25,000 and above, needing an exception to the competitive bidding requirements and an expedited Purchase Order within 1 to 2 business days, a detailed justification must be provided on the Requisition by the submitting office/organization prior to submitting it to Procurement Management.
- f. The Requisition should reflect any supplier or provider (if known) for the item(s) requested, although Procurement Management may use its own sources for actual acquisition. Any tentative bids, quotes or specifications received by the requesting department should be indicated on, or attached to, the Requisition.

2.2.3.1 Exceptions

Verbal requests for procurement activities are not satisfactory substitutes in lieu of GTA's official requisition method, except in emergencies. An official requisition must follow any such request made in an emergency situation.

2.3 Supplier Sourcing and Selection Procedures (Phase II)

2.3.1 Policy

Procurement Management will procure supplies, equipment, goods and services using competitive methods whenever required and practicable, and will operate under the procurement parameters and procedures of the DOAS Georgia Procurement Manual (GPM) which prescribes the competitive bidding thresholds.

2.3.2 General Process for Purchasing Goods and Services

All internal requests for services provided by Procurement Management must be initiated by proper authorization of the respective Office Director, Senior Office or their designated staff member. The Director of Procurement Management or designee will determine the method of procurement for requests for procurement and contract services.

The following are the general supplier sourcing procedures and practices for obtaining goods and services:

- a. Procurement Management will determine the best acquisition methods that comply with bidding parameters. Procurement Management will recommend award to the vendor(s) reflecting the final price by preparing and issuing an (electronic) Purchase Order (PO) for appropriate approval and signature by Procurement Management. The approved and signed Purchase Order is forwarded electronically by email or fax to the awarded vendor, the office/organization Requester, and all other appropriate internal parties.
- b. Upon delivery and acceptance of the Purchase Order goods and/or services, the office/organization Requester will notify Procurement Management by email the received status of the PO and invoice approval for payment by Accounting.
- c. The office Requester will coordinate or approve the acceptance and receipt of procured goods and services.
- d. GTA Supported Office will enforce the contractual guarantee or warranty applying to the goods or services purchased.
- e. If any GTA Supported Office has difficulty in obtaining satisfactory performance including service as provided for in a guarantee or warranty, under a contract handled, approved or otherwise authorized by the GTA Supported Office; the office shall refer the matter to Procurement Management.

- f. The GTA Supported Office must notify the vendor promptly when latent or other defects are discovered. In the event the vendor fails to remedy the condition reported and the contract was handled, approved or otherwise authorized by the GTA Supported Office, the matter shall be referred to Procurement Management.

2.3.3 Purchasing Goods and Services Using the State of Georgia Purchasing Card Program

Use of the State of Georgia Purchasing by approved GTA Cardholders for the purchase of goods and services will be in compliance with the policies and procedures in the DOAS State PCard Policy and the GTA Purchasing Card Manual available on the myGTA intranet site.

2.3.4 Purchasing Goods and Services for IT Infrastructure Services and Managed Network Services through the GTA GETS™ Program

Georgia Technology Authority has awarded contracts to service providers for IT Infrastructure Services and Managed Network Services.

Internal GTA Supported Offices requirements for IT Infrastructure Services (IS) and Managed Network Services (MNS) that are provided by the GTA Service Management Organization (SMO) service providers must be submitted in accordance with the latest processes and tool(s) for service delivery requests and ordering.

2.3.4.1 IT Infrastructure Services (IS)

The general infrastructure services include:

- Service Support Services
- Service Delivery Services
- Equipment and Software Services
- Other Services
- Server, Mainframe and Web Hosting Services
- End-User Computing (EUC) Services
- Production Print Services

In addition, the technical environment includes services in the following towers:

- Data centers and computing facilities, including Servers, Mainframes and Storage
- End-user Computing, including desktop support, LAN support, and messaging services
- Managed Network Services, including data, voice and other services

2.3.4.2 Managed Network Services (MNS)

The general Managed Network Services include:

- Common Network Services
- Wide Area Network (WAN) Services
- Local Area Network (LAN) Services
- Voice Services
- Centrex Services

- Voice Switch Services
- Voice Mail Services
- Contact Center Services
- Video Conferencing Services

2.3.4.3 Ordering Considerations

The following are general considerations for obtaining goods and services through the SMO for IS and MNS:

1. Obtain IS and MNS service catalog and delivery ordering instructions through the SMO provided website for GETS participating agencies available on the myGTA intranet website.
2. Shop the on-line catalog and prices to determine the services to be procured. Contact the IS and MNS Service Desk as need for assistance with ordering.
3. Submit an order request for the needed IS/MNS services for review, approval and purchase using the IS/MNS on-line ordering systems.

2.4 Contract Administration (Phase III)

2.4.1 Policy

GTA Procurement Management is responsible for establishing and implementing the appropriate methods, processes and forms for contract administration and management of all GTA agreements with suppliers. GTA's processes and procedures will be conducted in accordance with the Appendix 8.6 GTA Contract Management Manual, best industry practices, and any applicable state of Georgia code and/or federal statute.

2.4.2 Overview

Contract Administration Overview includes but is not limited to contract related documents, renewals, amendment, renewals, vendor management, contract closeout all under the structure of records retention policies and processes.



3 PROCUREMENT METHODS AND PROCESSES

3.1 Types of Procurements for Goods and Services

The Procurement Management Director and/or Agency Procurement Officer (APO) will determine the type of procurement to be conducted and the method of solicitation appropriate for procurements. The types of procurements that may be conducted by Procurement Management include the following:

3.1.1 Non-Competitive Solicitations and Procurements

Non-competitive solicitations and procurements involve obtaining marketplace information from suppliers or to procure goods or services without conducting a competitive procurement method among interested suppliers. Procurement Management generally obtains one quote, bid or proposal, or pre-determined/negotiated fixed price. These procurements are generally used for the following situations:

- marketplace information is needed from suppliers
- Open Market purchases (below bidding dollar thresholds)
- sole brand or sole source purchases
- emergency purchases
- mandatory source purchases
- statewide and agency contract purchases
- cooperative purchasing agreement purchases
- exceptions granted by proper authorization or GPM exemption

3.1.2 Competitive Procurement Solicitations

Competitive procurements is the primary solicitation type used to procure goods and services greater than the maximum non-competitive dollar threshold, and is also routinely used for selecting other vendors and other firms when the exact specifications and/or scope are clearly defined. A “bid” or “proposal” is defined as an offer to provide labor, materials, equipment or services. Procurement Management makes an award to the responsive and responsible bidding vendor providing the lowest total price, or to the vendor providing the best value or qualified proposal. Methods of procurement solicitations include:

- Request For Quote (RFQ)
- Request For Proposal (RFP)
- Request For Qualified Contractors (RFQC)
- Statement of Need (SON)

3.2 Non-Competitive Solicitations and Procurements

3.2.1 Request For Information (RFI)

A Request For Information is a solicitation issued to a one or more vendors for the purpose of obtaining information regarding products and services currently available from the open industry market.

Actions include, but are not limited to, the following:

- GTA Supported Office submits a Requisition to GTA Procurement Management to request information from vendors regarding general product and/or service for the purpose of surveying the supplier and industry market for potential GTA procurement requirements.
- GTA Procurement Management coordinates development and manages the RFI solicitation events, to include overseeing the evaluation of vendor responses.
- GTA Supported Office implements follow-up strategy and decisions based on the RFI results.

3.2.2 Open Market Purchases

An open market purchase is defined as the purchase of goods and services, where the expenditure of public funds is less than the dollar value threshold for competitive bids specified in the DOAS GPM (See Appendix 8.2). If the needed good or service resource can reasonably be expected to be acquired for less than the competitive dollar threshold and are not available on state contracts or through statutorily required sources, the purchase may be procured without competitive bidding. Nothing in this rule shall apply to or affect the laws rules and regulations governing emergency purchases.

3.2.3 Sole Brand Purchases

3.2.3.1 Policy

In accordance with DOAS GPM, a sole-brand purchase is a competitive solicitation which includes specifications restricting offered goods to a specific manufacturer or owner's brand. Before making a determination that only one specific brand of goods will meet the state entity's critical business requirements, GTA Procurement may research the market to determine if other brands exist which can also satisfy procurement requirements in a timely manner. Sound procurement practice requires that a sole-brand solicitation be used only when it is the last justifiable option, and not as an attempt to contract for a favored brand of goods. An example of the appropriate use of the sole-brand justification may include certain situations where a specific piece of equipment is needed to match existing equipment or is a replacement.

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

3.2.4 Sole Source Purchases

3.2.4.1 Policy

A Sole Source procurement is a purchasing situation in which a particular vendor (or consultant) is identified as the only qualified source available to fulfill the requirement for a particular product or service with a procurement value greater than the maximum non-competitive, bid dollar threshold as defined in the Georgia Procurement Manual. For goods/services only available from a single manufacturer reseller, a verification letter from the Original Equipment Manufacturer (OEM) may be required and obtained by Procurement.

Sole source procurements will be made pursuant to a determination by the Procurement Director or authorized GTA Procurement Official, that there is only one source for the required supply or service. This determination may be made upon investigation by Procurement Management of an apparent sole source discovery through market research, a competitive procurement or public notice of intent to sole source, and GTA's written justification with approval by the Director of Procurement Management and any other required approvals by GTA senior leadership.

Actions include, but are not limited to, the following:

- GTA Supported Office submits a Requisition and appropriate supporting documentation to GTA Procurement Management for the requested purchase, to include: a sole source justification (if known to be necessary for fulfilling the good and/or service needed); and a vendor quote or proposal if obtained.
- The GTA Procurement Director, or designee, will review the submitted Requisition, and any supporting documentation, to determine if a sole source purchase is appropriate for approval pursuant to the GPM.
- The assigned GTA Procurement Official will conduct sole source procurement and award activities in compliance with the GPM.

3.2.5 Emergency Purchases

3.2.5.1 Policy

An emergency purchase is a goods and/or services requirement that must be delivered the same or next business day based on an emergency circumstance that exists where normal purchasing procedures cannot be utilized without extremely detrimental effects upon the operation of GTA Supported Office and the State's business.

Actions include, but are not limited to, the following:

- GTA Office Requester contacts the GTA Procurement Management, by phone and/or email, to provide justification and ordering information about the emergency circumstance requiring prompt procurement action to obtain the needed goods and/or services for same or next business day delivery turnaround. Requester will follow-up and submit an official Requisition to GTA Procurement Management in a timely manner.
- The GTA Procurement Director, or designee, will assess the submitted request and provide approval for prompt procurement by the assigned Procurement Official.

- The assigned GTA Procurement Official will conduct the procurement and award activities in compliance with the GPM for the required delivery date.

3.2.6 Statewide Contract and Cooperative Agreement Purchases

Statewide contracts are competitively bid and awarded by the Department of Administrative Services for use by all state government entities on a mandatory or convenience basis. In addition, cooperative purchasing agreements are issued by individual or by a consortium of government agencies that offer competitively bid goods and services for the convenient use by other governmental entities (i.e. General Services Administration (GSA) and U.S. Communities).

3.2.7 GPM Exempt Purchases

Any procurement requisitions that are determined to be an exempt purchase from the Georgia Procurement Manual (GPM) procurement policies will be solely made by GTA Procurement Management, in accordance with the GPM Exempt Purchase policy.

3.2.8 GTA Exempt Purchases

GTA has determined that a special exemption is needed as an expansion of the services available under the professional NIGP commodity code for the services of a company/person that possesses skills and capabilities relating to Project Management especially skilled in an Outsourced Technical environment. GTA Procurement Management, in accordance with the referenced letter on file will purchase the necessary services.

3.3 Strategic Procurement Planning

3.3.1 Policy

In an effort to facilitate and conduct best value procurements, GTA Procurement will develop and implement Procurement Planning Milestones (PPM) document, as a general practice, identifying assigned stakeholder roles and procurement milestone tasks to plan and communicate the procurement process and timeline. (See Appendix 8.2) Sample PPM Template)

3.4 Competitive Procurement Solicitations

3.4.1 Policy

In the administration of procurement requirements for GTA Offices, the GTA Procurement Management office will obtain competitive bids and proposals that exceed the GPM dollar threshold for non-competitive bids through the issuance of informal and formal procurement solicitations.

3.4.2 Best Value Methodology

The following steps may be employed in the application of the best value procurement methodology:

- a. Appropriate best value bidding method is determined by GTA Procurement.
- b. Solicitation document is developed and advertised in accordance with the Georgia Procurement Manual (GPM).
- c. Scheduled conferences or site visits are held in accordance with solicitation requirements.
- d. Offers are received and a public bid opening is conducted. For solicitations that allow for negotiation after receipt of offers, only the names of responding bidders are revealed. Price information shall be made public after evaluation and award.
- e. An evaluation committee evaluates offers in accordance with the stated evaluation factors. For solicitations that include a best value ranking process, scoring and ranking may be determined by using any consistent rating methodology, including adjectival, numerical, or ordinal rankings. The results of the evaluation committee shall be documented in the contract file. Evaluation factors may include but are not limited to quality factors; delivery and implementation schedule; maximum facilitation of data exchange and systems integration; warranties, guarantees, and return policies; vendor financial stability; consistency of the proposed solution with the state's strategic program direction; effectiveness of business solution and approach; industry and program experience; prior record of vendor performance; vendor expertise with similar projects; proven development methodologies and tools; and innovative use of technologies.
- f. Clarifications, communications to establish a competitive range, or negotiations may be conducted with offeror's after receipt of offers in accordance with instructions and procedures set forth in the solicitation document and as appropriate to the method of source selection chosen. In those cases where negotiation is permitted by procedures set forth in the solicitation document, offeror's may be allowed to submit best and final offers subsequent to negotiated changes in the initial offer or previous offer.
- g. The evaluation committee shall determine a final ranking of all offers under consideration using only the criteria set forth in the solicitation document. All offeror's shall be ranked from most advantageous to least advantageous to the state.
- h. Award must be made to the responsive and responsible offeror whose offer is determined in writing to be the most advantageous to the state, using all evaluation factors set forth in the solicitation. If the lowest price technically acceptable method is used, award must be made to the responding and responsible offeror with the lowest price.

3.4.3 Confidentiality

All information and documentation (verbal and written) relative to development of a contractual document for a proposed procurement shall be deemed confidential in nature, except as deemed necessary by the purchaser to develop a complete contractual document. Such material shall remain confidential until successful completion of the procurement process and is not subject to release under the Georgia Open Records Act.

3.4.4 Informal Bid Solicitations

Informal bid solicitations are procurements that are solicited to a limited number of preselected vendors (usually no more than three) or a group of GTA prequalified contractors. Such solicitations are not publicly advertised to the open marketplace on the DOAS Georgia Procurement Registry.

3.4.4.1 Electronic Quotes

Electronic quotes using email, facsimile or an authorized software procurement tool are appropriate methods of obtaining vendor pricing from a single supplier for small purchases within the dollar threshold not requiring competitive bids, or purchases that are on a GTA agency, or DOAS statewide contract.

Actions include, but are not limited to, the following:

- GTA Office Requester submits an electronic requisition to Procurement.
- Procurement Office develops item specifications with the Office Requester and/or Business Owner for the goods or services to be purchased.
- Procurement Office identifies and invites one or more vendors to submit a quote by email or fax notice.
- Procurement Office receives, tabulates quotes, and issues a purchase order to award to the lowest, responsive bidder meeting the quote specifications.

3.4.4.2 Statement of Need (SON)

Pursuant to the multiple contract award of a Request For Qualified Contractors (RFQC), Statement of Need (SON) solicitations are issued to awarded prequalified contractors to obtain informal competitive bid responses for procurement projects requiring the goods and/or services included in the scope of the RFQC.

Actions include, but are not limited to, the following:

- GTA Office Requester/RFQC Business Owner submits an electronic requisition to Procurement.
- Procurement Office develops SON requirements with the Office Requester and/or Business Owner for the goods or services to be purchased.
- Procurement Office invites the RFQC prequalified contractors to submit bid responses by the required due date and time.
- Procurement Office receives SON bid responses from prequalified contractors, conducts the technical and price evaluation process with a preselected evaluation committee
- Procurement Office issues a purchase order to award to the prequalified contractor with the best value statement of work proposal and pricing meeting the SON requirements.

3.4.5 Formal Bid Solicitations

3.4.5.1 Request for Quote (RFQ)

Usually a publicly-advertised formal solicitation, the RFQ includes well-defined specifications and/or scope of work, and contains all contractual terms and conditions. Procurement Management solicits price quotations from prospective vendors and uses the lowest responsive and responsible bidder as a basis for award of a purchase order or contract. Bids for the services, work, and/or materials are received by a set date and time; opened and read publicly or posted publicly on the GPM; and the award of a contract or purchase order made to the lowest, responsive and responsible bidder.

Actions include, but are not limited to, the following:

- GTA Office Requester submits an electronic requisition to Procurement.
- Procurement Office develops the technical specifications and pricing requirements with the Office Requester, Business Owner and/or Subject Matter Experts (SMEs) for the goods or services to be purchased.
- Procurement Office publicly solicits the final RFQ bid requirements to the Georgia Procurement Registry (GPR) for vendors to submit competitive quotes by the required due date and time in accordance to the GPM solicitation posting requirements.
- Procurement Office receives bidders' quote, tabulates quotes, posts the notice of award and bid tabulation results to the GPR, and issues a purchase order to award to the lowest, responsive bidder meeting the quote specifications.

3.4.5.2 Request for Proposal (RFP)

A Request for Proposal (RFP) is a publicly-advertised formal solicitation that seeks to leverage the creativity and knowledge of business organizations to solve a unique problem or need. The RFP solicits sealed technical proposals and price or fee proposals from prospective vendors and seeks to obtain the "best value" for the State. The RFP method does not use the cost of the project as the single determining factor, but, rather, uses a combination of cost plus best proposed solution to determine the award of a contract.

Actions include, but are not limited to, the following:

- GTA Office Requester submits an electronic requisition to Procurement.
- Procurement Office develops the technical specifications and pricing requirements with the Office Requester, Business Owner and/or Subject Matter Experts (SMEs) for the goods or services to be purchased.
- Procurement Office publicly solicits the final RFP technical and price proposal requirements to the Georgia Procurement Registry (GPR) for vendors to submit a competitive proposal by the required due date and time, in accordance to the GPM solicitation posting requirements.
- Procurement Office receives vendor proposals, conducts the evaluation and award processes, posts the notice of award information to the GPR, and facilitates completion of contract documents to the awarded contractor(s).

3.4.5.3 Request for Qualified Contractors (RFQC)

A publicly-advertised Request for Qualifications solicitation document is issued, requesting Statements of Qualifications from interested firms. These submittals contain comprehensive qualifications and experience data relevant to the project or contract need. Upon evaluation by a Selection Committee, “finalist” firms determined to be especially qualified are invited to prepare more specific proposals and submit to a formal interview. Finalist firms are further ranked by the evaluation of the project proposals and interview. After the Committee determines the top-ranked firm, only that firm’s fee proposal will be opened and a meeting with the firm to negotiate the final fees will be arranged. Having settled fees, the firm may be offered a contract to sign. If there is no agreement on fees or contract with the top-ranked firm, negotiations with the firm will be terminated. Negotiations will then proceed in the same manner with the second-ranked firm, and so on until an agreement is reached. This process may be abbreviated as necessary, but only for acquisitions of services NOT considered Professional Services as defined by OCGA 50-22, and only as approved by the Director of Procurement Management.

Actions include, but are not limited to, the following:

- GTA Office Requester submits an electronic requisition to Procurement.
- Procurement Office develops the technical qualification requirements with the Office Requester, Business Owner and/or Subject Matter Experts (SMEs) for future goods or services to be purchased.
- Procurement Office publicly solicits the final RFQC requirements to the Georgia Procurement Registry (GPR) for vendors to submit a competitive proposal by the required due date and time, in accordance to the GPM solicitation posting requirements.
- Procurement Office receives vendor proposals, conducts the evaluation and processes, posts the notice of award information to the GPR, and facilitates completion of any contract documents to the prequalified awarded contractors.

3.5 Bid/Proposal Administration

GTA Procurement Management will administer the submission of bids and proposals from vendors in accordance with GPM policies and/or GTA internal procedures applicable to, but not limited to, the following areas and activities.

1. Late Bids
2. Errors and Omissions
3. Evaluation
4. Award
5. Tie Bids
6. Substitutes and Alternate Bids
7. Amendments and Withdrawal
8. Rejections and Corrections
9. Acceptance Period

3.6 GTA Protest Policy

3.6.1 Policy

For procurements involving a vendor protest, the Georgia Technology Authority will adhere to the established GTA Protest Policy provided in Appendix 8.6. GTA's Protest Policy is issued in accordance with DOAS Georgia Procurement Manual and procurement best practices.

4 CONTRACT METHODS AND PROCEDURES

4.1 General Guidelines

4.1.1 Contract Development

When a GTA Supported Offices determines the need for a contract to procure goods or services, an approved requisition must be submitted to the Procurement Management office for review, procurement, and contract establishment. Procurement Management will procure such services within the guidelines of the laws of the State of Georgia and the Georgia Procurement Manual.

When it is determined (by Procurement Management or General Counsel) in the course of fulfilling a procurement for a GTA Supported Office that a formal contractual agreement "Contract" be executed for the purchase of the goods and/or services, a Contract may be developed by Procurement Management with the assistance of General Counsel and/or in the form provided by General Counsel. (In some cases, the form of contract of the vendor may be acceptable to the extent approved by General Counsel.).

4.1.2 Contract Signing Authority and Execution

NO employees other than those designated in writing, as permitted by the GTA By-Laws and the GTA Approval and Signature Delegation, Appendix 8.5, are authorized to sign or execute contracts and purchase agreements for ANY dollar amount on behalf of the GTA Supported Office.

The appropriate copies of vendor-signed Contract shall be presented to the appropriate Senior Officer, Procurement Director or designee for execution. No employees other than those designated in writing, as permitted by the GTA By-Laws, are authorized to sign or execute contracts and purchase agreements for ANY dollar amount on behalf of the GTA Supported Office.

Procurement Management will facilitate the contract review, internal approval and signing to finalize the award process

4.2 Contract Types and Pricing Strategies

Contracts are binding agreements between the state and awarded offerors to provide goods and/or services in accordance with stipulated terms and conditions, and pricing.

4.2.1 Term Contracts

1. A term contract is a binding agreement between purchaser and seller to buy and sell certain goods or services for a period of time at prices established by the contract. As a standard, GTA will generally conduct awards for term contracts on a firm, fixed-pricing basis.
2. In determining whether a good or service will be on a term contract, GTA may consider such factors as volume, nature of the good or service, repetitiveness of use, relative stability of prices, and transportation costs.
3. A term contract is generally based upon a competitive procurement (i.e. RFQ, RFP or RFQC), where available, with potential vendors provided business and technical requirements for performance of the goods and/or services awarded during the time period of the contract term.

4.2.2 Master Agreements

Master Agreements are contracts issued between a vendor and GTA to establish negotiated terms and conditions for available products and/or services from the contractor in general. Master Agreements provide governing terms and conditions for incorporation of subsequent scope of work agreements and purchase orders to be awarded against by contract amendment and/or by reference.

4.2.3 Contract Pricing Strategies

Contract pricing strategies are the basis for how pricing is structured for the purchase of goods and services during the term of an awarded contract. It establishes whether or not pricing will be allowed to fluctuate up or down or to remain firm during the contract time period. Types of pricing strategies include the following:

1. Firm-fixed price: Establishes contract pricing that remains firm during the entire contract term. The contractor assumes the full risk of any price fluctuations in the market for the sale of goods and services provided under the contract.

Note: Firm-fixed price is the standard strategy used by GTA as a best practice for procurements.
2. Fixed-price with escalation/economic price adjustment: Provides for fixed pricing during the contract term with the ability to adjust pricing up or down based on predefined conditions, such as market or economic fluctuation affecting price stability.
3. Fixed-price incentive: This strategy permits adjustments of profit to establish a final price by using a cost comparison formula between the total actual costs to the initial target costs. It is primarily used when achievable cost and performance goals are greater than the acceptable levels existing in the contract providing an incentive for the contractor's performance.
4. Fixed-price with re-determination: This strategy is used for situations when realistic pricing is able to be determined for initial contract periods, but not for subsequent contract periods. The contractor assumes pricing risk for the initial

determination, but the risk shifts to the agency re-determining price for subsequent contract terms.

5. Time and Materials (labor hours): Time and materials pricing is the least recommended approach, and only used when a fixed-pricing strategy is not suitable for the procurement. The agency assumes the majority of the pricing risk based on the number of labor hours performed by the contractor using a fixed, hourly price rate plus any material costs.

4.3 Contract Classifications

4.3.1 Contract Use Definitions

1. Mandatory Contracts – Contracts that are mandatory for use by state agencies to purchase goods and services (i.e. DOAS Statewide Contracts). Mandatory contracts are typically volume based pricing for estimated quantities aggregated across state agencies.
2. Convenience/Optional Contracts - These are indefinite delivery and quantity contracts that are competitively bid and awarded for the convenience or optional use by state agencies. They are established to aggregate large volume purchases for agencies to take advantage of leveraged best value pricing during the term of the contract.

4.3.2 Enterprise Contracts

1. Enterprise contracts are indefinite quantity contracts which may be used by all state agencies to purchase goods or services at the agency's discretion. Convenience / Enterprise contracts function like statewide term contracts, but their use by agencies is not mandatory.
2. If an agency elects not to purchase the goods or services it requires from an established convenience contract, the rules of competitive bidding apply to the acquisition.

4.3.3 DOAS Statewide Contracts

Statewide Contracts (also known as SWC) are term contracts with suppliers for goods and services procured and administered by the Department of Administrative Services (DOAS). A statewide contract may be either awarded for mandatory or optional use by state and local government agencies.

No GTA business unit may purchase goods or services covered by a statewide term contract from any other source unless authorized by the GTA Procurement Director or his/her designee.

4.4 Goods and Services Agreements

4.4.1 Professional and Consultant Services

These services are defined as works which involve expert consultation, or are creative in nature, or in which the scope of work is undefined and/or in which the scope of work is provided by, or defined by, engagement of the vendor, and/or defined in the periodic approval of work to be performed. If a scope of work or set of specifications is produced from these services which will require another work or contract for execution of a different scope (e.g., out of scope services, equipment, hardware or software purchases), the execution will be competitively solicited using normal procurement guidelines, and shall be awarded to a separate vendor unless no such qualified vendor can be obtained.

4.5 Maintenance and License Agreements

4.5.1 Equipment Maintenance Agreements

Procurement Management, in coordination with Business Owners, IT Support, Facilities Management, Assets Management, and other GTA Supported Offices, procures and helps administer maintenance and license agreements for equipment and any related, embedded software, and will determine through competitive methods where practicable the best vendor(s) for maintenance of the respective types of equipment. The resulting agreement may be “time and materials”, “monthly”, or “annual” types. Procurement Management will maintain the list of maintenance agreements and the using department director/manager or designated representative will arrange the necessary service with the respective vendor and request payment of vendor invoices for maintenance agreements through Procurement Management and Accounting Services offices.

4.5.2 Software Licenses and Maintenance Agreements

Procurement Management, in coordination with Business Owners, IT Support, Facilities Management, Assets Management, and other GTA Supported Offices, procures and helps administer software maintenance and license agreements for software, and will determine through competitive methods where practicable the best vendor(s) for maintenance of the respective types of equipment. The resulting agreement may be “time and materials”, “monthly”, or “annual” types. Procurement Management will maintain the list of software maintenance agreements and the using department director/manager or designated representative will arrange the necessary service with the respective vendor and request payment of vendor invoices for maintenance agreements through Procurement Management and Accounting Services offices.

5 PURCHASING PAYMENT POLICIES AND METHODS

5.1 General Policy

Only authorized persons may purchase supplies in the name of GTA. No employee whose regular duties do not include purchasing may incur any expense on behalf of GTA. Without a properly approved purchase order, purchasing card or AP voucher, GTA is not obligated for any such unauthorized purchase.

5.2 Purchase Order

Purchase orders are legally binding documents to transact with suppliers based on terms and conditions for the purchase of goods and services. Only auto, issued by authorized GTA Procurement officials

5.3 Purchasing Card

Purchasing cards will be administered and managed in accordance with the DOAS Purchasing Card (PCard) Policy and the GTA Purchasing Card Manual. (See Appendix 8.2)



6 ETHICAL STANDARDS AND POLICIES

6.1 Ethics Policy

See Appendix 8.6. GTA Procurement Ethics Policy for the relevant policy and procedures.

6.2 Fair and Open Bid Policy

GTA is committed and shall conduct procurements through the vendor marketplace for business opportunities that are fair and open for doing business with GTA.

6.3 Code of Ethics for Government Service

The provisions of O.C.G.A. § 45-10-1 et. seq. strictly apply to these rules, to the actions of the GTA.

7 OPEN RECORDS MANAGEMENT

7.1 Georgia Open Records Act

Except where state law provides to the contrary, after the award of a contract, the purchasing records of a business unit are public documents, and these documents shall be maintained for a period of three years after the expiration date of the contract. Record retention shall be in accordance with the Georgia Records Act (O.C.G.A. § 50-18-90 et seq.

The Georgia Open Records Act provides that all public records are subject to disclosure to the public, unless specifically exempted for reasons such as order by a Georgia court or by law.

7.1.1 Open Records Requests

An open records request is a request for public records contained in the files or otherwise in the possession of the Georgia Technology Authority. An open records request must be for the inspection or copies of an existing public record. Requests to generate a new (i.e., not currently in existence) document, record, or summary of a record are not valid open records requests. Open record requests may be submitted in written form or verbally, and the request need not specifically cite or reference the Georgia Open Records Act.

7.1.2 Time Limits

The Georgia Open Records Act requires GTA to make public records available for inspection or copying within (3) business days (beginning at 12:01 a.m. on the first business day after the request is received) of receiving a verbal or written request for access. Whenever possible, requests should be obtained in writing from the requesters. If a requested public record cannot be made available within three (3) business days, a written description of the record and the time that it will be available for inspection or copying must be provided to the requester within the three (3) business day time limit.

7.1.3 Fees

Unless otherwise specified in law, a copying fee of \$.25 per page is to be charged.

The actual cost of a computer disk, audio tape, etc. used to provide a requested record may be charged. If the information is available or requested on a CD-ROM, GTA has documented a cost of \$20.00 per CD, which is inclusive of all searches, retrieval and other direct administrative costs, associated with providing the information requested on a CD-ROM.

If deemed appropriate, a reasonable fee may also be charged for search, retrieval and other direct administrative costs for complying with a request. No fee is charged for the first quarter hour.

Fee charged must not exceed the salary of the lowest paid full-time employee who, in the discretion of the custodian of the record, has the necessary skill and training to perform the request.

7.1.4 Not Public Records

Public Records do not include:

- A. Records which by Georgia court or by law are prohibited or specifically exempted from being open to public inspection.
- B. Certain personal information about employees that is not subject to disclosure and will only be released to authorized officials.
 - 1) This information includes: an employee's social security number, mother's birth name, debit and credit card information, other banking / financial information, insurance and medical information and birthday / month.
 - 2) Note: Under limited circumstances, State law allows the media to access an employee's social security number and birthday / month. This news media exception applies only when a written request, signed under oath, states that the person or entity is gathering information a representative of a news media organization for use in connection with news gathering and reporting. The Office of General Counsel, as well as the Office of Communications must be immediately contacted if an Open Records Request is received from the media.
- C. Records pertaining to the subject of a pending administrative proceeding without the prior approval of the presiding administrative law judge.
- D. Any record that is not subject to disclosure based on an exception to the Georgia Open Records Act.

7.2 Records Custodian

Procurement shall identify each paper or electronic contract record individually so it can be readily located and referenced.

7.3 Records Retention

Procurement shall document all purchase transactions. As applicable, each paper or electronic record shall include:

- (a) Requisition;
- (b) Required approval to proceed with acquisition;
- (c) Original offers if in writing, or written documentation of verbal offers received;

- (d) Worksheets/evaluations;
- (e) Distribution list, if used;
- (f) Written justification for waiver or emergency purchase;
- (g) Evaluation of offers received;
- (h) Copy of purchase order(s) or certification to business unit authorizing placing of order;
- (i) Related correspondence;
- (j) Reason(s) for receiving only one offer in response to a solicitation;
- (k) Negotiated contracts;

After award of contract all material in the contract record, except confidential information, shall be open to interested persons, by appointment, during normal office hours in accordance with the Georgia Open Records Act.



8 APPENDICES

- 8.1 Definitions and Acronyms
- 8.2 Procurement Requisition Tool and Process Guide
- 8.3 GPM Solicitation Policy Charts
- 8.4 Procurement Management Process Workflows and Estimated Lead-times
- 8.5 GTA Signature Authority Delegation
- 8.6 List of Procurement Management Resources and Tools

8.1 Definitions and Acronyms

The following definitions shall apply generally to all procurement rules and regulations of the Georgia Technology Authority:

1. **“Best value procurement”** is defined as a procurement process that has as a fundamental objective the reduction of total cost of ownership as defined in these rules or generally the best value procurement methods.
2. **“Business Day”** is defined as any day other than Saturday, Sunday or a day that is a public and legal holiday in the State of Georgia under O.C.G.A. Section 1-4-1.
3. **“Business Owner / Purchaser”** is defined as the business unit soliciting offers to acquire goods or services.
4. **“Clarification”** is defined as limited exchanges between the state and offeror’s that may occur after receipt of offer. Offeror’s may be given the opportunity to resolve clerical errors.
5. **“Communications”** are defined as exchanges between the state and offeror’s after receipt of offers to address issues of past performance, to enhance the state’s understanding of offers, to allow reasonable interpretation of the offer, or to facilitate the state’s evaluation process. Communications shall not be used to cure material omissions in the offer.
6. **“Competition”** in purchasing exists when the available market for the goods or services to be acquired consists of more than one supplier that is technically qualified and willing to submit an offer. The public competitive process is the process followed by a public business unit to solicit offers from multiple suppliers to provide the specified goods or services. The process must be conducted in a manner that attempts to ensure that all qualified suppliers who are willing to submit offers are treated equitably and are not placed at a disadvantage with respect to the process outcome.
7. **“Competitive Range”** is defined as the range of all of the most highly rated offers, as determined by the evaluation committee. The range shall be used to determine the optimal best value solutions to address requirements of the solicitation document.
8. **“Contract Award”** is defined as the GTA’s written notice of award of a contract to the successful Respondent in a particular GTA procurement.
9. **“Contract Value”** is defined as the actual Contract Award amount.
10. **“Deficiency”** is defined as a failure to meet a stated requirement or a combination of weaknesses in an offer that increases the risk of unsuccessful contract performance.
11. **“Estimated Contract Value”** is defined as the pre-award estimate of the amount that will be spent by the GTA under any contract issued in connection with a particular procurement.
12. **“Executive Director”** is defined as chief information officer of the State of Georgia and the Executive Director of the Authority provided for by Code Section 50-25-5.1.

13. **“Goods”** are defined as any information technology commodities including equipment, materials, or supplies.
14. **“Negotiation”** is defined as exchanges in either a competitive or sole source environment between the state and offeror’s that are undertaken with the intent of allowing offeror’s to revise their offers. Revisions may apply to price, schedule, technical requirements, or other terms of the proposed contract. Negotiations are specific to each offer and shall be conducted to maximize the state's ability to obtain best value based on the evaluation factors set forth in the solicitation. The state may also give evaluation credit for technical solutions exceeding mandatory minimums or negotiate with offeror's for increased performance beyond mandatory minimums.
15. **“Offer”** is defined as a bid or proposal submitted in response to any solicitation document utilizing "Best Value" procurement methodology including Invitation for Bids (IFB), Request for Proposals (RFP), Request for Quotations (RFQ), negotiation, or other acquisition processes, as well as responses to Solution-Based Solicitations and Government-Vendor Partnerships.
16. **“Price”** is defined as the amount paid by the state to a vendor for a good or service.
17. **“Procurement”** is defined as acquisition of goods and services.
18. **“Respondent”** is defined as an Interested Party that properly returns a Solicitation Response to a Solicitation Document, in accordance with the criteria set forth in such Solicitation Document.
19. **“Services”** are defined as any process of providing services requiring specialized knowledge, experience, expertise, professional qualifications, or similar capabilities for any aspect of information technology including, but not limited to, work or task performance, review, analysis, and advice in formulating or implementing improvements in programs or services.
20. **“Solicitation Document”** is defined as a written or electronic IFB, RFQ, RFP, Solution-Based Solicitation, Government-Vendor Partnership, Request for Information (RFI) document or other acquisition documents expressly used to invite offers or request information regarding the acquisition of goods and services.
21. **“Solicitation Response”** is defined as the document submitted by a Respondent as a bid, response, offer or proposal in response to a Solicitation Document.
22. **“Total Cost of Ownership”** is defined as a summation of all purchase, operating, and related costs for a product or service. It includes but is not limited to purchase price, transportation, receiving and inspection, maintenance, operating costs, downtime, energy costs, and disposal costs.
23. **“Purchaser / Business Owner”** is defined as the business unit soliciting offers to acquire goods or services.

8.2 Procurement Requisition Tool and Process Guide

GTA Electronic Requisitioning using Team Georgia Marketplace™ (TGM) eProcurement (PeopleSoft Module)

The DOAS Team Georgia Marketplace (TGM) eProcurement requisition tool is the single authorized method to be used by GTA Offices for requesting the procurement of goods and services.

TGM provides easy self-service web-shopping system via online catalogs of products and services available on statewide contracts, streamlines employee ordering and lowers procurement costs by reducing transaction overhead and controlling maverick spending

Benefits - provides simplified and reduced signature routing, reduced paper requisitions, automates receipts and returns, and simplifies creation of open item and history reports

GTA Users - GTA staff identified to have TGM user access based on title, position and/or job function as follows ...

- Executive Director and Senior Leadership
 - TGM User Roles: Ad Hoc Reviewers and Approvers
- All Office Directors
 - TGM User Roles: Requesters, Reviewers and Approvers
- All Administrative Assistants
 - TGM User Roles: Requesters and PCard
- Other GTA Staff Requesters and Reviewers

Online User Access – GTA Procurement provides TGM access to GTA Users through the submission of a GTA approved PeopleSoft FN Security Application Form to the State Accounting Office (SAO). Prior to submitting the SAO security form and obtaining access, users are required to complete and pass prescribed TGM training courses offered by DOAS State Purchasing.

TGM Resource Links – The following TGM guides and resources are available online at MyGTA:

- Team Georgia Marketplace URL link for User
- Quick Reference Guides for TGM Modules

8.3 GPM Solicitation Policy Charts

Public Posting Guidelines:

If the Estimated Contract Value is... Then, the Posting Period is...	Up to \$9,999.99 Minimum of Three (3) Business Days
\$10,000 - \$49,999.99 Minimum of Seven (7) Calendar Days	\$50,000 - \$99,999.99 Minimum of Eight (8) Calendar Days
\$100,000 - \$249,999.99 Minimum of Ten (10) Calendar Days	\$250,000 or more Minimum of Fifteen (15) Calendar Days (mandated by Georgia law)
All solicitations for construction/public works contracts	Minimum of Thirty (30) Calendar Days (mandated by Georgia law)

8.4 Procurement Management Process Workflows and Estimated Lead-times

RESERVED

8.5 GTA Signature Authority Delegation

Who Signs Contracts?

Contract Value	Business Owner	Signing Party
\$0 - \$200,000	Office Director	Office Director
\$200,001 - \$500,000	Office Director	Senior Officer
\$500,001 +	Office Director	Executive Director

Note 1 Whoever signs agreement signs amendment(s)

Note 2 Contract Value = projected annual spend including all costs (e.g. vendor expenses, travel, etc.)

- A TGM request must accompany each contract and amendment, regardless of who signs.
- Contact Office of General Counsel (OGC) at the point in time you have determined that an agreement/amendment is necessary
- All agreements and amendments MUST be submitted to OGC for approval, this includes other types of document(s) even though they may not be titled "contract" or "agreement"
- Office Director is responsible for ensuring that budget and procurement requirements are met
- Office Director is responsible for clearing obstacles or escalating as needed
- Office Director whose budget pays for the contract is responsible for the approval and is the official GTA Business Owner

8.6 List of Procurement Management Resources and Tools

8.6.1 GTA Protest Policy

1.0 Protest Process Overview

The following describes the mandatory administrative procedure whereby vendors may challenge the solicitation process and whereby bidders/offerors may challenge solicitation awards made by GTA.

1.1 Formal Protests

A vendor may file a written protest challenging GTA's compliance with applicable procurement procedures subject to the vendor's compliance with the following provisions. Any such written protest will be resolved in accordance with the following provisions.

1.2 Exemption for GTA Informal Procurements

GTA informal procurements not posted to the Georgia Procurement Registry ("GPR") will not be subject to these protest procedures. These informal procurements are limited to Statements of Need (SON) that are solicited informally to selected qualified contractors from a public Request for Proposal (RFP) or Request for Qualified Contractors (RFQC) solicitation previously awarded by GTA. Statement of Need procurements are considered informal solicitations, and as such the informal dispute resolution of the internal SON solicitation process resulting from disputes or issues raised by a qualified contractor will apply and be resolved by the Procurement Director.

This process is only available for those qualified contractors selected during the conclusion of a Request for Qualified Contractors (RFQC). All resolution decisions by the Procurement Director will be final.

1.3 Types of Challenges

Any aggrieved vendor interested in and capable of responding to a competitive solicitation may file a protest with respect to the competitive solicitation process, including but not limited to a challenge to specifications or any events or facts arising during the solicitation process. Any aggrieved vendor interested in and capable of providing the goods/services identified in a sole source notice may file a protest challenging the sole source determination. Any aggrieved vendor submitting an accepted bid/proposal in response to a competitive solicitation may file a protest with respect to the GTA's intended or actual contract award, including but not limited to events or facts arising during the evaluation and/or negotiation process.

1.4 Form of Protest

At a minimum, the written protest shall comply with Section 1.5 and must include the following:

1. the name and address of the protestor;
2. envelope or email subject line must be labeled "Protest"
3. appropriate identification of the solicitation/sole source notice;
4. a statement of reasons for the protest;
5. supporting exhibits, evidence or documents to substantiate any claims unless not available within the filing time (in which case the vendor must proceed to file the protest when the filing period identified below but state the expected availability of the material); and
6. the desired remedy.

GTA, at its discretion, may deem issues not raised in the initial protest as waived with prejudice by the protesting vendor.

1.5 Filing Protests

A protest is considered to be properly filed when it is in writing, signed by a company officer authorized to sign contracts on behalf of the vendor, and is received by GTA. The protest may be sent by any of the following means:

MAIL: Attn: Procurement Director
Georgia Technology Authority
47 Trinity Avenue, 3rd Floor
Atlanta, GA 30334-9010

FAX: 404-657-8444

EMAIL: procurement@gtga.ga.gov

The following deadlines shall apply when filing a protest for solicitations posted to the GPR:

Type of Protest	Protest Filing Deadline
Challenge to Competitive Solicitation Procedures	Five (5) business days prior to the closing date and time of the solicitation as identified on the GPR
Challenge to Sole Source Notice	Prior to the closing date and time of the Sole Source Notice as published on the GPR
Challenge to an Intended or Actual Solicitation Award	In the event the GTA posts a Notice of Intent to Award (NOIA), the protest must be filed within ten calendar days of the date the NOIA is posted
	In the event the GTA does not post a NOIA, the protest must be filed within five calendar days of the date the NOA is posted

1.6 Stay of Procurement During Protest Review

When a protest challenging the competitive solicitation process, for procurements posted to the GPR, has been timely filed at least five (5) business days prior to the closing date and time, the solicitation process shall remain active until an award decision is issued by a NOA, unless the

GTA Procurement Director makes a written determination that the suspension of the solicitation process without delay is necessary to protect the interests of GTA.

When a protest challenging a sole source notice or an intended contract award has been timely filed and the challenge demonstrates that the sole source award is not in the best interest of the State; the GTA shall not proceed to actual contract award unless the GTA makes a written determination that the issuance of a contract or performance of the contract without delay is necessary to protect the interests of GTA. If it is determined that it is necessary to proceed with contract performance without delay, the bidder/offeror with this contingent contract may proceed with performance and receive payment for work performed in strict accordance with the terms of the contract; however, such bidder/offer shall not be entitled to reimbursement for any capital outlay costs, or other up front expenditures incurred in performing the contract. The provisions of this paragraph are not applicable to a protest pertaining to events or facts arising during the solicitation process.

1.7 Protest Resolution

The GTA Procurement Director shall review and issue a written decision on the protest as expeditiously as possible after receiving all relevant requested information from the GTA and/or issuing officer. Available remedies for sustained protests are as follows:

- If a protest is sustained prior to the closing date and time of the solicitation, available remedies may include, but are not limited to, the following: modification of the solicitation document, including but not limited to specifications and terms and conditions; extension of the solicitation closing date and time (as appropriate); and cancellation of the solicitation.
- If a protest of a sole source notice is sustained, available remedies include revision or cancellation of the sole source notice.
- If a protest of the intended/actual contract award is sustained, available remedies may include, but are not limited to, the following: revision or cancellation of the NOIA/NOA, re-evaluation and re-award or re-solicitation with appropriate changes to the new solicitation.

1.8 Cost

In no event shall a vendor be entitled to recover any costs incurred in connection with the solicitation or protest process, including, but not limited to, the costs of preparing a bid/proposal, the costs of participating in the protest/request for formal review process or any attorneys' fees.

1.9 Requests for Formal Review Process of a Protest Decision

All protest determinations by the GTA Procurement Director concerning solicitations, sole source notices, and/or intended/actual contract awards with an estimated value of \$100,000 or more shall be subject to formal review by the GTA Executive Director/CIO upon written request by parties of the protest determination. In the event the estimated value of the solicitation, sole source notice, and/or intended/actual contract award is less than \$100,000, it shall be within the GTA Executive Director's discretion whether such request for formal review will be granted. The following parties may file a request for formal review: (1) any vendor adversely impacted by the

protest decision, including, but not limited to, the protesting vendor, provided the vendor is interested in and capable of providing the goods/services at issue and, in the event the underlying protest disputes an intended/actual contract award, submitted a timely bid/proposal and (2) the GTA.

Any request for formal review must be received by the GTA Executive Director/CIO, to include a copy mailed to the attention of the GTA General Counsel, within three (3) business days of the issuance of the protest decision by U.S. mail or delivery service. The request for formal review must be in writing and shall identify any errors in the protest decision as well as the factual and legal grounds upon which reversal or modification of the protest decision is deemed warranted:

MAIL: Attn: Executive Director/CIO
Georgia Technology Authority
47 Trinity Avenue 6th Floor
Atlanta, GA 30334-9010

and

Cc:Attn:General Counsel
Georgia Technology Authority
47 Trinity Avenue, 6th Floor
Atlanta, GA 30334-9010

8.6.2 GTA Contract Manual RESERVED

8.6.3 GTA Procurement Ethics Policy

PURPOSE

The Georgia Technology Authority Procurement Management subscribes to the State's Code of Ethics for Governmental Service. Moreover, these employees should conduct themselves in such a manner as to foster public confidence in the integrity of the organization and the public procurement process.

SCOPE

The general scope of this policy is to protect governmental integrity. Employees of the Georgia Technology Authority Procurement Management must discharge their duties impartially and in such a manner as to assure fair and competitive access to governmental procurement by responsible vendors.

POLICY

The Georgia Technology Authority Procurement Management Division subscribes to the following ethical principles that govern the conduct of every person employed by this organization:

- Believes in the dignity and worth of the service rendered by the organization, and the societal responsibilities assumed as a trusted public servant.
- Is governed by the highest ideals of honor and integrity in all public and personal relationships in order to merit the respect and inspire the confidence of the organization and the public being served.
- Believes that personal aggrandizement or personal profit obtained through misuse of public or personal relationships is dishonest and not tolerable.
- Identifies and eliminates participation of any individual in operational situations where a conflict of interest may be involved.
- Believes that members of the institution and its staff should at no time, or under any circumstances, accept directly or indirectly, gifts, gratuities, or other things of value from suppliers, which might influence or appear to influence purchasing decisions.
- Keeps the governmental organization informed, through appropriate channels, on problems
- Resists encroachment on control of personnel in order to preserve integrity as a professional
- Handles all personnel matters on a merit basis, and in compliance with applicable laws prohibiting discrimination in employment on the basis of politics, religion, color, national

origin, disability, gender, age, pregnancy and other protected characteristics.

- Seeks or dispenses no personal favors. Handles each administrative problem objectively and empathetically, without discrimination.

8.6.4 Exemption for Technical Audit

November 15, 2013

Procurement of Professional Services – Exemption for Technical Audit
Reference: Georgia Procurement Manual, GPM-V5, dated September 2013

The Georgia Procurement Manual provides guidance for the procurement of goods and services for state entities in the state of Georgia.

“The *Georgia Procurement Manual* (GPM) is the official source for all administrative rules issued by the Georgia Department of Administrative Services (DOAS) through its State Purchasing Division (SPD) to govern purchases made by certain state government entities.” Page 1, Introduction to the Manual.

From time to time, Georgia Technology Authority (GTA) needs to procure specific talent and capabilities that fall into a category of Professional Services. Specifically, GTA is legislated to perform technical audits according to *O.C.G.A § 50-25-4(a)22*. As defined by DOAS in the GPM in section 1.2.3.1 - *Exempt from the State Purchasing Act*, certain Professional Services, are exempt from the State Purchasing Act that are defined by statute as a “profession” or “professional service”. One such professional service defined as exempt under Consulting Services is ‘Auditing’; which is described in the DOAS NIGP Exempt List. One form of technical auditing is a service called Project Assurance.

Project Assurance is the specialized discipline and practice involving independent and objective oversight, specialized experience, and audit skill sets to assess risk, finance, accounting, compliance, safety and performance for any major capital expenditure, or major infrastructure investment¹. GTA has adopted an approach for project assurance referred to as ‘Independent Verification & Validation (IV&V)’ which conducts monitoring or oversight of large, complex technology projects. Professionals performing Project Assurance utilize a cross-section of skill sets which supersede a single professional accreditation and warrant, at times, an alternative approach to identification, selection and procurement.

GTA has established an approach to qualify a set of vendors who have specialized in this professional skill set, which is the preferred approach to finding and selecting resources to support this function. At times for unique project or service needs, GTA may elect to waive the competitive bidding process in order to select Professional Project Assurance services or resources. The basis to elect a waiver to the preferred approach is as follows:

- The area or project for Project Assurance requires a unique set of knowledge and experience that in the opinion of the executive management team, warrants an exemption, and
- The services or resources are provided for a limited period, not to exceed two years, and

¹ http://en.wikipedia.org/wiki/Project_assurance

- The services or resources are provided at a cost that is within reasonable market rates.