State of Missouri
Office of Administration
Division of Purchasing and Materials Management

VENDOR MANUAL

Publication Date of this Manual: August 23, 2013

This manual reflects the policies and procedures of the Division of Purchasing and Materials Management (DPMM) in effect as of the date of publication. The DPMM reserves the right to make modifications to this manual by publication of a revised edition without prior notice. Such modifications will become effective on the date of issuance.

In the event of a conflict between this manual and procurement documents issued to vendors, the provisions of the procurement documents govern. The policies and procedures stated in this manual shall not be construed as an interpretation of state or federal laws or regulations.

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1. INTRODUCTION

The purpose of this manual is to assist interested vendors in doing business with the State of Missouri. This manual provides information about the purchasing policies and procedures utilized by the Division of Purchasing and Materials Management (hereinafter referred to as DPMM) in the procurement of supplies, equipment, and services.

All qualified vendors are invited to become a participant in the competitive procurement process.

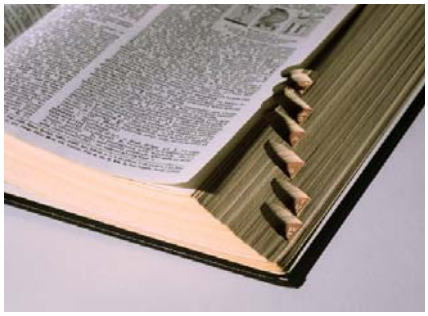
Please feel free to request additional information by calling or writing to:

Office of Administration
Division of Purchasing & Materials Management
Truman State Office Building, Room 630
P.O. Box 809
Jefferson City, MO 65102

TELEPHONE: (573) 751-2387
FAX: (573) 526-9815
E-MAIL: Purchmail@oa.mo.gov
WEBSITE: http://content.oa.mo.gov/purchasing-materials-management

If you prefer to visit the office of the DPMM, we recommend you schedule an appointment to efficiently utilize the time of both buyer and vendor. Information regarding the State of Missouri DPMM is also available on the Internet at our homepage **http://content.oa.mo.gov/purchasing-materials-management**. The DPMM encourages all potential bidders and offerors to visit the State of Missouri's On-Line Bidding/Vendor Registration System website, **https://www.moolb.mo.gov**. Thank you for your interest in the State of Missouri.

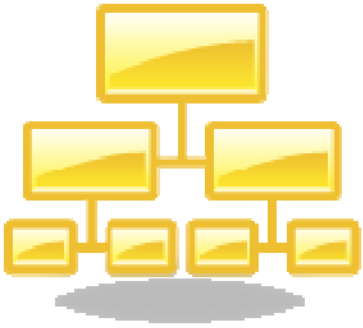
2. TERMINOLOGY



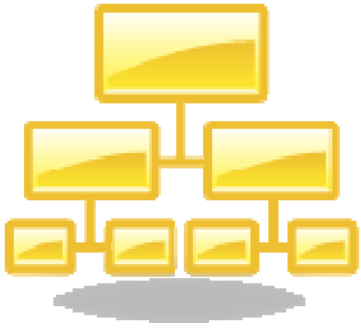
The DPMM's standard definition of bidder is "the person or organization that responds to an Invitation for Bid (IFB) by submitting a bid"; and the standard definition of offeror is "the person or organization that responds to a Request for Proposal (RFP) by submitting a proposal".

However, for simplicity in this manual the term "bidder" includes the definition of the term "offeror" unless otherwise noted. Likewise, the term "bid" includes "proposal" unless otherwise noted.

The term "solicitation" includes the "IFB" procurement method and the "RFP" procurement method.



3. ORGANIZATIONAL STRUCTURE



The DPMM has the responsibility under law (**Chapter 34, RSMo**) to competitively purchase supplies, equipment, and services required by state government. All agencies of state government are served by the DPMM except the University of Missouri, Lincoln University, Linn State Technical College, Truman State University, Missouri State University, University of Central Missouri, the Department of Transportation (data processing, telecommunications, and printing procurements fall under DPMM), the State Lottery, the Judiciary, and the General Assembly.

The DPMM is not responsible for bidding and awarding capital improvements (design, construction, renovation, and repair of state facilities) contracts. Capital Improvements contracting authority is designated by Chapter 8, RSMo, and is the responsibility of the Office of Administration, Division of Facilities Management, Design and Construction, **http://www.oa.mo.gov/fmdc,** (573) 751-2624.

Procurement Staff: The professional procurement staff of the DPMM is organized into three distinct procurement sections:

The **Services Procurement Section** is responsible for the procurement of professional and general services.

The **Commodities Procurement Section** is responsible for the procurement of supplies and equipment.

The **Information Technology Section** is responsible for the purchase of information technology and telecommunication equipment and services.

Cooperative Procurement Program: This program provides services for political subdivisions and quasi-governmental entities of the state. Qualified entities may purchase supplies and services from contracts established by the DPMM through this program. Information regarding the Cooperative Procurement Program can be obtained at **http://content.oa.mo.gov/purchasing-materials-management/cooperative-procurement-services** or by contacting the Cooperative Procurement Officer at (573) 751-4169.

Recycling Program: This program coordinates the state's effort to conserve natural resources through recycling and the procurement of recycled products. Information on the Recycling Program is available

at **http://content.oa.mo.gov/purchasing-materials-management/missouri-state-recycling-program** or by contacting the State Recycling Coordinator at (573) 751-3384.

4. OFFICE OF Equal Opportunity (OEO)

The OEO works closely with the DPMM's procurement staff and provides certification and assistance services to Minority and Women Owned Businesses (MBEs and WBEs). Vendors may obtain certification applications and other information at: **http://oa.mo.gov/oeo** or by telephone at (573) 751-8130 or (877) 259-2963.

5. MINORITY AND WOMEN OWNED BUSINESSES (MBEs AND WBEs)

Per Executive Order 05-30, "all state agencies shall continue to make every feasible effort to target the percentage of goods and services procured from certified MBEs and WBEs to 10% and 5%, respectively. These efforts shall include participation in an Executive Branch Contract Compliance Council which shall, in cooperation with the OEO, review procurement efforts to assist in meeting the requirements of this Executive Order". "The DPMM shall be authorized to encourage prime contractors to subcontract with M/WBEs on all contracts of $100,000 or greater." "The M/WBE participation will be evaluated along with other criteria in the award of a bid." "The participation can be met through the use of prime contractors, subcontractors, suppliers, joint ventures, or other arrangements that afford meaningful opportunities for M/WBE participation."

6. DELEGATED PURCHASE AUTHORITY

State Agencies: State agencies which are subject to the requirements of chapter 34, RSMo, have been delegated the authority to make most purchases of less than $25,000 without involving the DPMM.

State Universities and Colleges: Universities and colleges that are subject to the requirements of chapter 34, RSMo, have been delegated the authority to make most purchases.

The state agencies, universities, and colleges must solicit competitive bids for the local purchase requirements in accordance with State of Missouri law and the rules, regulations, and procedures promulgated by the DPMM.

7. VENDOR REGISTRATION

Vendors interested in doing business with the State of Missouri should register on the State of Missouri's On-Line Bidding/Vendor Registration System website (**https://www.moolb.mo.gov**). All registered vendors are eligible to access the following services on the website:

- Enter/Update vendor profile information
- Receive e-mail notifications of bidding opportunities/modifications/cancellations
- Register for commodity/service codes
- Conduct commodity/service code history searches
- Respond electronically to bids
- View open/closed bids
- View your submitted open/closed bids
- Obtain award status information
- Access public bid opening details

A vendor may also access the website as a Guest and have access to the following services:

- View open/closed bids
- Obtain award status information
- Access public bid opening details
- Conduct commodity/service code history searches

The DPMM will not mail hard copies of bid documents to vendors. All bidding opportunities of the DPMM are posted on the On-Line Bidding/Vendor Registration System website.

Bidding opportunities for various state agencies may be viewed at **http://content.oa.mo.gov/purchasing-materials-management/bidding-contracts/agency-bid-proposal-sites**.

8. FOREIGN VENDOR

A foreign vendor, that does not have an Employer Identification Number assigned by the United States Internal Revenue Service (IRS), will need to 1) complete the appropriate IRS W-8 form (found on the **http://www.irs.gov** website), 2) complete a State of Missouri Vendor Input/ACH-EFT Application Form located at **https://www.vendorservices.mo.gov/vendorservices/Portal/Default.aspx**, and 3) fax these documents along with a cover letter that states that you wish to register on the State of Missouri On-Line Bidding/Vendor Registration System website to the fax number listed in the Vendor Input/ACH-EFT Application Form instructions. The cover letter must include the e-mail address of the individual submitting the documentation. The documentation must be processed by the State of Missouri prior to conducting business with the state. Once this information has been processed, the foreign vendor will be provided, via e-mail, a number that may be used to register as a State of Missouri vendor through the On-Line Bidding/Vendor Registration System website (**https://www.moolb.mo.gov**).

A foreign vendor, that has an Employer Identification Number assigned by the IRS, will not need to complete an IRS W-8 form. This foreign vendor may register as a vendor with the State of Missouri through the On-Line Bidding/Vendor Registration System website by using the Employer Identification Number assigned by the IRS.

When a foreign vendor submits a bid, the foreign vendor should attach a note to the front page advising DPMM whether (1) a W-8 form was submitted prior to submission of the bid, (2) a completed W-8 form is included with the bid, or (3) if registered with the State of Missouri through the On-Line Bidding/Vendor Registration website using the Employer Identification Number assigned by the IRS.

9. BUSINESS COMPLIANCE

A vendor must be in compliance with the laws regarding conducting business in the State of Missouri. The compliance to conduct business in the state shall include but may not be limited to:

- Registration of business name (if applicable)
- Certificate of authority to transact business/certificate of good standing (if applicable)
- Proper payment of taxes
- State and local certifications (e.g. professions/occupations/activities)
- Licenses and permits (e.g. city/county license, sales permits)
- Insurance (e.g. worker's compensation/unemployment compensation)

10. VENDOR TAX COMPLIANCE

Pursuant to subsection 6 of section 34.040, RSMo, state agencies, including DPMM, shall not contract for goods or services with a vendor if the vendor or an affiliate of the vendor makes sales at retail of tangible personal property or for the purpose of storage, use, or consumption in Missouri but fails to collect and properly pay the tax as provided in chapter 144, RSMo. An "affiliate of the vendor" shall mean any person or entity that is controlled by or is under common control with the vendor, whether stock ownership or otherwise.

SUSPENDED

11. VENDOR SUSPENSION AND DEBARMENT

DEBARRED

A vendor suspension is an exclusion from bidding and/or contracting with the state for a temporary period of time. A vendor may be suspended from participation in the DPMM procurement process for violation of responsible business practices or unsatisfactory performance. The suspension period may be for a period up to 180 days for a first violation and for not more than a year for subsequent violations. Any bids submitted by the suspended vendor shall not be considered. The vendor will be mailed a formal notice outlining the reason(s) and the effective period of the suspension. The vendor may appeal the suspension to the DPMM Assistant Director in writing within fourteen (14) calendar days after receipt of notification. The vendor must provide specific evidence and reasons why suspension is not necessary. On the basis of this information, the suspension may be modified, rescinded, or affirmed. The decision shall be final and mailed to all parties. **At the end of the vendor's suspension period, it is the vendor's responsibility to submit a request in writing to be reinstated.**

A vendor debarment is an exclusion from contracting with the state for an indefinite period of time. A vendor may be debarred from participation in the DPMM procurement process after multiple suspensions or for a single incident of serious misconduct. The debarment period may be for an indefinite period of time when, in the DPMM Director's sole discretion, it is in the best interest of the state to do so. Any bids submitted by the debarred vendor shall not be considered. The vendor will be mailed a formal notice outlining the reason(s) for the debarment and any action the vendor must take in order to be found eligible to be reinstated. Debarment appeals must be filed with the Commissioner of Administration within fourteen (14) calendar days after receipt of notification. The vendor must provide specific evidence and reasons why the debarment should be reversed. The commissioner’s determination shall be final and shall be mailed to all parties involved.

12. TYPES OF PURCHASES

Generally, the DPMM processes the following types of purchases.

Individual Purchases: The DPMM processes numerous individual procurements for specific state agencies. A firm, fixed price is requested for a fixed quantity with single or multiple delivery dates. A purchase order is issued to the successful bidder.

Scheduled/Consolidated Purchases: The DPMM establishes schedules for consolidated purchases of certain commodities such as food, clothing, etc. State agency requirements may be consolidated for delivery to a single location or each state agency's requirements may be listed separately for separate deliveries. A purchase order is issued to the successful bidder.

Statewide Term Contracts: The DPMM establishes statewide term contracts for commodities or services commonly used in volume by state agencies and political subdivisions and quasi-governmental agencies. The contracts are awarded for a definite period of time, usually one year. The contracts are utilized on an as needed, if needed basis and impose no specific quantity usage obligation upon the State of Missouri. Receipt of the contract does not authorize shipment. Shipment is authorized by receipt of a purchase order from a state agency or authorized entity.

State Agency Term Contracts: The DPMM establishes term contracts for estimated quantities for specific products or family of products or services for use by a specific state agency. The contracts are awarded for a definite period of time, usually one year. Receipt of the contract does not authorize shipment or performance. Shipment/performance is authorized by receipt of a purchase order from the state agency.

Blanket Contracts: The DPMM establishes blanket contracts, also known as "convenience contracts", for use by state agencies in a general locale to procure a particular family of products. Normally, these contracts are based on a discount from a price list or schedule identified in the contract.

Cooperative Procurement: Political subdivisions and quasi-governmental entities are authorized by law to purchase, at their option, equipment, supplies, and services through certain contracts established by the DPMM. The State of Missouri is not liable for orders placed by political subdivisions and quasi-governmental entities through the Cooperative Procurement Program.

IFB/RFP/SFS

13. PROCUREMENT METHODS

IFB/RFP/SFS

All purchases over $3,000 are subject to competitive procurement requirements. For all purchases of $25,000 or more, a formal, sealed, and advertised procurement method is required. The DPMM uses three (3) basic types of procurement methods. Other methods may be used as deemed in the best interest of the State of Missouri. The three procurement methods are:

An Invitation for Bid (IFB) is a formal request for sealed bids. The document will contain standard technical specifications of a specific nature and a formal bid opening date and time with which the bidder must comply in order to be considered for award. Subjective evaluation criteria may be used in an IFB.

A Request for Proposal (RFP) is used for complex requirements that preclude the use of specific specifications or requirements. An RFP will contain functional specifications for which the offeror must respond with a sealed proposal. A formal proposal opening date and time will be specified. Subjective evaluation criteria may be used to select a contractor. Negotiations may be conducted with those offerors who submit potentially acceptable proposals.

A Single Feasible Source is used when the goods or services are proprietary and only available from the manufacturer or a single distributor. This method may also be used to take advantage of special, limited-time discounts from a single distributor and, based on past procurement experience, it is determined that only one distributor services the region in which the supplies are needed.

14. OPEN AND FAIR COMPETITION

It is the intent and purpose of the DPMM that specifications permit free and open competition. The vendor has a responsibility to notify the DPMM if, in his/her opinion, any language or requirement inadvertently restricts the purchase to a single source. Such notification should be received by the DPMM buyer at least ten (10) calendar days prior to any official opening date. A review of the notification will be made by the DPMM and its decision will be final.

Vendors should be aware that the DPMM constantly monitors all procurement activities to detect any possibility of deliberate restraint of competition, collusion, price-fixing, or any other anti-competitive conduct that appears to violate state and federal antitrust laws. Any suspected violations will be referred to the Missouri Attorney General's Office for appropriate action.

In addition, employees of the DPMM, evaluators, and any other persons involved in procurement decisions are prohibited from accepting for personal benefit: gifts, meals, trips, or any other item of significant value or of a monetary advantage from a vendor.

E-MAILS E-MAILS

15. NOTIFICATION OF PROCUREMENTS

ADS ADS

Any requirement for supplies, equipment, or professional services estimated to be valued at $25,000 or more is advertised in at least two daily newspapers. Currently, the DPMM advertises in The St. Louis Daily Record and The Kansas City Daily Record.

All solicitation requests are available on the **State of Missouri's On-Line Bidding/Vendor Registration System website**. Registered vendors receive bidding opportunity e-mail notifications for the solicitation requests. All vendors may also view bid responses and award results on the State of Missouri's On-Line Bidding/Vendor Registration System website. Single Feasible Source purchases are posted at **http://content.oa.mo.gov/purchasing-materials-management/bidding-contracts/single-feasible-source-purchases**.

Vendors without direct Internet access may review official bid solicitation documents on-line through most public libraries or in the lobby area of the DPMM's office located at 301 West High Street, Room 630; Jefferson City, MO.

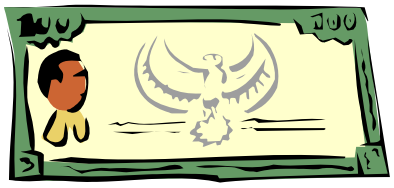
MODIFY

16. SOLICITATION AMENDMENTS

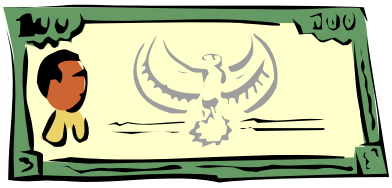
CANCEL

The DPMM reserves the right to officially modify or cancel a solicitation after issuance. Such a modification will be identified as an amendment and numbered in a sequential manner when issued. Registered vendors who received e-mail notification of the bid opportunity from the state's On-Line Bidding/Vendor Registration System when the bid was established and registered bidders who have responded to the bid on-line prior to the amendment being issued will receive e-mail notification of the amendment. Following notification of each amendment, the registered bidder should download the entire official bid document from the **On-Line Bidding/Vendor Registration System website** to view all changes made to the solicitation.

Non-registered bidders should monitor the On-Line Bidding/Vendor Registration System website for issuance of any amendments and download the entire bid document from the On-Line Bidding/Vendor Registration System website to view all changes made to the solicitation.



17. SECURITY DEPOSIT and PERFORMANCE DEPOSIT



If a bid security deposit is required, the amount and type of deposit will be identified in the solicitation document. The bid security deposit should be attached to the bid, included within the sealed envelope or container, and received prior to the bid opening date and time. If a bid is submitted electronically, the bid security deposit must be sent to the DPMM and should be received prior to the bid opening and evaluation of the bid. Failure to submit a bid security deposit within the stipulated timeframe may result in rejection of the bid. The bid security deposit guarantees that the successful bidder will accept a contract or purchase order. Failure to accept the contract and/or submit a performance deposit as required may cause the amount of the bid security deposit to be forfeited to the State of Missouri. Bid security deposits of unsuccessful bidders will be returned after the award is made. The bid security deposit of the successful bidder will be held until the performance security deposit is received.

If a performance security deposit is required, the amount, type and due date will be identified in the solicitation document. Failure to perform the requirements of the contract will cause the amount of the performance security deposit to be forfeited to the State of Missouri.

18. BUY AMERICAN PREFERENCE

In accordance with the Domestic Product Procurement Act (hereinafter referred to as the Buy American Act) sections 34.350-34.359, RSMo, the bidder is advised that any goods purchased or leased by any public agency shall be manufactured or produced in the United States, unless exceptions to the Buy American mandate in section 34.353, RSMo, are met. Preferences shall be applied in accordance with section 34.353, RSMo.

19. BUY MISSOURI PREFERENCES

Pursuant to sections 34.070 and 34.073, RSMo, preferences must be given to all commodities and tangible personal property manufactured, mined, produced, processed, or grown within the state of Missouri, to all new generation processing entities defined in section 348.342, RSMo, except new generation processing entities that own or operate a renewable fuel production facility or that produce renewable fuel, and to all firms, corporations or individuals doing business as Missouri firms, corporations, or individuals, or which maintain Missouri offices or places of business, when quality is equal or better and delivered price is the same or less, quality of performance promised is equal or better and the price quoted is the same or less, or when competing bids, in their entirety, are comparable.

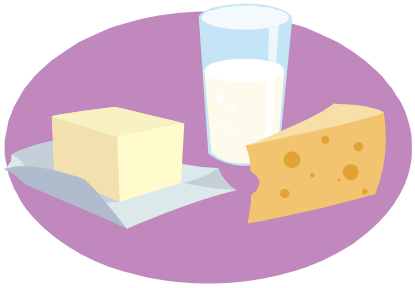
A Missouri product refers to goods or commodities, which are manufactured, mined, produced, processed, or grown by companies in Missouri, or services provided by such companies in Missouri. Commodities shall include forest products and bricks or any agricultural product that has been processed or otherwise had value added to it in Missouri.

Missouri is a reciprocity state. Pursuant to section 34.076, RSMo, if another state mandates a preference for its state vendors, the Missouri reciprocity statute shall apply to that state's vendors bidding in the State of Missouri. An example of this action would be State A has a 5% preference for its vendors. If a vendor is domiciled in State A and wishes to bid in the State of Missouri, 5% will be added to their bid price. This statute shall not apply to any public works or product transportation where the bid is less than $5,000.00.

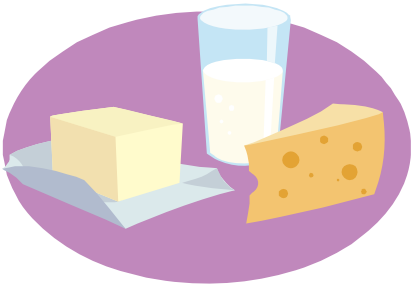
Pursuant to section 34.080, RSMo, a preference must be given to coal mined in the state of Missouri or an adjoining state if the cost is not greater than the delivered cost of coal mined in any other state or states.

20. MISSOURI SERVICE-DISABLED VETERAN BUSINESS PREFERENCE

Pursuant to section 34.074, RSMo, a three-point bonus preference shall be given to service-disabled veteran businesses either doing business as Missouri firms, corporations, or individuals; or which maintain Missouri offices or places of business.



21. MISSOURI CALCIUM INITIATIVE



Pursuant to section 34.375, RSMo, a preference shall be given to high calcium content food or beverages purchased for the purpose of being processed or served in a state-owned or operated building or room. High calcium food or beverages contain a higher level of calcium than products of the same type and nutritional quality, and are equal to or lower in price than products of the same type and nutritional quality. If the purchase of the high calcium food or beverage would interfere with the proper treatment and care of a patient, purchase of the high calcium food or beverage is not required.

22. RECYCLED PRODUCT PREFERENCE

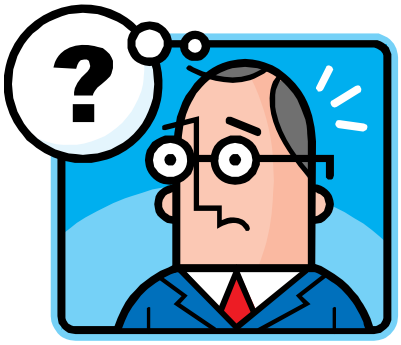
Pursuant to section 34.031, RSMo, a preference shall be granted to comparable products manufactured from, or printed on recycled materials, when the bid price is equal to or less than those items manufactured from, or printed on virgin materials.

23. ORGANIZATIONS FOR THE BLIND AND SHELTERED WORKSHOPS

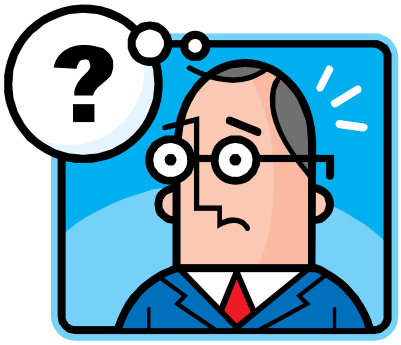
Pursuant to section 34.165, RSMo, a ten-bonus point bidding preference must be applied to bids for those supplies manufactured, produced or assembled by qualified nonprofit organizations for the blind established pursuant to 41 U.S.C. sections 46 to 48c, and by sheltered workshops holding a certificate of approval from the Department of Elementary and Secondary Education pursuant to section 178.920, RSMo. This preference applies to qualified organizations both within and outside the State of Missouri.

24. PRE-BID CONFERENCES

Occasionally, the nature and complexity of a particular solicitation will necessitate a conference with potential bidders prior to the submission of bids to ensure the clarity of the requirements. The specific date, time, and place of the pre-bid conference will be announced in the solicitation document.
Potential bidders should bring a copy of the solicitation document since it will be used as the official agenda of the conference. During a pre-bid conference, potential bidders are encouraged to ask questions concerning the requirements of the solicitation document and the bid submission process. Attendance at the conference will be at the potential bidder's own expense.



25. SOLICITATION QUESTIONS



All questions regarding the solicitation document must be directed to the BUYER whose name appears on the front page unless the solicitation specifically refers the bidder to another contact. Questions may be e-mailed, mailed or faxed to the buyer when time permits. Such communication should be received at least ten calendar days prior to the official bid opening date. The buyer may require any and all questions to be submitted in writing. Any questions related to a solicitation should refer to the appropriate solicitation number, page, and paragraph number, etc. However, do not place the solicitation number on the outside of the envelope containing any written correspondence pertaining to questions about the solicitation. Such an envelope will be identified as a sealed bid and will not be opened until the official bid opening date and time.

26. SUBMISSION OF A FORMAL SEALED BID

Unless otherwise noted in the solicitation document, registered bidders may submit bids either electronically through the State of Missouri's On-Line Bidding/Vendor Registration System website or hard copy delivered to the DPMM's office as specified in the solicitation document. Bidders that have not registered on the State of Missouri's On-Line Bidding/Vendor Registration System website may submit bids hard copy delivered to the DPMM's office as specified in the solicitation document. All bids must (1) be submitted by a duly authorized representative of the bidder's organization; (2) contain all information required by the solicitation; and (3) be priced as required**. Delivered bids must be sealed in an envelope or container, received in the office of the DPMM (301 West High Street, Room 630; Jefferson City, MO) and officially clocked in by DPMM staff no later than the exact opening time and date as specified in the solicitation. NOTE: Bid opening time is based on the Central Time Zone.**

The sealed envelope or container should be clearly marked on the outside with the official solicitation number and the official opening date and time. If multiple containers are submitted, they should be numbered and the container with the original bid should be identified.

27. FORMAL SEALED BID MODIFICATIONS AND CANCELLATIONS

A bid submitted electronically by a registered bidder may be modified on-line prior to the official opening date and time. A bid that has been delivered to the DPMM office may be modified by signed, written notice that has been received by the DPMM prior to the official opening date and time specified. A bid may also be modified in person by the bidder or an authorized representative, provided proper identification is presented before the official opening date and time. Telephone or telegraphic requests to modify a bid will not be honored.

A bid submitted electronically by a registered bidder may be canceled on-line prior to the official opening date and time. A bid that has been delivered to the DPMM office may only be withdrawn by a signed, written notice or facsimile which has been received by the DPMM prior to the official opening date and time specified. A bid may also be withdrawn in person by the bidder or its authorized representative, provided proper identification is presented before the official opening date and time. Telephone, e-mail, or telegraphic requests to withdraw a bid will not be honored.

After the official opening date and time of an IFB, no change in the bid pricing or other provisions of the bid shall be permitted. However, if all bids are non-responsive or otherwise unacceptable and circumstances do not permit a re-bid, the DPMM may negotiate for the required supplies. In the case of an RFP, proposal modifications may be permitted as a result of the negotiation process (provided that negotiations are conducted) through the submission of a best and final offer.

28. RECEIPT AND OPENING OF FORMAL SEALED BIDS

The public is invited, but not required, to attend the formal opening of bids. At IFB openings, bidders' names and prices will be read aloud. At RFP openings, only the offerors' names will be read. No decisions related to an award of a contract or purchase order will be made at the opening. All vendors may view the same bid response information on the State of Missouri's On-Line Bidding/Vendor Registration System website.

29. LATE SUBMISSIONS

Formal sealed bids received after the date and time set for the opening of bids shall be considered late, regardless of the degree of lateness, and normally will not be opened. However, late bids may be opened under extraordinary circumstances as defined in the DPMM rules and regulations (1 CSR 40-1.050 Procedures for Solicitation, Receipt of Bids, and Award and Administration of Contracts).

Evaluate

30. EVALUATION PROCESS

Bids

This section is presented so vendors may gain insight into the evaluation process. However, the DPMM does reserve the right to waive or modify the evaluation process described herein if deemed in the best interest of the State of Missouri.

Vendors shall not contact or lobby evaluators during the evaluation process.

The DPMM is responsible for (a) the selection of evaluators; (b) the evaluation of bids; (c) the selection of the successful bidder(s); and (d) the award of contract(s). The DPMM may either conduct the evaluation itself or appoint persons to evaluate and to make a recommendation for contract award. At its sole discretion, the DPMM may accept or reject the evaluators' recommendation, seek additional advice from others, re-evaluate, or reject all bids.

The evaluation will be conducted in accordance with the evaluation criteria as published in the solicitation document. The evaluation criteria may include responsibility, qualification and capability of bidder, price, and other relevant factors.

In evaluation of bids, the DPMM reserves the right, in the best interest of the State of Missouri, to reject any and all bids, and to waive any minor informality or irregularity in the bids submitted.

31. OFFSHORE SERVICES

Pursuant to Executive Order 04-09, each vendor submitting a bid to the State of Missouri shall be required to provide certification of the location where the contracted services are to be performed, and whether the vendor contemplates any of the work necessary to provide the contracted services being performed offshore.

If during the term of the contract, the contractor or subcontractor has certified that work will be performed in the United States and proceeds to shift work outside of the United States, the contractor shall be deemed in breach of contract, unless the Office of Administration has determined in writing that extraordinary circumstances require the shift of work or that a failure to shift the work would result in economic hardship to the State of Missouri.

No contract shall be awarded to a vendor who contemplates performing work (or having a subcontractor perform work) pursuant to the contract at a site outside the United States, or does not provide disclosures as required above, unless once of the following conditions is met:

1. The vendor or its subcontractor provides a unique good or service; the particular good or service is deemed mandatory for the purposes of the purchasing agency; and no comparable domestically-provided good or service can adequately duplicate the unique features of the good or service provided by the vendor or its subcontractor; or

2. The vendor or its subcontractor is a foreign firm hired to market Missouri services or products to a foreign country; or

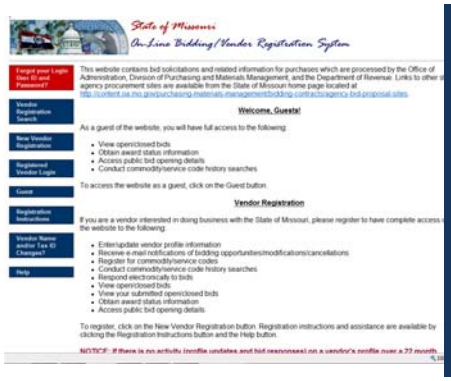
3. A significant and substantial economic cost factor exists that outweighs the economic impact of providing the function or professional services within the United States, such that a failure to use the vendor or subcontractor's services would result in economic hardship to the State of Missouri; or

4. The vendor or its subcontractor maintains a significant business presence in the United States and only performs a trivial portion of work under the contract outside of the United States.

32. CONTRACT AWARD

Contract awards will be made to the lowest and best bidder in accordance with the evaluation criteria published in the solicitation document. The DPMM reserves the right to make multiple awards.

Upon request of the Missouri company who applied for but was not awarded a state contract, the DPMM shall prepare a written explanation within 20 days of the award explaining why the Missouri manufacturer or service provider did not receive the award.

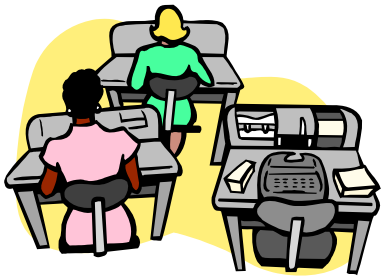


33. PUBLIC NOTICE OF AWARDS

E-mail notification of award decisions will be sent to each bidder who provides an e-mail address when submitting their bid. Telephone requests for results are discouraged.

All vendors may view award results on the **State of Missouri On-Line Bidding/Vendor Registration System website**.

The DPMM provides an open record search system for all bidders. All documents associated with any bid process are imaged and available on our website. We encourage all bidders to review the documentation of all bids, the evaluation report and cost structure once the award process is completed. Such a review may be conducted by accessing the DPMM's **Awarded Bid & Contract Document Search** or by appointment in the office of the DPMM.



34. CONTRACTOR'S PERSONNEL

The contractor shall only utilize personnel authorized to work in the United States in accordance with applicable federal and state laws. This includes but is not limited to the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) and INA Section 274A.

If the contractor is found to be in violation of this requirement or the applicable laws of the state, federal and local laws and regulations, and if the State of Missouri has reasonable cause to believe that the contractor has knowingly employed individuals who are not eligible to work in the United States, the state shall have the right to cancel the contract immediately without penalty or recourse and suspend or debar the contractor from doing business with the state.

The contractor agrees to fully cooperate with any audit or investigation from federal, state or local law enforcement agencies.

E-VERIFY

35. FEDERAL WORK AUTHORIZATION PROGRAM

Award > $5,000

Pursuant to section 285.530, RSMo, as a condition for the award of any contract or grant for services in excess of five thousand dollars by the state or by any political subdivision of the state to a business entity, or for any business entity receiving a state-administered or subsidized tax credit, tax abatement, or loan from the state, the business entity shall, by sworn affidavit and provision of documentation, affirm its enrollment and participation in a federal work authorization program with respect to the employees working in connection with the contracted services. Every such business entity shall also sign an affidavit affirming that it does not knowingly employ any person who is an unauthorized alien in connection with the contracted services.

36. CONTRACTUAL RELATIONSHIPS AND PERFORMANCE

Once a contract is awarded by the DPMM, the contractor will begin to work directly with the personnel of the state agency for whom the supplies, equipment, and/or services were purchased. The state agency is responsible for (a) coordinating activities between the State of Missouri and the contractor; (b) fulfilling any obligations that the State of Missouri may have to the contractor; (c) assessing the performance of the contractor; and (d) making payment to the contractor.

The DPMM does not normally become involved in such matters except in cases of default by the contractor, in cases where the contract must be modified, or when specific contract requirements stipulate direct reporting to the DPMM. However, if problems are encountered in the interpretation, coordination or performance of a contract, the contractor should feel free to contact the DPMM for assistance in clarifying the relationship.

If additional supplies, equipment, and services not covered by the contract are delivered or performed, the contractor must clearly understand that **no** additional compensation will be paid to the contractor unless such changes have been approved by the DPMM in the form of an official amendment to the contract prior to actual performance or delivery by the contractor.

The contractor must not assume that a contract containing a renewal option will be renewed. The contract will automatically expire unless the state agency notifies the DPMM in writing that such supplies, equipment, and/or services are needed for an additional period of time. Even if the state agency requests such an extension, the DPMM may either extend the current contract or seek competitive bids. This decision may depend upon changes in the marketplace developments, cost of the extension, and many other factors.

The contract number given by the DPMM should be used in all correspondence, invoices, and communications. By doing so, an inquiry can be answered in a more expedient manner.

37. PAYMENT PROCEDURE

After delivery and acceptance, the contractor must prepare and submit an invoice for payment to the state agency specified in the purchase order. The invoice should reference the State of Missouri purchase order number. Vendors and contractors can expedite payment by preparing and mailing invoices in strict accordance with the instructions given on the purchase order or contract. Do not send the invoice to the DPMM as this will result in the delay of payment since invoices will be returned to the contractor. For large orders requiring partial or periodical deliveries and involving sizable amounts of money, separate invoices may be submitted for each delivery.

Section 34.055, RSMo, provides for a late payment penalty on invoices that are not paid within 45 days after delivery or invoice approval whichever is later.

The contractor shall understand and agree the state reserves the right to make contract payments to the contractor through electronic funds transfer (EFT). Therefore, prior to any payments becoming due under the contract, the contractor must return a completed state Vendor Input/ACH-EFT Application Form that is downloadable from the Vendor Services Portal at: https://www.vendorservices.mo.gov/vendorservices/Portal/Default.aspx. Upon approval of the application, the contractor will be eligible to receive ACH/EFT transactions in approximately 30 days.

Each contractor invoice must contain a unique invoice number. The invoice number will be listed on the state's EFT addendum record to enable the contractor to properly apply state payments to invoices. The contractor must comply with all other invoicing requirements stated in the solicitation document.

The contractor may obtain detailed information for payments issued for the past 24 months from the State of Missouri's central accounting system (SAM II) on the Vendor Services Portal at **https://vendorservices.mo.gov/vendorservices/Portal/Default.aspx**.

38. AWARD PROTEST PROCEDURES

A bid or proposal award protest must be submitted in writing and must be received by the DPMM within ten (10) business days after the date of award. If the tenth day falls on a Saturday, Sunday, or state holiday, the period shall extend to the next state business day. A protest submitted after the ten (10) business day period shall not be considered.

The written protest should include the following information:

- Name, address, and phone number of the protester;
- Signature of the protester or the protester's representative;
- Solicitation number;
- Detailed statement describing the grounds for the protest; and
- Supporting exhibits, evidence, or documents to substantiate the claim.

A protest, which fails to contain the information listed above, may be denied solely on that basis. All protests filed in a timely manner will be reviewed. A written determination of the protest will be issued. A determination only on the issues asserted in the protest will be issued. A protest, which is untimely or fails to establish standing to protest will be summarily denied. In other cases, the determination will contain findings of fact, an analysis of the protest, and a conclusion that the protest will be either sustained or denied. If the protest is sustained, remedies could include canceling the award. If the protest is denied, no further action will be taken by the DPMM.

39. TIPS ON DOING BUSINESS WITH THE STATE OF MISSOURI

- Download solicitation documents in their entirety, including all attachments, from the State of Missouri's On-Line Bidding/Vendor Registration System website. Read solicitation documents thoroughly including the terms and conditions. Be sure you understand all the requirements. If you don't, contact the buyer for clarification.
- When submitting bids be sure to follow instructions. Submit all required and requested information. Be sure your bid is legible and complete. If copies are requested, include appropriate number of copies plus original.
- Be sure that your bid is sent to arrive in the DPMM office before the specified opening date and time.
- Follow up on submitted bids by monitoring the Awarded Bid & Contract Document Search on DPMM's website. Find out who won the award, the prices, and other information. Review the evaluation report. All vendors may also view bid responses and award information on the State of Missouri's On-Line Bidding/Vendor Registration System website.
- Get to know the local purchasing needs of the various state agencies. Ask to be placed on their vendor contact list for small purchases and their recommended vendor list for large purchases.
- Review bid notices on the State of Missouri's On-Line Bidding/Vendor Registration System website and advertisements in newspapers.
- Have a good reputation for service, quality product, and reliability.
- Ask questions.
- Don't offer gratuities.