

Purchasing 101

Basic Purchasing

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Basic Purchasing Training Course

PURPOSE

This training course is designed to give agency purchasing personnel an overall understanding of the State of Louisiana statutes, rules, polices, and procedures that govern procurement for State Agencies in Louisiana.

OBJECTIVES

Upon completion, the student should:

- Be familiar with governing procurement parameters including ethics, procurement statutes, rules and regulations, and the small purchase executive order.
- Understand delegated authority.
- Be able to utilize basic procurement methods and understand other types of procurement and requirements specific to some commodities.
- Understand the basic principles of specification development (more detail provided in specification course).
- Be familiar with “help” services provided by OSP.
- Understand how to use the resource materials provided and locate other resources.

Materials Provided

Louisiana Procurement Code (Title 39, Chapter 17)
Purchasing Rules and Regulations (LAC 34)
Small Purchases Executive Order
Procurement Handbook
Agency Purchasing Quick Reference
Commodity Code Book
Code of Ethics
List of OSP staff and telephone numbers
AGPS database terms and conditions

Section I: Legal Requirements

Government purchasing agents must have a working knowledge of the Purchasing Rules and Regulations, and all applicable executive orders and statutes governing procurements.

References are made throughout this publication to applicable statutes and rules, as well as additional information contained in the Appendix. However, the information contained herein is in no way all-inclusive.

Legal requirements pertaining to purchasing can be accessed from the Office of State Purchasing's website, www.doa.louisiana.gov/osp under "Legal Info".

A. State Purchasing & the Louisiana Procurement Code:

Louisiana Revised Statutes 39:1551, et. seq. is known as the Louisiana Procurement Code. All State Agencies, unless excluded by Section 1554 C & D, follow the Louisiana Procurement Code, which simplifies, clarifies and modernizes the law governing procurement by this state.

This law creates the Central Purchasing Agency (OSP) and names the State Director of Purchasing as its head (RS39:1562). Section 1564 gives this director the authority to procure all supplies or services needed by the state, unless otherwise provided in the law. Section 1571 provides for the centralization of procurement by state agencies through the central purchasing agency (OSP). However, exemptions to this are listed in Section 1572.

1. Exempt Agencies: RS 39:1572 exempts certain agencies from conducting their procurements through the Office of State Purchasing (**OSP**); however, they must still follow the Procurement Code and Purchasing Rules and Regulations. (See RS 39:1572 for exempt agencies)

Exceptions to this include non-contract purchases for data processing hardware of \$100,000 or more, software agreements worth \$100,000 or more, all vehicles, and certain telecommunication purchases. Exempt agencies must process these procurements through OSP.

2. Non-Exempt Agencies: MUST follow OSP regulations. OSP procures for all non-exempt agencies above their **delegated purchasing authority**.

R.S. 39:1566 gives the Director of State Purchasing the power to delegate a purchasing authority to each non-exempt agency. This is a formal, written delegation, and the amount is based on the agency's demonstration of competence for accomplishing purchasing according to state laws, rules and regulations. Some of the factors considered are the number of purchasing classifications at the agency, the personnel's education, experience and training, and the agency's performance.

Delegated purchasing authority (DPA) is usually limited to "small purchases", as defined by current Executive Order. Executive Order BJ 08-67 defines "small purchase" as any procurement not exceeding **\$25,000**. Non-exempt agencies may process purchases within their DPA unless excluded by other provisions, such as the examples

stated below. Agencies may request an increase in their DPA by completing the questionnaire available on our website under Online Forms\Agency Forms.

Contract purchases are not limited to the agency's DPA. They may be for any amount, unless otherwise limited (e.g., internal limits w/in the agency).

Non-contract purchases exceeding an agency's DPA are sent to OSP for processing and/or approval.

Some commodities must be purchased through OSP regardless of the non-exempt agency's DPA. Non-exempt agencies submit purchases for the following to State Purchasing for processing and/or approval:

- Labor and material project purchases \$5,000 or more
- Vehicles
- Telecommunications
- Travel
- Used Equipment
- Elevator Maintenance

B. Other Louisiana Procurement Statutes

- RS 38:2211-2296 Public Contracts
- RS 39:1481-1526 Professional Services (Office of Contractual Review)
- RS 39:196-200 Data Processing
- RS 39:1527-1546 Insurance
- RS 39:1695 Late Payments
- RS 39:1761 Lease/Purchase
- RS 42:1101-1170 Code of Ethics
- RS 43:1-34 Printing
- RS 43:111-211 Advertisements
- RS 44:1-41 Public Records

C. Purchasing Rules and Regulations

Louisiana Administrative Code (LAC) 34, Part I
Promulgated by the Office of the Governor, Division of Administration, State Purchasing.

D. Executive Order BJ 08-67

This defines "Small Purchases" as any procurement not exceeding **\$25,000**. Items listed in Section 5(A) or (B) of the Executive Order are considered small purchases regardless of price [except A(14), A(24), and A(26), each of which has a dollar limit],

Section 1 - States who is required to adhere to the directives set forth in this Order.

Section 2 - Defines key words and terms used in this Order.

Section 3 - Defines items that are exempt from the procedures established in this Order.

Section 4 - States the minimum procedures that are required for small purchases.

Section 5 - Lists the items that are considered small purchases regardless of price. Agencies' DPA's still apply to these purchases. Agencies create orders (Section A) or solicit quotations (Section B), but orders exceeding the agency's DPA must have OSP approval prior to issuance.

Section 5:A - may be procured without competitive bidding.

Section 5:B - telephone or facsimile price quotations must be solicited, where feasible, from at least 3 bona fide, qualified bidders.

Section II: Purchasing Process

NOTE: The Procurement Handbook provides extensive information regarding the competitive bid and award process. See particularly Sections 7 through 23 of the handbook.

A. Identify Need

An agency identifies its needs and determines which goods or services will satisfy those needs. The agency gathers all information that will help to simplify the procurement process, including specifications, sources, proper commodity class (AGPS users) and estimated cost (*Appendix 1a, 2*), and then determines the appropriate **method of procurement**.

B. Methods of Procurement

1. Statewide Contracts

OSP develops statewide contracts in various commodity areas in order to group the needs of the different agencies, to standardize, to consolidate usage for lower prices and reduce administrative costs. Contracts are developed because the need is recognized by repeat purchases, or agencies request them.

Contracts are agreements whereby participating agencies can purchase directly at the prices and terms established in the contract. Contracts allow agencies the convenience of purchasing items directly without having to competitively bid each time they buy those items.

An agency determines whether the goods or services they need are available on a state contract, and whether the terms of the contract meet the agency's needs.

Most state contracts are available for convenience and their use is **not mandatory**. Many of these contracts have minimum order requirements. All agencies may purchase from statewide contracts if they meet the minimum order requirement, unless the contract is for specific agencies or areas of the state, or unless excluded by other provisions. There are no maximum dollar limits for contract release orders, unless set internally by the individual agency.

If the use of a contract is **mandatory**, this should be shown on the KNOA screen in AGPS, or in Contract Notes in LA eCat Search. Agencies are required to use mandatory contracts, unless their quantities do not meet the minimum order requirements or the items do not meet their needs, in which case they must seek written approval from the Chief Procurement Officer to bypass the contract.

Although most contracts are non-mandatory, agencies are encouraged to compare prices on contract prior to making a purchase by another method. Agencies are also encouraged to shop and to compare products on contracts where same or similar items appear on more than one contract, and to make a best value decision when making a selection.

LAPS - State Purchasing has recently issued rules for a new program called Louisiana Pricing Schedules (LAPS) to ensure that all users of these contracts are good stewards of the taxpayers' money. LAPS is the acronym used to describe those contracts that were established as Brand Name, LaMAS or Multi-State contracts. The new rules will require that, when the total procurement exceeds \$25,000.00, all eligible users of any of these contracts must compare contracts and seek best value procurements where multiple contracts exist for like or similar items.

These new rules can be found in the Louisiana Administrative Code, Title 34, Part I, Section 1709. These rules are also attached to OSP Memo 08-02, which can be viewed on our website. State Purchasing will maintain a list of all contracts to which these new rules apply on OSP's website.

LA eCat - The State has a new program which moves us closer toward total e-commerce. Louisiana's Electronic Catalog (**eCat**) is an internet-based shopping tool for placement of contract orders. Agencies can shop via the internet, create shopping baskets, and place orders online. Orders created by AGPS agencies are placed in AGPS for approvals and for encumbrance. Orders may then be sent electronically to the vendor, with an email sent to the vendor to notify them that the order is waiting. Most of the current itemized contracts are available for eCat shopping. The "catalog" type contracts are "Punchout contracts", which allow agencies to enter the vendor's shopping area and create a shopping basket, with that data then being transferred back into eCat so that the order can be issued.

LA eCat can be accessed directly from OSP's home page. Just click on the logo on this page, and you will be taken to the Log-In site; or, click on "Louisiana's Electronic Catalog" under "Services", and this will link you to additional information.

The search feature in LA eCat has replaced the previous **Contract Search** on our website. Now when you click on "Contract Search", you are linked to the initial search page in LA eCat. Tips for searching are listed on this page. Agencies can use various methods to search for contract items in LA eCat. You do not have to log into eCat in order to use the search feature. If you are at the log-in site, simply click on the words "Contract Search", and you will be taken to the search page.

2. Sheltered Workshop Purchase (Appendix 5) (RS 39:1594.I)

An agency can purchase directly from a sheltered workshop without competitively bidding. Agency may obtain quote from Employment Development Services (EDS) or issue a Contract Release Order (CRO) against State Use Contract No. 401120**. Phone number for EDS is (800) 927-1610.

3. Prison Enterprise Purchase (Appendix 5) (RS 15.1157.A(1))

An agency can purchase directly from Prison Industries. Agency may obtain quote from Prison Industries or issue a Contract Release Order (CRO) on Prison Enterprise Brand Name Contract No. 403587**.

Agency may issue Contract Release Order (CRO) based on established prices on Company Apparel Safety Items (CASI) Contract No. 403221**.

** The above Contract Numbers will always remain the same (Never Expire).

4. Non-Contract Purchases

If the agency determines that the goods or services required are not available through a state contract or if they do not choose to utilize an existing contract (if the contract is non-mandatory), or not available through a sheltered workshop or Prison Enterprises, the agency may handle the purchase at its level (if estimated cost is within its DPA), or submit requisition to OSP for competitive bidding (if over its DPA).

a. Small Purchases

Per R.S. 39:1596, “any procurement **not** exceeding the amount established by executive order of the governor may be made in accordance with small purchase procedures prescribed by such executive order”, unless excluded by other provisions. **Executive Order BJ 08-67**, establishes “**small purchase**” as any purchase not exceeding **\$25,000** [or any procurement of those items listed in Section 5 of the order, regardless of price, with the exception of A(14), A(24), and A(26), each of which has a dollar limit].

Purchases handled by the agency shall be in accordance with **small purchase procedures** established by Executive Order BJ 08-67 (unless excluded by other provisions). Minimum requirements, based on the estimated amount of the purchase, are as stated below. See the Small Purchases Executive Order for further procedures (accessible on OSP’s website under “Legal Info.”).

- i. **(1) \$1000 or less** per single transaction

****No competitive process required****

- ii. **Purchases greater than \$1000, but not exceeding \$5,000**

Solicit Quotations:

- * From **3** or more bona fide, qualified vendors
- * At least 1 shall be a certified economically disadvantaged business whenever possible.

Quotations may be made via **telephone, facsimile**, or other means

Soliciting 3 quotations may be waived when:

- purchasing from a Small Entrepreneurship or Small & Emerging Business, when best value determination has been made that price is reasonable. Determination to be maintained in file.
- purchasing in-state (business domiciled in LA), if business analysis determines that in-state prices are equal or better than 2

other price comparisons, such as state contract price, GSA price, or similar resources. Comparison documents to be maintained in file.

iii. Purchases greater than \$ 5,000 but not exceeding \$25,000

Solicit Quotations from 5 or more bona fide, qualified vendors

At least 2 shall be certified small & emerging businesses whenever possible (this requirement waived if solicitation is posted on LAPAC**.)

Quotations may be made by fax or in writing.

Minimum of three (3) working days shall be allowed for receipt of quotations.

REMINDER: Agencies who have been issued a delegated purchasing authority (DPA) are only authorized to handle competitive purchases within this amount (e.g., an agency w/ a DPA of \$5,000 is only authorized to handle competitive purchases up to this amount and therefore would not need to use procedure iii. above, although the procedures set forth for each dollar level are only minimum requirements, and an agency can go above and beyond these requirements if it so chooses.) If the total purchase is expected to exceed its DPA, agency sends the order to OSP for handling.

The Executive Order also states that, in the absence of a good faith business basis, no purchase or procurement shall be artificially divided within a cost center, or its equivalent, to avoid the competitive process or the solicitation of competitive sealed bids.

Executive Order BJ 08-67, Sections 5:A & 5:B apply to purchases of any amount [except as limited in A(14), A(24), and A(26)].

Executive Order BJ 08-67, Section 5:A. – The items listed here do not require competitive bidding. They can be handled by the agency regardless of the amount [except as limited in A(14), A(24), and A(26)], but orders exceeding agencies' DPA's must have OSP's approval prior to issuance.

Executive Order BJ 08-67, Section 5:B. – For the items listed here, agency solicits at least 3 phone or fax quotations where feasible. Orders exceeding agency's DPA must have OSP's approval prior to issuance.

b. Purchases Exceeding Small Purchase Limit

Per R.S. 39:1594, any procurement which exceeds the amount established by executive order shall be awarded by **competitive sealed bidding**, unless otherwise authorized by law.

Therefore, for purchases exceeding \$25,000, (this would apply to agencies exempt from OSP, w/ no DPA, such as colleges and universities) agencies

should refer to the Procurement Code (RS 39:1551-1736) and the Purchasing Rules & Regulations for procedures. See specifically RS 39:1594 and Chapter 5 of the Rules and Regulations for procedures regarding competitive sealed bidding.

Note: All solicitations of an amount requiring competitive sealed bidding (over \$25,000) and all RFP's must be posted on the Division of Administration's internet posting site (LaPAC**).

Goods and/or services may be procured by either the Invitation to Bid (ITB) process or the Request for Proposal (RFP) process. The ITB process is used most often, and is used when an agency has a definitive need. Award is made to the lowest responsive and responsible bidder. The RFP process is an alternative procurement method used when seeking a solution to a definitive problem, for highly technical equipment, complex services or when contracting with a Group Purchasing Organization (GPO). Award is made to the responsible bidder whose proposal is the most responsive and advantageous to the State with consideration to other evaluation criteria as well as to cost. See LA R.S. 39, Chapter 17. To receive additional information on the RFP process, please contact the Office of State Purchasing or go to OSP's website, Agency Center, RFP Manual and Exhibits.

****LaPAC** – What is LaPAC?

LaPAC is the state's central electronic website where bid opportunities are posted. State agencies are required to post all Requests for Proposals and all invitations for bid which are anticipated to exceed \$25,000 to the Division of Administration's electronic site for posting solicitations. The Office of State Purchasing posts all of its solicitations on LaPAC. Other state agencies may choose to post solicitations for lower amounts, even though they are only required to post those which are expected to exceed \$25,000 (only those agencies exempt from OSP have authority to handle bids over \$25,000).

Anyone can go to <http://wwwprd.doa.louisiana.gov/OSP/LaPAC/pubmain.asp> and search in a variety of ways for solicitations that are posted. Documents can be downloaded and printed. Vendors can use the documents to submit bids.

LaPAC is available to vendors for self-enrollment at no charge.

c. Sole Source (App. 1d, 4, 5, & 6)(RS 39:1597, Rules & Regs. Sect. 901-907)

A Sole Source condition exists when a particular item or service is available from only one supplier (usually the manufacturer) and is unique in that no other will be suitable or acceptable to meet the need. Conditions for use include:

1. Compatibility is the paramount consideration.
2. A sole supplier's item is needed for trial use or testing.
3. Procurement of items for resale.
4. Procurement of public utility services.

5. Registered breeding stock on a selective basis with approval by Commissioner of Agriculture and specialist.
6. Other livestock on a selective basis w/ approval from Commissioner of Agriculture up to \$1500.00. Over \$1500 requires approval of Chief Procurement Officer.

A sole source file should include a declaration of sole source letter from the vendor and justification from the agency as to why no other product will be suitable or acceptable to meet its need. Determination as to whether procurement shall be made as a sole source shall be made in writing by the chief procurement officer, or head of a purchasing agency. This written determination should also be included in the file.

d. Proprietary Purchase (App. 4 & 5)(RS 39:1655, Rules & Regs. Sect. 309)

A proprietary specification is one which cites a brand name, model number, or other designation which identifies a specific product to be offered, exclusive of others, but the product may be available from more than one source. Conditions for use include:

1. Only one product will meet the State's needs due to compatibility, standardization, or maintainability.
2. Available from more than one source.
3. Use of proprietary specifications must be justified and approved in writing by the chief procurement officer or head of an agency.
4. Proprietary purchases must be competitively bid. Solicitation must state that the specifications have been approved as proprietary and that bids for only the specified brand/model, etc. will be considered.
5. Bids would be handled in accordance with procedures described above, depending on the amount of the purchase

e. Emergency (App. 1c, 5 & 6) (RS 39:1598, Rules & Regs. Sect.1101-1111)

An emergency condition is a situation which creates a threat to public health, welfare, safety or public property. The existence of such conditions creates an immediate and serious need for supplies, services, or major repairs which would seriously threaten:

1. The functioning of Louisiana Government
2. The preservation or protection of property, or
3. The health or safety of any person.

Emergency procurement shall be limited to only those supplies, services, or major repair items necessary to meet the emergency, as well as have the appropriate approvals and be in accordance with R.S. 39:1598 and LAC 34:I.1101-1111.

Emergency purchase up to \$5,000 – prior approval by the chief procurement officer (CPO) is obtained whenever practical.

Emergency purchase above \$5,000 – prior approval by the CPO must be obtained.

In any case, quotations should be obtained from 3 or more bona fide vendors if time permits.

C. Competitive Process

1. Determine procedure, based on estimated amount.

- a. Is it within your agency's DPA? If not, send to OSP for handling.
- b. Is competitive process required?
- c. What are the requirements for getting bids/quotes? How many vendors must be solicited? What method (phone, fax, written)?

2. Prepare Invitation-To-Bid (ITB) (See App. 1a, 2 & 3)

- a. List all pertinent information.
- b. Specifications should be clear, concise, but not restrictive.
- c. Desired delivery should be reasonable.
- d. Include any necessary special conditions.
- e. Assign an opening date and time, even on phone quotes.
- f. Advertise (newspaper & LaPAC) if over \$25,000

3. Prepare Addendum (if necessary)

- a. Address any discrepancies, omissions or changes in the specifications/terms and conditions discovered during the solicitation period prior to opening. (Ex: Bid opening date extension; revision to specifications; additional items requested; etc. See suggested language in Procurement Handbook, Sec. 17.)
- b. Send to all vendors originally solicited.
- c. If BOD is extended more than one week, ITB must be readvertised.

4. Bid/Quotation Receipt

- a. Written or faxed quotations/bids should be stamped with date and time received.
- b. Quotations should be kept in secure place until opening date/time in order to safeguard the confidentiality of the responses.
- c. Sealed Bids shall remain sealed until opening date/time.
- d. Quotations/Bids received after opening time shall be rejected.

5. Bids/Quotations Tabulated

- a. File shall contain list of all vendors solicited.
- b. After bids/quotations are publicly opened and read, responses shall be recorded, and this written record will be maintained in the file.

6. Evaluation & Award (See Appendix 1b)

a. Administrative Review

1. Review bid/quotation for completion and responsiveness
2. Check for signature

b. Price and Specification Review

1. Reduce prices to a common denominator
2. Determine if low bid meets the criteria outlined in the ITB and if bid is acceptable.
3. Preferences - Louisiana statutes allow preferences for:
 - * Products manufactured, produced, grown, assembled, or harvested in Louisiana.
 - * Reciprocal preferences.
 - * Organizing rodeos and livestock shows.
 - * Sheltered workshops.
 - * Steel rolled in Louisiana.
4. Freight charges – Are they included in price or otherwise defined as a firm price which can be calculated on each item?
5. Cash Discounts - Discount offered by the bidder for prompt payment.
 - * Open Market Purchases and Definite Quantity Term Contracts
All cash discounts will be taken, but will only be considered in determining an award on terms for 30 days or more and at least one (1%) percent.
 - * Indefinite Quantity Term Contracts.
Cash discounts will be accepted and taken but will not be considered in determining awards.

- c. If the low bid meets specifications and is acceptable, it is indicated on the tabulation or in the file and the bid is awarded.
- d. If the low bid is rejected, reasons must be documented and the process repeated for the next low bidder until an award is made.
- e. No criteria may be used in bid evaluation that is not set forth in the ITB.
- f. Award is made to the lowest responsive and responsible bidder. Bids cannot be negotiated.

Per RS 39:1591 (7) & (8), the following definitions apply:

Responsive bidder - person who has submitted a bid under RS 39:1594 which conforms in all substantive respects to the invitation for bids, including the specifications set forth in the invitation.

Responsible bidder - person who has the capability, in all respects, to perform the contract requirement, and the integrity and reliability which will assure good faith performance.

D. Purchases over DPA

1. If a non-exempt agency determines that a purchase will exceed its DPA, the request is forwarded to OSP for processing. It should include: **(Appendix 1a, 2)**

- a. goods and/or services requested
- b. specifications **(Appendix 3)**
- c. delivery terms
- d. special terms and conditions
- e. suggested bidders
- f. estimate

2. OSP reviews requisition, makes any necessary changes and/or additions and determines appropriate purchasing method.

Section III: Special Commodities

A. Telecommunications (RS 39:1751-1755, LAC Title 4 Part IX)

1. All telecommunications equipment, systems, and related services for the purchase, lease, or rental by any state agency shall have prior approval from the Office of Telecommunications Management except as outlined in the handout entitled "Telecommunications".
2. Purchasing for telecommunications equipment, systems, and services shall be done by State Purchasing unless delegated authority is given by Chief Procurement Officer.
3. Solicitations are often in a Request for Proposal format.
4. State agencies shall use telecommunications contracts if available.

B. Information Technology (LAC 34, Chapter 55) (Purchasing Rules & Regs. Sections 5501 - 5513) , also see OSP Memo 04-02 on OSP's website

1. Provides for the acquisition of computer equipment, software and maintenance for all state agencies.
2. Provides for the establishment of Brand Name contracts for microcomputer equipment and peripherals.
3. All IT initiatives \$100,000 or greater require CIO approval from the Office of Information Technology (requirements recently relaxed for renewals, etc.—see IT Bulletin 02-02 Rev. 2 dated Oct. 5, 2004 on OIT's website).
4. After receipt of CIO approval, The Procurement Support Team (PST) reviews all acquisitions \$100,000 or greater. Team membership is comprised of representatives from State Purchasing, Legislative Legal Staff, Legislative Fiscal Office, the user agency, with technical assistance from the Office of Information Technology.
5. Installment purchases for up to 60 months can be used.
6. Data Processing equipment can be disposed of by advertisement to other agencies or by trade-in.

C. Printing

1. Per MEMORANDUM OSP 03-13, an agency's delegation for printing purchases is equal to its delegation for other commodities.
2. See the information regarding all printing contracts on OSP's website under Contracts (separate link to Printing Contracts). Previously, some printing contracts required that the agency send a requisition to OSP. That process has been changed. All orders against printing contracts can be issued directly to the contractor from the agency.

D. Used Equipment (Appendix 6) (RS39:1645, Rules & Regs. Section 905B)

1. Agency must present cost effective information.
2. Must be purchased within price range set by the Director of State Purchasing or the Directors of Purchasing at colleges and universities in his/her statement of approval for the purchase.
3. Head of agency, college or university shall certify the following in writing to the Director of State Purchasing, College or University:
 - a. Price of used equipment
 - b. Plan for maintenance and repair of equipment including cost
 - c. Savings that will accrue to the state by purchasing used equipment.
 - d. Statement of fact that procedures set out in the Louisiana Procurement Code will result in the loss of the opportunity to purchase the equipment.

E. Labor and Materials Projects (RS 38:2241)

1. Projects that require skilled laborers (plumbers, electricians, etc.)
2. Less than \$5,000 and within the agency's DPA, may be processed at the agency. Not necessary to reduce to a contract.
3. Per Exec. Order BJ 08-67, over \$5000 must be sent to State Purchasing for processing, regardless of DPA (applies to non-exempt agencies) and must be reduced to a contract.
4. Additional requirements are applicable to labor and materials projects.

F. Vehicles (OSP Website, go to "Contracts", then "Vehicle Contracts")

1. Procedures for vehicles apply to **all state agencies**, including those exempted by R.S. 39:1572.
2. Agency request must be forwarded to the Office of State Purchasing for processing. All purchase orders for state vehicles must be issued by OSP.
3. All required documentation must be faxed to OSP with request. All documents faxed must reference the order or requisition number.
 - a. Letter of Intended Use (including option justification) in accordance with the Commissioner of Administration's guidelines.
 1. detail of the intended use
 2. estimated annual mileage

3. number of expected occupants
4. types of primary travel.

b. DA-121 Condition Report for Trade-in Vehicle

c. Alternative Fuel Form-1 (approved by LPAA)

4. For each new vehicle requested, an existing vehicle must be relinquished to Louisiana Property Assistance Agency (LPAA) – Surplus Property. If no trade-in vehicle exists, sufficient justification and budget approval for an addition to the agency's fleet must accompany the request and will require LPAA review and approval. All requests must be addressed to the Commissioner of Administration.

5. All newly purchased state-owned vehicles must be delivered to the respective Agency's Property Control for inspection, receipt and acceptance to ensure compliance with the contract and order specifications.

G. Elevator Maintenance

All requests from **non-exempt agencies** for elevator maintenance are to be processed through the Office of State Purchasing, regardless of DPA.

H. Equipment Financing (on website, under "Agency Center")

The Office of State Purchasing established two financing programs (LEAF and MIPA) to finance equipment such as those items which historically have been rented or leased and those equipment items historically placed in the bond portion of the Capital Outlay Bill.

1. Louisiana Equipment Acquisition Fund (LEAF)
A self administered internal finance program
2. Master Installment Purchase Agreement (MIPA)
A third party, vendor finance program

The eligible program participants are all budgeted state agencies within the General Appropriation and Ancillary Appropriations Acts.

Agencies should contact State Purchasing to determine eligibility for either program. All financed purchases are processed by OSP.

Agencies may use their rental money for finance purchases instead of equipment money.

Section IV: Deficiency Complaints

The Deficiency/Complaint form can be accessed and transmitted to the Office of State Purchasing on their website, www.doa.louisiana.gov/osp.

If used correctly, the deficiency/complaint report can effect better vendor performance, improved contracts and increased customer satisfaction. Agencies are encouraged to document and report all poor or deficient performance. End users need to understand the importance of ongoing documentation and reporting and not wait until it is time to award a new contract to decide that the product does not meet their needs. It is impossible for the contract manager to improve specifications or disqualify products that meet specifications without previous documentation.

The following steps should be followed if any problems occur:

1. Agency encounters problems
 - a. late delivery
 - b. inferior merchandise
 - c. product substitution, etc.
2. Attempt to resolve
It is suggested that the agency call the contractor to discuss the problem and follow up in writing with a copy to State Purchasing. Follow up with contractor until the problem is resolved or contact State Purchasing for assistance.
3. Complete Deficiency/Complaint Form (**Appendix 6**)
Never include personal opinions.
4. Include all documentation
Document the events that have taken place between the agency and the contractor, including all correspondence or verbal communication.
5. Send to State Purchasing
6. Resolution
State Purchasing assigns log numbers to all deficiency/complaints with follow up procedures in place. Letters are written to the vendor requesting corrective action and his written response within a given time. A copy of the vendor's response is sent to the agency for comment and the logged complaint is not closed until the agency is satisfied with the resolution.

Section V: Questions

State Purchasing has a telephone line dedicated to answering procurement questions. The number is (225) **219-HOW2** (219-4692). This help desk is a central contact point for all agencies and vendors who have procurement questions. It is also a help line for vendors and for non-AGPS agencies who have questions about LaPAC (electronic site for posted solicitations) or eCat electronic shopping and ordering tool. AGPS agencies call the OIS help desk at 225-342-2677 for LaPAC or eCat questions. OSP's help desk is available from 7:30 AM to 4:30 PM weekdays, excluding holidays. In conjunction with the help desk, OSP will record questions and answers, which will help in posting frequently asked questions on their website and which will enhance their training classes.

This Frequently Asked Questions (FAQ) site is available on the State Purchasing website, www.doa.louisiana.gov/osp under "Agency Center" and "Frequently Asked Questions". There questions/answers can be found that may assist in everyday purchasing duties.

State Purchasing also has available a form (O.S.P. @ Your Service) through which you can request answers to any state procurement related question. Customers may complete the simple form on-line and submit via email. It is the intent to answer routine questions within 24 hours (excluding weekends and holidays). Answers to questions that require research may take longer but you should be contacted within 24 hours.

O.S.P. @ Your Service

State Purchasing wants to hear from you. Let us answer your questions and help solve your purchasing problems. Complete the form below and click on "Submit". Fields marked with an asterisk (*) are required. It is our intent to answer routine questions within 24 hours (excluding weekends and holidays). Answers to questions that require research may take longer but you should be contacted within 24 hours. (Note: For OSP web-related questions, suggestions, comments or problems, contact the OSP Webmaster.)

*Question,
suggestion,
or comment:

*Name:

Organization:

*E-mail:

*Phone:

Indicate how you
would like to be
contacted:

E-mail

Phone

Submit

Clear Form

Section VI: Additional Resources

State Purchasing's Website

A wealth of information may be accessed on OSP's website @ www.doa.louisiana.gov/osp including, but not limited to:

Contract information

Direct links to LaPAC and eCat

Legal information and search capability

"About Us"

OSP Purchasing & Travel Staff, including telephone numbers, e-mail addresses and assigned commodities

Procurement Links (NAPM, NASPO, Thomas Register, etc)
State Agency and Quasi Agency/Political Subdivision lists

Reference Links - to other web sites that may be useful for purchasing professionals. (AT&T 800 and 888 Number Search, FED-X Tracking, Bureau of Labor Statistics, etc)

List of Economically Disadvantaged Business (EDS) or Small & Emerging Business Development (SEBD) (-ISIS users can access on AGPS screen "CGSA", and inquire on "ED" for that commodity code number

Agency Center

Procurement Handbook

RFP Manual

Equipment Financing

LaCarte Program

OSP Memos – Issued periodically by OSP to announce important issues, procedural changes, certain contract awards, new rules or guidelines, etc

....and more

Vendor Information

On-line Forms

Travel Information

Appendices

Checklist for Requisition Review

- ___ Is item on contract?
- ___ Is item exempt from bidding by Governor's small purchase executive order?
- ___ Desired delivery realistic?
- ___ Delivery instructions clear (how, when, as needed, one time, etc.)?
- ___ Correct class and subclass selected for each item?
- ___ Suggested vendors indicated (if known or applicable) in RQS5?
- ___ Proper number of bidders will be solicited?
- ___ Correct GEO bid code (bidder enrollment for area serviced) selected?
- ___ Specifications are clear and unduly restrictive?
- ___ Brand name and number indicated (if known or applicable)?
- ___ Mandatory language removed when not necessary?
- ___ Correct unit of measure used for each item?
- ___ Quantity is clear (number per case/package/etc. indicated when applicable)?
- ___ Samples required?
- ___ Prebid beneficial?
- ___ Period of Inquiry beneficial?
- ___ Literature requested (if appropriate)?
- ___ Terms and conditions appropriate to purchase?
- ___ Special requirements for specific commodity?
- ___ Trade-in information listed (if applicable)?
- ___ How will award be made?
- ___ Warranty and installation addressed (if applicable)?
- ___ Licenses, certifications, insurance, etc. requested (if applicable)?
- ___ Site visit information indicated (if applicable)?
- ___ Training required (if applicable)?
- ___ Approvals obtained (internal/financing/rentals/etc.)?
- ___ Sole source, proprietary or emergency procedures have been followed? (if applicable)
- ___ Realistic estimated cost?

Appendix 1b

Checklist for Bid Review and Award

- ___ All item prices calculated to a common denominator
- ___ Obvious mistakes clarified and corrected
- ___ Bids are signed or contain evidence of intent to be bound
- ___ All preferences calculated (if applicable)
- ___ Cash discounts calculated (if applicable)
- ___ Bidder accepted the state's terms and conditions and did not include his terms and conditions that are contradictory to the state's
- ___ Bid bond included (if applicable)
- ___ Performance bond requested and received (if applicable)
- ___ Bid is on the State's bid form
- ___ Freight charges are included or appropriately addressed
- ___ Bid is not conditioned
- ___ Delivery meets specification or is acceptable
- ___ Bidder visited job site (if applicable)
- ___ Product or service is in substantial compliance with specifications
- ___ Tabulation is properly documented
- ___ Tie bid is addressed
- ___ Group or all-or-none award considered to save cost of additional purchase order (in best interest of state and in accordance with rules and regulations)
- ___ File was advertised (if applicable)
- ___ Obtain insurance certificates, etc. (if applicable)

Checklist for Emergency Purchase

- ___ Does an emergency situation exist?
- ___ Conforms to definition in RS39:1598?
- ___ Does the situation create an immediate need for the supplies or services?
- ___ What is the dollar value of the purchase? (More than \$5,000 requires prior approval)
- ___ Purchase is within delegated authority, less than \$5000, or approval obtained from State Purchasing
- ___ Has the chief procurement officer, head of state agency, or either officer's designee proclaimed the situation to be an emergency?
- ___ Has the chief procurement officer, head of state agency, or either officer's designee approved the purchase outside of normal procurement methods?
- ___ Would normal procurement methods threaten the functioning of government, preservation of property, or health or safety of any person?
- ___ Written justification explaining nature of emergency provided?
- ___ Effort made to obtain quotes (if delegated the purchase)?
- ___ Does time permit bidding of any type (fax, phone)?
- ___ Has the vendor submitted a quote/bid? Are the terms of the bid acceptable?
- ___ If not already obtained, has the vendor been notified to follow up with a written quote?
- ___ Is the quantity requested limited to only that necessary to meet the emergency?
- ___ What is it that is being requested? (complete description of the item)
- ___ When does delivery need to be made?
- ___ Are installation and/or training required?
- ___ Contact person and phone number at agency?
- ___ Is there a requisition or purchase order number?

Sole Source Checklist

Agency requirements

Letter signed by the chief procurement officer or the head of a purchasing agency on letterhead to include:

- _____ Justification/explanation of why specific product/service/repair is the only one that will meet their need. What qualities or features make it unique to meet their need? Is the uniqueness substantially related to the intended purpose, use and/or performance?
- _____ Agency must show that other similar goods or services cannot perform the desired objectives. What other manufacturers did they investigate and why they don't meet their need.
- _____ Statement that the sole provider is the only known source.

Vendor requirements

Letter from the sole source vendor on signed letterhead. This should be from the national marketing representative (not a salesman). Letter is to include:

- _____ Firm price quote
- _____ Statement that they are the only known supplier of the product/service/repair
- _____ Statement that they do not sell this product(s) through distributors
- _____ Provide a published price list or signed and notarized typed listing of manufacturer's prices

Purchasing Agent/Officer

- _____ Does the procurement satisfy all requirements in R.S. 39:1597 and L.A.C. 34:1.901-907?
- _____ Determine if all of the above information from agency and vendor has been provided.
- _____ Determine that price is fair. You may negotiate in a sole source procurement. We should not pay full list price on a sole source procurement. At least ask for a discount.
- _____ Do your own independent research before making your recommendation. Does the internet support the single supplier statement and uniqueness of the product. Review any journals or product information housed at your desk. If not found to differ, approval should be based on agency representation.
- _____ If appropriate, research statutes specific to the product or service or agency.

If you have reason to doubt that it is a sole source, the purchase is to be bid.

Requisition/Purchase Order Overview

- Agency determines need, develops specification, selects proper commodity class-subclass(es) and transmits to State Purchasing if over their delegated authority.
- Purchasing agent seeks any approval necessary i.e. proprietary, budget, emergency, etc.
- Purchasing agent reviews requisition, specifications, and selects appropriate terms and conditions and prepares solicitation.
- Item is advertised in the parish and State's legal journals if applicable.
- Solicitations are mailed.
- File is maintained in a designated location until bids open.
- Bids are time stamped when received, and securely maintained in a central location until bid opening date.
- Bids are publicly opened and read (vendor name and price) and tabulated. (If RFP, proposals are opened, only the name is announced).
- Purchasing agent reviews tabulation and evaluates the bids for responsiveness to solicitation.
- Purchasing agent awards the file and issues the purchase order, obtaining any necessary approvals.
- Purchasing agent reviews Purchase Order and signs or obtains proper signature.
- Purchase Order is mailed to successful vendor.
- Entire file with copy of purchase order is maintained in a designated location for a period of at least 3 years per Public Records Act
- Goods are delivered to agency. Receipt and payment are processed.
- Purchasing agent addresses any complaints that might develop before or after delivery.
- Purchasing agent processes change orders if needed.

SPECIFICATION WRITING

WHAT IS A GOOD SPECIFICATION?

- ✓ Clearly, understandable
- ✓ Legible
- ✓ Accurate
- ✓ Concise
- ✓ Simple but exact
- ✓ Identifiable, wherever possible, with some brand or specification already on the market
- ✓ Reasonable
- ✓ Competitive
- ✓ Flexible
- ✓ Results in an award

WHY DO WE HAVE PROBLEMS?

Inadequate specs can cause:

1. No award Rebid
2. Addendums
3. Numerous phone calls from vendors clarification
4. Calls to the end user to clarify the specifications
5. Lengthy award process which includes researching and understanding what you asked versus what was bid

SPECIFICATION WRITING

DO'S AND DON'TS

1. Do not use literature verbatim.
Pick and choose what is necessary.
2. Do not use vague terms.
Use language that is measurable.
3. Do not use only a brand name and model number.
List a brand and model number to establish a quality level.
4. Do not be restrictive.
Use tolerance ranges or “approximates” to open range.
5. Do not specify unnecessary features.
List all requirements needed.
6. Don't guess.
Consult the user, buyer or vendors for information.
7. Don't consult just one vendor.
Compare literature for competition, insuring specs are most current and model specified has not been discontinued.
8. Do not duplicate specifications.
Be clear, concise and accurate.
9. Use the word “may” in language to describe advisory or optional requirement.
Use the word “shall” to describe a command or mandatory requirement.

Appendix 3c

SPECIFICATION WRITING
COMPETITIVE BIDDING CHECKLIST

	YES	NO
1. Describe the item, material, equipment or service that is needed?	-----	-----
2. Identify the minimum acceptable requirements?	-----	-----
3. Is the language simple and clear?	-----	-----
4. Are the specifications accurate and updated?	-----	-----
5. Are the specifications competitive?	-----	-----
6. Do you provide a methodology for award?	-----	-----
7. Have you adequately described the desired quantity, number in case, length in roll, size of container, number of days, months, etc?	-----	-----
8. Is the proper unit of measure used?	-----	-----
9. What limitations are necessary? (e.g. weight, size, strength, compatibility, etc.)	-----	-----
10. Are tolerance ranges allowable on limitations?	-----	-----
11. Are there any special statutory or regulatory needs? (e.g. OSHA, fire/safety codes, etc.)	-----	-----
12. Are operator/maintenance manuals required?	-----	-----
13. Are there special delivery requirements?	-----	-----
14. Are there any installation needs? Are site preparations needed? (e.g. plumbing, electricity, etc.)	-----	-----

Specification Writing
 Competitive Bidding Checklist

	Yes	No
15. What are the minimum needs for warranty?	-----	-----
16. Do the items or equipment have to be compatible with existing equipment? Did you properly identify the equipment?	-----	-----
17. Are there needs for convenience or switch overs from Present systems to be considered?	-----	-----
18. Are any options necessary? (e.g. to repurchase, or increase or decrease quantities, cancellation, etc.)	-----	-----
19. Are any factors critical and to be used in the bid award? (e.g. delivery time, matching colors, etc.) Are they clearly stated in the solicitation?	-----	-----
20. Is insurance required?	-----	-----
21. Must vendor carry initial or replacement stock?	-----	-----
22. Is there a need for a pre-bid conference?	-----	-----
23. Is there a need for an onsite job visitation? Have you included the contact name and telephone numbers?	-----	-----
24. Are samples required?	-----	-----
25. Is literature or technical data required?	-----	-----
26. Is any inspecting or testing to be done?	-----	-----
27. Are any terms and conditions which protect the Interest of user listed?	-----	-----

Specification Writing
 Competitive Bidding Checklist

	Yes	No
28. Did you verify that specified models are still available And have not been discontinued?	-----	-----
29. If the specification is for maintenance, have you identified The extent of the service required, i.e. parts, labor, travel, Hours service is required, number of inspections, pickups, etc.	-----	-----

In your judgment will the above specifications:

A. Buy the right quality?	-----	-----
B. Buy the right quantity?	-----	-----
C. Buy at the right time?	-----	-----
D. Buy at the right price?	-----	-----

Most Common Procurement Methods

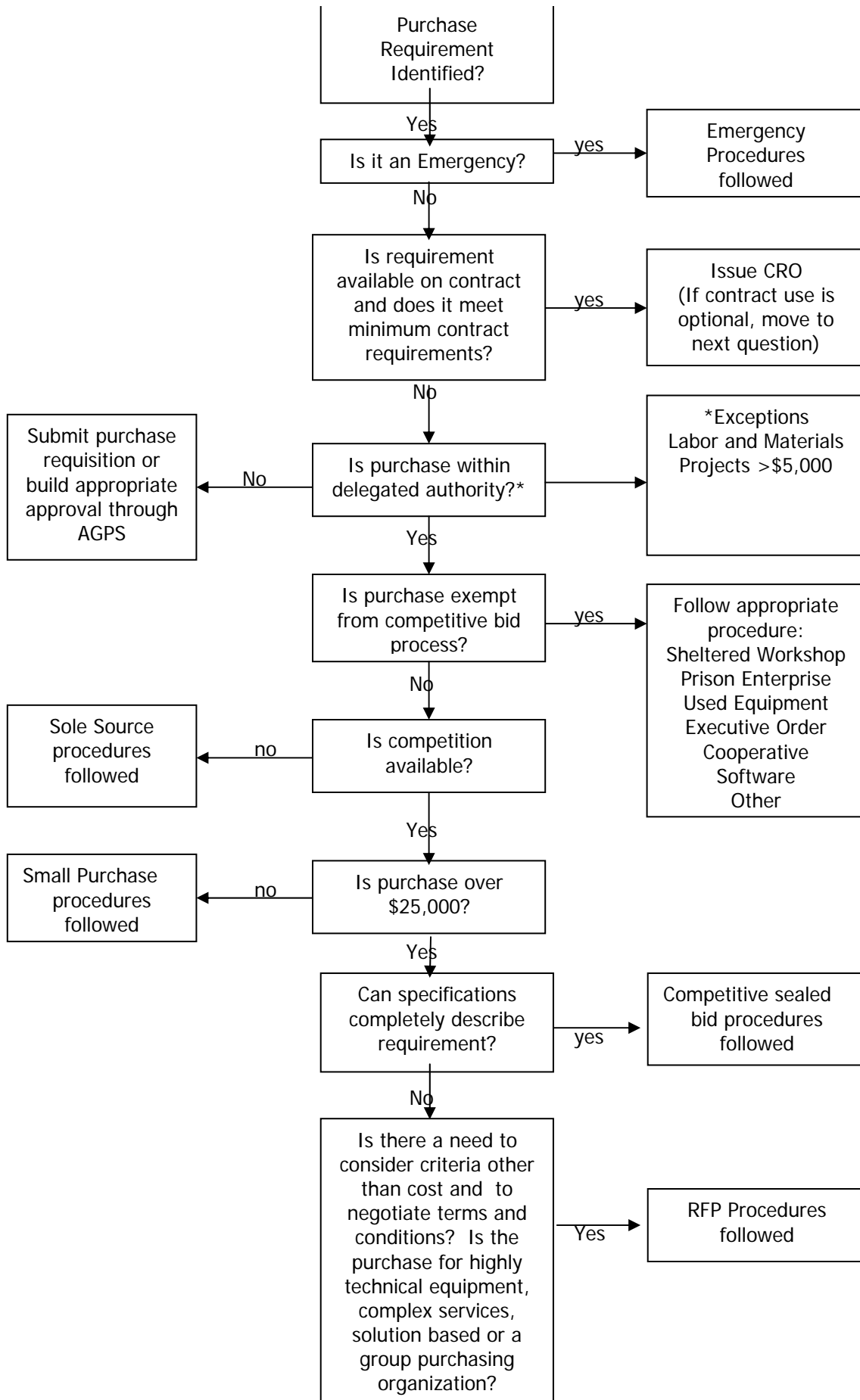
Mandatory Statewide Competitive Contracts	<p>If the purchase meets the minimum requirement of a statewide competitive contract:</p> <ul style="list-style-type: none"> • Agency issues Contract Release Order to contractor; or • Agency may submit justification to State Purchasing to exempt purchase from contract if contract will not meet their needs and then bid accordingly
Non-mandatory (Non Exclusive) Statewide Contracts and Brand Name Contracts	<p>If the purchase meets the minimum requirement of a non-mandatory statewide contract or statewide brand name contract:</p> <ul style="list-style-type: none"> • Agency may issue a Contract Release Order to contractor; or • Agency may solicit competitive bids (if within delegated authority); or • submit requisition for competitive bidding to State Purchasing (if over delegated authority)
Sole Source Purchase	<p>If the purchase is available from only one source and is not sold through distributors:</p> <ul style="list-style-type: none"> • Must be identified as sole source prior to acquisition. • Agency submits letter stating why no other product is suitable or acceptable for their needs, the unique characteristics, and a statement that it is sold by only one known source. Letter must be approved by the chief procurement officer or his designee above the level of procurement officer. • Other conditions for sole source are where compatibility is the paramount consideration, where a sole supplier's item is needed for trial use or testing, procurement of items for resale, procurement of public utility services, registered breeding stock on a selective basis and other livestock on a selective basis with special approvals. • Agency obtains letterhead statement from sole source vendor (corporate marketing – not sales representative) declaring that product is sold only by his company and is not sold through a distributor network. The vendor must also provide a price quote, and a notarized or published price list.
Proprietary Purchase	<p>If there is only one product suitable for the agency's needs but it is sold through distributors:</p> <ul style="list-style-type: none"> • Agency submits letter stating why only one brand name or item is suitable for their needs and the necessitated circumstances or unique characteristics. The chief procurement officer or the head of a purchasing agency must approve letter. • Solicitation must contain language indicating that the purchase has been approved as a proprietary purchase.
Sheltered Workshop Purchase	<p>Agency may obtain quote from Employment Development Services (EDS) or issue a Contract Release Order (CRO) against State Use Contract No. 401120.</p>

Prison Enterprise Purchase	<ul style="list-style-type: none"> • Agency may obtain quote from Prison Industries or issue a Contract Release Order (CRO) against Prison Enterprise Brand Name Contract No. 403587. • Agency may issue Contract Release Order (CRO) based on established prices on Company Apparel Safety Items (CASI) Contract No. 403221.
Emergency Purchase	<p>Any state agency may make emergency procurement of up to \$5,000 when an emergency condition arises and the need cannot be met through normal procurement methods, provided that whenever practical, approval by the chief procurement officer shall be obtained prior to the procurement. Prior to all such emergency procurement of \$5,000 or more, the chief procurement officer (CPO), head of a state agency, or either officer's designee shall approve the procurement. FAX requests should be submitted if time permits, and must contain adequate justification for the emergency. An emergency condition is a situation which creates a threat to public health, welfare, safety, or public property such as may arise by reason of floods, epidemics, riots, equipment failures, or such other reason as may be proclaimed by the chief procurement officer. The existence of such condition creates an immediate and serious need for supplies, services, or major repairs that cannot be met through normal procurement methods and the lack of which would threaten the functioning of Louisiana government, the preservation or protection of property, or the health or safety of any person.</p> <ul style="list-style-type: none"> • Obtain C.P.O. approval – mandatory if \$5,000 or more • Obtain quotations from 3 bona fide or more vendors when time permits. • Prepare written determination of emergency.
Small Purchase ≤ \$1000	No competitive bidding is required
Small Purchase > \$1000 up to and including \$5000.	<ul style="list-style-type: none"> • Agency solicits price quotations from at least 3 bona fide qualified bidders if within delegated purchasing authority • Via telephone, facsimile, or other means • At least 1 source shall be a certified small and emerging business or certified small entrepreneurship*, wherever possible (document file when not available) • File to contain written confirmation from successful bidder. • Soliciting 3 quotes may be waived if purchasing from an SE or SEB currently certified by LED, when best value determination has been made that price is reasonable. Determination is to be maintained in file • Soliciting 3 quotes may be waived when purchasing in-state, if business analysis determines that in-state prices are equal to or better than 2 other price comparison, such as state contract, GSA, or similar resources. Comparison documents to be maintained in file.
Small Purchase >\$5000 up to and including \$25,000	<ul style="list-style-type: none"> • Does not include public works contracts >\$5,000 • Agency obtains facsimile or written quotations (if within their delegated authority) from at least 5 bona fide qualified bidders • At least 2 sources shall be a certified small and emerging business*, wherever possible (document file when not available). Requirement is waived if posted on LaPAC. • Minimum 3 working days allowed for receipt of quotations.

*AGPS users may inquire on CGSA with ED, class/sub-class, and GEO bid code. Others may obtain this information from Economic Development's website under SEBD (www.lded.state.la.us).

Purchases Exempt from competitive bidding by Governor's Small Purchase Executive Order	<ul style="list-style-type: none"> • Agency obtains price quote(s) and issues a purchase order if within delegated authority in accordance with executive order. • Agency obtains price quote(s) and obtains approval from State Purchasing if above delegated authority in accordance with executive order. • Latest version of the Executive order can be found on our website at www.doa.louisiana.gov/osp.
Used Equipment Purchase	<ul style="list-style-type: none"> • (See R.S 39:1645) • Agency must present satisfactory cost effective information • Must be purchased within price range set by Director of State Purchasing or the Director of purchasing at colleges and universities in her/his statement of written approval for the purchase • Head of agency, college or university shall certify the following in writing to the Director of State Purchasing, College or University: <ul style="list-style-type: none"> - Price of used equipment - Plan for maintenance and repair of equipment including cost - Savings that will accrue to the State by purchasing used equipment - Statement of fact that procedures set out in the Louisiana Procurement Code will result in the loss of the opportunity to purchase the equipment.

ASK YOURSELF THESE QUESTIONS WHEN DETERMINING PROCUREMENT METHOD



DEFICIENCY/COMPLAINT REPORT

Complete this form to report complaints against vendors, commodities, or to report any unsatisfactory service by the Purchasing Section. Be sure to furnish all necessary detail so that a satisfactory settlement of the complaint can be made. Please verify all information to insure accuracy. Complaint reports become a permanent record of the commodity or vendor concerned and must be accurate to guarantee an equitable settlement to serve as a guide for future action.

Agency	Name and Address of Vendor	
Date of Complaint		
Contract Number	Purchase Order Number	
Commodity or Service Covered by Complaint		

NATURE OF COMPLAINT (check all that apply)

	DELIVERY		QUALITY		OTHER
<input type="checkbox"/>	Delivery not made on date ordered or promised	<input type="checkbox"/>	Quality of Commodity is inferior	<input type="checkbox"/>	Invoice price higher than authorized
<input type="checkbox"/>	Delivery made at an unsatisfactory hour	<input type="checkbox"/>	Unsatisfactory and unauthorized substitute	<input type="checkbox"/>	Weight received at variance with invoice or shipping ticket
<input type="checkbox"/>	Delivery made to wrong destination	<input type="checkbox"/>	Unsatisfactory workmanship in installation of commodity	<input type="checkbox"/>	Quantity delivered in excess of order
<input type="checkbox"/>	Improper method of delivery	<input type="checkbox"/>	Commodity lacks required inspection stamps	<input type="checkbox"/>	Quantity delivered less than ordered
<input type="checkbox"/>	Unauthorized delivery made before issuance of order	<input type="checkbox"/>		<input type="checkbox"/>	
<input type="checkbox"/>	Delivery in damaged condition	<input type="checkbox"/>		<input type="checkbox"/>	

REMARKS

NOTE: Give detailed explanation of complaint in this space. Indicate manner in which you suggest complaint be settled. Be specific. If necessary to submit additional documentation, please include a copy of this form with your faxed or mailed documents.

Instructions to Agency Print copy for your records prior to submittal.	Complaint Initiated By (Name)	Title	Phone No.
	Complaint Form Executed By (Name)	Title	Phone No.
	Your Email Address:		

Action Taken:
