

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES**

SUPPLIER MANUAL



**HOW TO DO BUSINESS WITH THE
DEPARTMENT OF GENERAL SERVICES**

Updated 04/06/2009

Forward

The purpose of this manual is to acquaint potential suppliers with procurement policies and procedures of the Commonwealth of Pennsylvania, Department of General Services (DGS).

The DGS Bureau of Procurement is responsible for purchasing or contracting for supplies and services for the Commonwealth. The Bureau of Procurement is the purchasing coordinator and exercises control over the acquisition of supplies and services, and awards contracts to suppliers. In addition to acting as the central procurement organization, the Bureau provides guidance and consultation to over 50 state agencies, boards and commissions on their individual procurements.

We welcome you as a potential supplier to the Commonwealth of Pennsylvania.

Introduction

Since its inception in 1975, the Pennsylvania Department of General Services (DGS) has become the Commonwealth's chief service, purchasing, and construction agency. It establishes purchasing policies and procedures for most Commonwealth Agencies through six functional areas.

Executive – This branch includes the Department of General Services Secretary's immediate staff, the DGS press secretary, and the legislative liaison.

Administration – The Bureaus under the Deputy Secretary for Administration are responsible for providing support services, in areas such as: budget, personnel, travel and the office of Equal Opportunity.

Procurement – the Bureau of Procurement acts as the Commonwealth's "purchasing coordinator," controlling supply and service acquisitions.

Property Management – Various Bureaus under this deputate oversee the Commonwealth's housekeeping, building maintenance, land and building leases, and insurance underwriter. The Bureau of Police and Safety provide security and protection to facilities under the Department's jurisdiction.

Public Works – The Bureau advertises projects for bid, obtains construction bids, executes constructions contracts, and manages budgets for construction projects.

Deputy Secretary and Special Advisor to the Governor – Oversees the Bureau of Minority and Women Business Opportunities.

This manual is for suppliers who wish to do business for materials & services provided through the Bureau of Procurement; however, there are other DGS Bureaus Listed in [Section 6](#) of this manual that directly impact procurement requirements through oversight and administration of the procurement transactions.

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ONE PROCUREMENT METHODS

- 1.1 **Small No-Bid Procurements of Supplies (under \$5,000.00)** – Competitive Bids are not required on procurements of supplies not exceeding \$5,000.00, with the exception of repair parts to be purchased from the manufacturer of the equipment or by the manufacturer's authorized dealer and the price does not exceed \$10,000.00. This procedure may be used by agencies when supplies to be procured directly from suppliers:
- a. Are not listed on an effective DGS Statewide requirements contract, or the purchase price is less than the minimum amount stated in the contract.
 - b. Are not available from DGS Bureau of Supplies and Surplus Operations.
 - c. Are for extensions of existing software license agreements.
- 1.2 **Small, Informal Procurements of Supplies (\$5,000.01 - \$10,000.00)** – Procurements may be made through the solicitation of three bids by telephone, facsimile transmission or electronic medium, and by issuance of a Purchase Order. This procedure may be used by agencies when supplies to be procured directly from supplier:
- a. Are not listed on an effective DGS Statewide requirements contract, or the purchase price is less than the minimum amount stated in the contract.
 - b. Are not available from DGS Bureau of Supplies and Surplus Operations.
 - c. Are available from more than one supplier and does not constitute sole source procurement.
 - d. Have a total cost which exceeds \$5,000.01 but is not greater than \$10,000.00.
- 1.3 **Delegated Formal Competitive Sealed Bidding for Supplies (\$10,000.01 to \$20,000.00) -** Purchases must be made using the competitive bidding method of award. This procedure may be used by agencies when supplies are procured directly from suppliers using the competitive sealed bidding method of award:
- a. Are not listed on an effective DGS Statewide requirements contract.
 - b. Are not available from DGS Bureau of Supplies and Surplus Operations.
 - c. Are available from more than one supplier and does not constitute a sole source procurement.
 - d. Have a total cost which exceeds \$10,000.00 but is not greater than \$20,000.00.
- 1.4 **Competitive Sealed Bidding for Supplies (Exceeding \$20,000.01)** – DGS shall issue the Invitation For Bids and award Purchase Orders for supplies with a total cost exceeding \$20,000.00 using the competitive sealed bidding method of award. Agencies are required to submit purchase requisitions to the Department of General Services to initiate the processing. DGS will issue an Invitation For Bid if supplies:
- a. Are not listed on an effective DGS Statewide requirements contract.
 - b. Are not available from DGS Bureau of Supplies and Surplus Operations.
 - c. Are available from more than one supplier and does not constitute a sole source procurement.
 - d. Have a total cost value greater than \$20,000.01.

- 1.5 **Small No-Bid Procurement of Services (under \$5,000.00)** – Competitive Bids are not required on procurements of services not exceeding \$5,000.00, with the exception of repair, modification, maintenance, or calibration of equipment, which is to be performed by the manufacturer of the equipment or the manufacturer’s authorized dealer, and the total cost does not exceed \$10,000.00. This procedure may be used by agencies when services to be procured from suppliers:
- a. Are not listed on effective DGS Statewide requirements contract.
 - b. Have a total cost not exceeding \$5,000.00
- 1.6 **Small, Informal Procurements of Services (\$5,000.01 - \$10,000.00)** – Procurements may be made through the solicitation of three bids by telephone, facsimile transmission or electronic medium. This procedure may be used by agencies when services to be procured directly from suppliers:
- a. Are not listed on effective DGS statewide requirements contract.
 - b. Are not available from more than one supplier and does not constitute a sole source procurement.
 - c. Have a total cost which exceeds \$5,000.01, but is not greater than \$10,000.00.
- 1.7 **Delegated Formal Competitive Sealed Bidding for Services (\$10,000.01 to \$500,000.00)** – This procedure may be used by agencies when services to be procured directly from suppliers using the competitive sealed bidding method of award:
- a. Are not listed on an effective DGS statewide requirements contract.
 - b. Are available from more than one supplier and does not constitute a sole source procurement.
 - c. Have a total cost greater than \$10,000.00, but not exceeding \$500,000.00.
 - d. This procedure is also to be used by agencies which have received specific delegation from DGS to contract for services with a total cost not exceeding \$500,000.00 using the competitive sealed bidding method of award.
- 1.8 **Competitive Sealed Bidding for Services (\$500,001 and up)** – DGS shall issue Invitation for Bids and award contracts for services with a total cost exceeding \$500,000.00 unless the agency has received specific written delegation from the Department of General Services. This procedure may be used by agencies when services to be procured through competitive sealed bidding:
- a. Are not listed on an effective statewide requirements contract.
 - b. Are available from more than one supplier, and does not constitute a sole source procurement.
 - c. Have a total value greater than \$500,000.00.

TWO

GENERAL REQUIREMENTS FOR SUPPLIES

- 2.1 **Registration** If your company has never registered to be a supplier with the Commonwealth, we encourage you to take a few minutes to register your business in the PA Supplier Portal. This allows you to search and respond to Commonwealth bidding opportunities, and to manage your important account information. **NOTE: If your company already has a six-digit supplier number issued by the Commonwealth, you may already be registered.**

For more information regarding registration please go to the [Supplier Service Center website](#).

For assistance, please contact the Customer Services Call Center at 717-346-2676 or 1-877-435-7363

- 2.2 **Registering with the PA Department of State** – Under Pennsylvania Law, every proceeding for the organization of corporations, both for-profit and nonprofit, and every ancillary transaction relating to such corporations is required to be filed with the Department of State Corporation Bureau. Other businesses registering with the Bureau include: professional corporations, municipal authorities, and limited partnerships, foreign corporations qualifying to do business in the Commonwealth and individuals and corporations conducting business under an assumed or fictitious name.

DGS asks all bidders other than individuals using their given names to supply evidence with their bids to show compliance with these requirements. If your business is not incorporated or registered in Pennsylvania, you must take action to register prior to being approved for a COSTARS contract.

Forms for registering with the Department of State can be found on their website at <http://www.dos.state.pa.us/corps/cwp/view.asp?a=1093&Q=431210&corpsNav=>

- 2.3 **Visits by Suppliers** – Visits by suppliers or their representatives to purchasing officers are welcome and encouraged. In order that the staff and suppliers may schedule their time productively, an appointment is suggested. Appointments with DGS [contracting officers](#) or managers may be scheduled Monday through Friday on official business days from 9:00 am to 4:00 pm. Other state agencies establish their own hours.
- 2.4 **Personal Interest and Gifts** – No supplier shall offer any gift, gratuity, favor, or advantage to any state employee who exercises procurement responsibility, develops procurement requirements, or otherwise influences procurement decisions.
- 2.5 **Virus-Free and Accessible Submittals** - It is the responsibility of the supplier to ensure that any electronic submission transmitted to an agency or institution is virus-free and in a format (e.g. Microsoft Word, Excel, or Adobe Acrobat, etc.) that is accessible by that agency or institution. Documents not accessible by the purchasing agency may be cause to determine the bid as non-responsive.

THREE SOLICITATIONS & SOLITICATION RESPONSES

- 3.1 **Bidding Opportunities** – All [bidding opportunities](#) (with an estimated cost in excess of \$10,000.00) for Supplies and Services for Commonwealth Agencies and Department of General Services, Bureau of Procurement are published on the Department of General Services website.

Other bidding opportunities may be discovered by contacting the agency's procurement office. Locate the appropriate purchasing agency via our ["Points of Contact" search](#).

- 3.2 **eAlerts** – The Department of General Services has created an electronic bid notice system called eAlerts. Registered suppliers receive electronic notices of the Department of General Services, Bureau of Procurement online bidding opportunities.

Step One – Registering with the Bureau of Procurement:

- Go to the DGS [Subscription Registration Page](#).
- Enter the requested information, including User ID and password of your choice. (Record your choices for future use). Pick the user category Guest, make sure the please send me eAlerts box is checked, and click Submit

Step Two - Subscribing to eAlerts:

- Go to the DGS [Subscription Registration Page](#)
- Click on Log In
- Enter your User ID and password, and click login.
- Select the categories you wish to receive eAlerts for (Materials or Services).
- Click Submit

A few things to keep in mind:

- eAlerts send notifications only on the Bureau of Procurement Bidding Opportunities and Commonwealth Agencies that request we post their bids on our website.
- Bidding Opportunities under \$10,000 do not post online, and therefore, do not fall under the eAlerts system.
- Suppliers interested in bid opportunities through other departments or under \$10,000 must still search the DGS website or contact purchasing agents.
- *We recommend that you still check the [Bidding Opportunities website on a daily basis](#). These eAlerts are not meant to be the only notification of bidding opportunities. The Department of General Services assumes no risk or liability for any delays, errors or failures in suppliers' receipt of these eAlerts.*

3.3 **Types of Solicitations**

- Invitation for Bids ("IFB"): Competitive Sealed Bidding is used when the supply or service can be described and price is the only factor to be considered in the award, after bidder responsibility is determined.
- Request for Proposals ("RFP"): Competitive Sealed Proposal is used when sealed bidding is practicable and advantageous – when the agency is seeking a contractor's solution to a program and desires to give the proposer flexibility in the proposal (it is not practical to describe the procurement) and the Commonwealth wants to award on criteria other than price. Also used for Information Technology over \$5 million.
- Request for Quote ("RFQ"): Request for Quote is used when the agency is seeking a price quote from a supplier that is already established on a contract with the Commonwealth with the exception of an Information Technology Related ITQ.

- Request for Quote Information Technology Invitation to Qualify (RFQ IT ITQ): Request for Quote is used when the agency is seeking a price quote from a supplier that is already established on an Information Technology Invitation to Qualify contract with the Commonwealth and the procurement is less than \$5 million.

3.4 **Preproposal Conference** – On complex, critical or high value procurements, a solicitation may contain a requirement to attend a preproposal conference. Attendance at a conference may or may not be mandatory in order to submit a bid. When such a requirement exists, it will be stated in the solicitation.

3.5 **Submission of Bids** – Refer to the [STD-203 General Conditions & Instructions to Bidders for RFQ-Invitation for Bids](#) for detailed information on Submission of Bids.

3.6 **Facsimile Bids** – Facsimile Bids are not accepted.

3.7 **Security** – If Bid and/or Contract Security is required, the bid solicitation document will indicate the type and amount of the security needed.

3.8 **Electronic Bidding** – All the registered suppliers with the Commonwealth of Pennsylvania have the opportunity to bid on solicitations electronically. Electronic bidding is the transfer of proposal bid data between the Commonwealth of Pennsylvania and suppliers electronically via the Internet using digital ID and encryption technology and it will supplement or replace traditional paper bid documents.

With Electronic Bidding, when the supplier digitally signs and submits a bid via the Internet, no paper is required. With electronic submission of bids, the need for data entry on Commonwealth's side and supplier's side is greatly reduced.

3.9 **Public Bid Openings**

- Electronic Bids – Public Bid Opening will consist solely of a Commonwealth Procurement Representative electronically accessing and announcing the suppliers whose bids were timely received. The Bid tabulation will be posted to the Department of General Services, Bureau of Procurement's website as soon as practicable after the opening. Suppliers will be able to check the status of the Invitation for Bid ("IFB") and their bids within the Supplier Portal.
- Paper Bids – Public Bid Opening will consist of a Commonwealth Procurement Representative opening and announcing the suppliers whose bids were timely received. The Bid tabulation will be posted to the Department of General Services, Bureau of Procurement's website as soon as practicable after the opening. Suppliers will not be allowed to review the paper bids at the opening.

FOUR EVALUATION, AWARDS & PERFORMANCE

- 4.1 **Bid Tabulations** – Bids will be opened and tabulated on the date and time specified in the bid. [Bid tabulations](#) (with the exception of COSTARS bids) are available on our website. The bid tabulations are for information only and DO NOT constitute actual award / execution of contract.
- 4.2 **Signature of Bid** – The original Bid must be signed in ink. The person signing the bid must be a person authorized by the bidder to sign Bids. The person signing the Bid must include his/her title, and if requested, must verify his/her authority to sign bids.
- 4.3 **Samples** – Samples, when requested in a solicitation must be furnished at no cost. Each individual sample must be labeled with Bidder's name, manufacturer's brand name and number, bid number and item referenced.
- 4.4 **Questions** – Any questions concerning conditions and specifications must be directed to the issuing office.
- 4.5 **Multiple Awards** – When the terms and conditions of multiple awards are so provided in the Invitation for Bid or the Request for Proposal, awards may be made to more than one Bidder.
- 4.6 **Bid Protests** – Please go to our website for information on filing [Bid Protests](#)
- 4.7 **Contractor Responsibility Provisions** – For detailed information on Contractor Responsibility Provisions, please refer to [Management Directive 215.9, Contractor Responsibility Program](#). The Supplier may obtain a current [list of suspended or debarred](#) Commonwealth Suppliers by searching our website.

FIVE

COSTARS PROGRAM

- 5.1 **Overview** – COSTARS is a program managed by the Department of General Services (DGS) for Local Public Procurement Units (LPPUs) and state affiliated entities within the Commonwealth of Pennsylvania as established by Section 1902 of Act 57 on May 15, 1998, as amended by Act 142 of December 3, 2002, 62 Pa. C.S. Section 1902 and Act 77 of July 15, 2004, 62 Pa. C.S. Sections 1902 and 2107. These acts authorize LPPUs and state affiliated entities to purchase from those contracts for supplies and services made available by DGS.

COSTARS contracts are awarded to all responsible and responsive bidders and are provided as an additional option for COSTARS member use. State government agencies are prohibited from using the COSTARS contracts. They are developed for the convenience of the COSTARS members and suppliers as an alternative to the statewide agency government contracts. They also provide the COSTARS membership with a means to purchase unique items or services from qualified suppliers or common items or services from a broad list of suppliers.

- 5.2 **Purchasers under the Contract** – The supplier understands that it will not be providing any items directly to DGS or any other Commonwealth agency under a COSTARS contract. Any contract that DGS bids as a COSTARS contract is for exclusive use by LPPUs and state affiliated entities who have registered with DGS as COSTARS members.

A “Local Public Procurement Unit” is defined as:

- Any political subdivision;
- Any public authority;
- Any tax exempt, nonprofit educational or public health institution or organization;
- Any nonprofit fire, rescue, or ambulance company; and
- To the extent provided by law, any other entity, including a council of governments or an area government that expends public funds for the procurement of supplies and/or services.

A state-affiliated entity is a Commonwealth authority or other Commonwealth entity that is not a Commonwealth agency. The term includes:

- The Pennsylvania Turnpike Commission;
- The Pennsylvania Housing Finance Agency;
- The Pennsylvania Municipal Retirement System;
- The Pennsylvania Infrastructure Investment Authority;
- The State Public School Building Authority;
- The Pennsylvania Higher Education Facilities Authority and;
- The State System of Higher Education

DGS requires eligible purchasers to register as COSTARS members to gain access to the COSTARS members-only area of the DGS COSTARS website. Only those entities registered with DGS may purchase from these contracts. Therefore, the supplier agrees to make contract sales only to registered COSTARS members. Currently, there are several thousand registered COSTARS members. A [list of registered entities](#), updated frequently, is available on the DGS COSTARS website.

Should the supplier become aware of, or be contacted by, any potential purchaser not currently registered as a COSTARS member, where the potential purchaser believes it may qualify for, and wishes to participate in, the COSTARS Program, the supplier may refer the potential purchaser to the DGS COSTARS website to complete the [DGS COSTARS member online application](#).

5.3 **Specific Benefits of COSTARS Contracts** – The COSTARS Program provides the members and suppliers a tool to find and do business with each other effectively through the use of a contract established by DGS. Benefits of participation include:

- **Statewide Exposure** – There are several thousand COSTARS members taking advantage of existing contracts.
- **Multi-Award Contracts** – DGS awards COSTARS contracts to all responsible and responsive bidders.
- **Flexibility** – COSTARS contracts do not dictate any specific lists of items. Rather, a bidder may offer any type or number of items within the scope of the contract. Resellers may bid as many manufacturers' product lines as the manufacturers authorize them to sell. A contractor may at any time supplement its COSTARS contract to provide pricing for additional items within the scope of the contract or to remove items or services it no longer wishes to offer. A contractor may update its contract pricing information to adjust its pricing in accordance with the contract terms and conditions.
- **Leases and Installment Purchases** – Where applicable, leasing and installment purchases are options a contractor may offer.
- **Ancillary Services** – A contractor may choose to offer ancillary services such as, but not limited to, customization, installation, training, post-warranty support and maintenance.
- **Dealer Network** – A contractor can choose to offer contract items through its local dealer network.
- **Volume Sales** – Members may purchase jointly to mutually benefit from quantity discounts.

5.4 **How to Participate as a COSTARS Supplier** – Suppliers participate in the COSTARS Program as contractors by submitting a responsible and responsive bid to a COSTARS Invitation for Bids (IFB) to receive a COSTARS contract award. To become a COSTARS supplier, you will need to respond to [bidding opportunities](#) that are posted on the DGS website. Your company can also register for the [DGS eAlerts Subscription Service](#) through this same website. This electronic bid-notice system will alert you to certain DGS Bureau of Procurement bidding opportunities; however, this service does not replace the requirement to view the official DGS website bidding opportunity section to view opportunities. Please refer to Section 3.2 for additional information concerning eAlerts.

DGS awards COSTARS contracts to all responsible and responsive bidders. Because everyone who is responsible and responsive will be awarded a contract, DGS will not compare bidders' pricing submittals for COSTARS procurements. Although pricing will not be a factor in contract award, pricing may be a consideration when members select a contractor and place their orders. Consequently, each bidder should present their very best response to an IFB.

DGS will issue supplemental invitations for bids for COSTARS contracts on a quarterly basis, or whenever DGS deems it to be in the best interest of the members to procure additional contractors.

5.5 **Administrative Fee** – DGS will award COSTARS contracts to bidders for the sole benefit of third party purchasers. DGS incurs costs for establishing COSTARS contracts for the exclusive use of COSTARS members without any corresponding benefits. Suppliers are required to pay a \$500 fee in each contract period, for each contract, in accordance with contract terms and conditions. The Administrative Fee shall include a nonexclusive license to use the COSTARS Brand (COSTARS Name and logo).

5.6 **Registering with the PA Department of State** – Under Pennsylvania Law, every proceeding for the organization of corporations, both for-profit and nonprofit, and every ancillary transaction relating to such corporations is required to be filed with the Department of State Corporation Bureau. Other businesses registering with the Bureau include: professional corporations, municipal authorities, and limited partnerships, foreign corporations qualifying to do business in the Commonwealth and individuals and corporations conducting business under an assumed or fictitious name.

DGS asks all bidders other than individuals using their given names to supply evidence with their bids to show compliance with these requirements. If your business is not incorporated or registered in Pennsylvania, you must take action to register prior to being approved for a COSTARS contract.

Registration information, forms, and instructions for entities not already registered or to request changes in existing entities are available online from the Department of State at <http://www.dos.state.pa.us/corps/cwp/view.asp?a=1093&q=438350&corpsNav=1>.

5.7 **Ordering and Payments** – Any COSTARS member electing to purchase from a COSTARS contract will send their order and payment directly to the supplier. The supplier is required to confirm membership using the online member database, "[List of COSTARS Members](#)", on the COSTARS website. Suppliers shall furnish to the DGS COSTARS Program Office sales reports detailing purchasing activity in accordance with contract terms and conditions.

5.8 **Contract Accessibility** – Suppliers do not have access to COSTARS contracts via the COSTARS members area. Awarded supplier will receive a copy of their fully executed contract.

5.9 **Marketing to COSTARS Members** – Once on contract, DGS will post to the DGS COSTARS website a "Book of Awards", including contractor data, offered products and pricing, as well as any link to a contractor's website. Prospective COSTARS purchasers may access the "Book of Awards" by way of the COSTARS Members Area. DGS strongly encourages each contractor to provide a dedicated website for:

COSTARS members, including a complete listing with contract pricing for all items required under the contract, product and customer support information, and the capability for COSTARS members to place online orders for contract items.

DGS has registered the COSTARS name and logo (together, the "COSTARS Brand") as a trademark with the Pennsylvania Department of State. A contractor may use the [COSTARS Brand](#) in broadcast or Internet media and on business cards, brochures, and other print publications, in accordance with contract terms and conditions.

A complete list of currently registered [COSTARS members](#) can be found on the DGS COSTARS website. Contractors are encouraged to utilize this member database for their own marketing purposes.

To introduce the COSTARS Program and increase awareness and participation, COSTARS Program staff may:

- Participate in expos, conventions, forums and trade shows.
- Conduct workshops throughout the Commonwealth.
- Attend state legislators' grant workshops.
- Publicize contracts and opportunities via trade publications.

As there are multiple awards and no requirement for COSTARS members to purchase from any particular awarded supplier, DGS does not guarantee volume of contract sales. It is the sole responsibility of the awarded supplier to promote their offered products and services to registered COSTARS members.

- 5.10 **Frequently Asked Questions** – For more information regarding the COSTARS Program, please view the frequently asked questions along with their official answers via the [“FAQ's”](#) on the DGS COSTARS website.

6.1 [Bureau of Minority & Women Business Opportunities \(BMWBO\)](#)

BMWBO's mission is to promote and facilitate the involvement of minority-owned and women-owned businesses in state purchasing. As part of the Department of General Services, the BMWBO fulfills its mission through three organizational divisions:

Certification Division - Certification of Minority Business Enterprise (MBEs) and Women Business Enterprise (WBEs) is at the heart of BMWBO's mission. By becoming certified, MBEs and WBEs can more readily identify and use the opportunities available to small businesses through state contracting.

Business Development Division – BMWBO's Business Development Division promotes the successful involvement of MBEs and WBEs in state contracting through education and information. Free training programs, consulting and resource materials are made available to certified companies, the business community, and organizations assisting small businesses.

Division staff provides technical assistance and consulting to all small business owners, especially minority-owned and women-owned businesses, to increase their opportunities to compete successfully in the state purchasing system.

Supplier Diversity Division – Division staff monitors the participation of MBEs and WBEs in state contracting, ensuring adherence to Commonwealth programs that promote opportunities for certified companies and other small businesses. The Division also monitors overall program compliance.

The Division performs on-site reviews of firms that apply for certification, responds to complaints, and investigates alleged fraud in state programs designed to promote opportunities for MBEs and WBEs.

Main Office
North Office Building
Room 611
Harrisburg, PA 17125

Phone: 717-787-6708
Fax: 717-787-7052
Email: gs-bmwbo@state.pa.us

Eastern Region
Philadelphia State Office Building
Rm 209, 1400 Spring Garden Rd
Philadelphia, PA 19130

Phone: 215-965-1105

Western Region
700 River Ave., Ste 234
Pittsburgh, PA 15212-5907

Phone: 412-442-5872
Fax: 412-442-5873

6.2 [Bureau of Construction and Public Works](#) – The Bureau of Professional Selections and Administrative Services within Public Works administers the selection of architects and engineers, advertises projects for bid, obtains construction bids, executes construction contracts, and manages budgets for construction projects.

For more information regarding the Bureau of Design and Construction contact:

Department of General Services
Bureau of Construction
Room 1001 Tent Building
18th & Herr Streets
Harrisburg, PA 17125

Phone: 717-787-7095
Fax: 717-783-3474
Email: gs-construction@state.pa.us

APPENDIX A TERMS & CONDITIONS

The Department of General Services, Bureau of Procurement bids will refer to terms and conditions. The terms and conditions can be found on our [website](#).

APPENDIX B DEFINITIONS

The following are definitions commonly used in Doing Business with the Commonwealth.

Act 57: *Act 57 of May 15, 1998. (Known as Commonwealth Procurement Code, 62 Pa. C.S. 101)*

Advertising: The placement of a public notice of a contracting opportunity.

Administrative Lead Time: Administrative lead time is that period of time from initiation of requirements by user to issuance of award.

Affiliates: Persons are affiliates of each other if, either directly or indirectly controls or has the power or ability to control the other, whether or not exercised, or a third person controls or has the power or ability to control both, whether or not exercised.

Agency: An executive or independent agency.

Agency Head: The Secretary, or other official, who is first in responsibility within an agency.

Amendment: A written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of any contract.

Assignment: The transfer or taking over by another of a contract or any part of a contract or any contractual right or duty.

Beneficial Ownership: The ownership and control of a firm by minorities or women which is real, substantial, and continuing and goes beyond the pro-forma ownership of the firm as reflected in its ownership documents. The minority and women owners should enjoy the customary incidents of ownership and should share in the risks and profits commensurate with their ownership interest, as demonstrated both by examination of the substance and form of arrangements.

Best and Final Offer (BFO): The last offer provided by an offeror in response to a Request for Proposal and all further negotiation ceases. When the provision for receiving best and final offer is included in a Request for Proposal, offerors are given the opportunity to submit a best and final offer after negotiations have been held. After the best and final offers are submitted, no further negotiations shall be conducted with any of the offerors and the decision to award is based on rescoring of best and final offers.

Bid: A supplier's response to an IFB (Invitation for Bid) to provide materials or services to the Commonwealth, which includes pricing and other criteria.

Bidder: A person that submits a bid in response to an invitation for bids.

Bid or Proposal Security: An acceptable form of security conditioned upon the successful bidder's or offeror's execution of a contract in accordance with the terms and conditions of the invitation for bids or request for proposals and receipt of acceptable performance security, if required. Such security is solely for the protection of the agency requesting bids or proposals.

Bureau of Minority and Women Business Opportunities ("BMWBO"): An office within the Department of General Services with the responsibility to assure participation by, and the fair treatment of, minority and women owned businesses and other Disadvantaged businesses in Commonwealth contracting opportunities. BMWBO also has overall responsibility for the Commonwealth's Contract Compliance Program.

Certified Minority Business Enterprise/Women Business Enterprise ("MBE/WBE"): A small business that has applied to the Department of General Services, BMWBO, and received certification as an MBE/WBE.

Change Order: A printed or electronic order signed by the contracting officer directing the contractor to make changes which the changes clause of the contract authorizes the contracting officer to order. The change order may be either with the consent of the contractor or a unilateral order by the contracting officer.

Collusion: A secret agreement or cooperation between two or more parties to accomplish a fraudulent, deceitful, or unlawful purpose.

Collusive Bidding: An unethical and illegal practice in which suppliers act in collusion to fix their bids in a collectively advantageous manner.

Competitive Bidding: The offer of firm bids by individuals or firms competing for a contract, privilege, or right to supply specified goods or services.

Comptroller: The chief financial accounting officer within an agency appointed by the Governor and responsible to the Deputy Secretary for Comptroller Operations in the Office of the Budget.

Construction: The process of building, altering, repairing, improving, or demolishing any public structure or building or other public improvements of any kind to any public real property. The term does not include the routine operation or maintenance of existing structures, buildings, or real property. The term does not include bridge, highway, dam, airport (except vertical construction), or railroad construction.

Contact Person: The using agency employee charged with the daily supervision of the delivery of a supply or the performance of the services or construction and who interacts with the contractor at the worksite or delivery location.

Contract: A type of written agreement, regardless of what it may be called, for the procurement of supplies, services, or construction and executed by all parties in accordance with the *Commonwealth Attorney's Act, Act of October 15, 1980 (P. L. 950, No. 164)*.

Contract Compliance: A program designed to ensure that Commonwealth contracting is nondiscriminating in intent and effect. The program involves three aspects: Nondiscrimination in the Commonwealth's award of contracts; Nondiscrimination by those who are awarded Commonwealth contracts in their award of subcontracts and supply contracts for their performance under Commonwealth contracts; Nondiscrimination by those who are awarded Commonwealth contracts in the hiring and treatment of their employees.

Contractor: Any person that has entered into a contract with a Commonwealth agency.

Contract Modification: A written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of any contract accomplished by mutual action of the parties to the contract. Sometimes called an amendment.

Contract Purchase Order: Written authorization from a purchasing or using agency for a contractor to proceed to furnish a material, service, or construction item in accordance with a statewide requirements contract.

Contracting Officer: A person authorized to enter into and administer contracts and make written determinations with respect to contracts.

COSTARS – Under Section 1902 of Act 57 of May 15, 1998, as amended by Act 142 of December 3, 2002, 62 Pa.C.S., Section 1902, authorizes Local Public Procurement Units to participate in those contracts for supplies and services entered into by the Department of General Services that are made available to Local Public Procurement Units. A “Local Public Procurement Unit” is defined as: any political subdivision; any public authority; any tax exempt, nonprofit education or public health institution or organization; any nonprofit fire, rescue, ambulance company; and to the extent provided by law, any other entity, including a council of governments or an area government, that expends public funds for the procurement of supplies and services.

Cure Notice: A notice, either oral or in writing, that informs the Supplier that he or she is in default and states what the supplier has to do correct the deficiency. If the notice is oral it shall be confirmed in writing.

Debarment: Action taken by the head of the purchasing agency to remove a person or entity from consideration for an award of any Commonwealth contract or subcontract for a specified period of time.

Deficiency Item: Work performed under a construction contract but which the design professional, the contractor, or the inspector will not certify as being completed according to the contract.

Delivery Date: The date, as stated within the contract, when materials are required to be delivered or services are to be rendered.

Department: The Department of General Services.

Designated Enterprise Zone: An economically disadvantaged area within a municipality that has been designated as such by the Pennsylvania Department of Community and Economic Development.

Design/Build Contract: A construction contract in which the contractor is responsible for both the design and construction of any public structure or building or other public improvements of any kind to any public real property.

Design/Professional Services: Those professional services within the scope of the practice of architecture, geology, engineering, landscape architecture or land surveying, including studies, investigations, surveying, mapping, tests, evaluations, consultations, comprehensive planning, program management, conceptual design, plans and specifications, value engineering, maintenance manuals and other related services associated with research, planning, development, design, construction, alteration or repair of real property. The term includes services provided under the supervision of a professional engineer to develop engineering software to aid design professionals in performing their work. The term does not include those services which are not exclusively within the scope of architecture, geology, engineering, or landscape architecture but which are related to capital improvements such as, but not limited to, environmental hygienic, construction management as described in *Section 322 of Commonwealth Procurement Code*, exhibit design, fine arts or lesser arts and crafts, even though an architect, geologist, engineer, or landscape architect may provide such services.

Disadvantaged Business: A small business which is owned or controlled by a majority of persons, not limited to members of minority groups, who have been deprived of the opportunity to develop and maintain a competitive position in the economy because of social disadvantages. The term includes MBEs and WBEs.

DGS: The Department of General Services.

Effective Date: A date fixed by the contracting officer which is on or after the date the contract has been fully executed by the contractor and by the purchasing agency and all approvals required by Commonwealth contracting procedures have been obtained. The contract shall not be a legal and binding contract until after the Effective Date is affixed and the contract is sent to the contractor.

Electronic: Any electrical, digital, magnetic, optical, electromagnetic or other form of technology that entails capabilities similar to these technologies. Electronic includes transmission via a telefacsimile device.

Electronic Signature: A signature in electronic form attached to or logically associated with an electronic record. It includes an electronic symbol (including a printed name) or a process attached to or logically associated with a bid, contract or purchase order, and executed, adopted or agreed upon by a person with the intent to sign the bid, contract or purchase order. An electronic signature qualifies as an original signature.

Emergency: Existence of a threat to public health, welfare, or safety or circumstances outside the control of an agency creating an urgency of need which does not permit the delay involved in using formal, competitive methods.

Employee: An individual drawing a salary or wages from a Commonwealth agency, whether elected or not, and any noncompensated individual performing personal services for any Commonwealth agency.

Energy Conservation Measure: A training program or facility alteration designed to reduce energy consumption or operating costs.

Enterprise Zone Small Businesses ("EZSB"): A small business whose economic growth and development has been restricted based on an economic bias. Such businesses are small businesses whose primary or headquarter facilities exist within designated enterprise zones. Businesses seeking to become classified as EZSB's by the Commonwealth of Pennsylvania must submit with their proposals evidence that such business has its primary or headquarter facility within a designated enterprise zone. Such evidence shall include a copy of the lease or deed for the company's primary or headquarters' locations and a letter from the local enterprise zone coordinator verifying that the address is in an enterprise zone. They shall also submit proof of gross annual revenues from the most recent tax year.

Established Catalog Price: The price included in a catalog, price list, schedule, or other forms that: Is regularly maintained by a manufacturer or contractor; is either published or otherwise available for inspection by customers; states prices at which sales are currently or were last made to a significant number of any category of buyers or buyers constituting the general buying public for the materials or services involved.

Executive Agency: The Governor and the departments, boards, commissions, authorities, and other officers and agencies of the Commonwealth. The term does not include any court or other officer or agency of the unified judicial system, the General Assembly and its officers, and agencies or any independent agency or state-affiliated entity.

Expiration Date: The date on which a contract expires. The last date when work to be billed under the contract can be performed.

Evaluation of Bids: The process of examining a bid after opening to determine the bidder's responsibility, responsiveness to requirements, and other characteristics of the bid relating to selection for award.

Extension of Contract: The continuation of an existing contract, with the same supplier or contractor, which is due to expire and does not provide for an option to renew.

Firm, Fixed Price Contract: A contract where the total amount to be paid to the contractor is fixed and is not subject to adjustment by reason of the cost experience of the contractor. The term includes contracts where the unit price is set but the total price varies because actual quantities purchased deviate from the quantities estimated to be purchased. The term also includes contracts where the price may be adjusted in accordance with a contractually established price adjustment provision independent of the contractor's costs.

Force Majeure – An irresistible or extraordinary force, natural event, or effect that cannot be reasonably anticipated or foreseen, prevented, or controlled. An act of God.

Grant: A furnishing of assistance by the Commonwealth or any person, financial or otherwise, to any person to support a program. The term does not include an award whose primary purpose is to procure construction for the grantor. A contract resulting from such an award is a procurement contract and not a grant.

Independent Agency: Boards, commissions, and other agencies and officers of the Commonwealth which are not subject to the policy supervision and control of the Governor. The term does not include any state affiliated entity, any court or other officer or agency of the unified judicial system, the General Assembly and its officers and agencies, any state-related institution, political subdivision or any local, regional, or metropolitan transportation authority.

Inspector: The person authorized or engaged by the government agency to inspect the work performed and materials furnished pursuant to a contract to determine whether the work completed is in compliance with the contract.

Interagency Agreement: A binding contractual agreement executed between two or more Commonwealth agencies, in which at least one is normally not an executive agency as defined in the *Commonwealth Attorneys Act, 71 P. S. §§ 732-101*.

Intergovernmental Agreement: A binding contractual agreement executed by the Commonwealth with the federal government or its agencies, another state or its agencies, or with instrumentalities of the Commonwealth (boroughs, cities, counties, state-related institutions, etc.). These agreements should be processed in accordance with the requirements of the *Commonwealth Attorneys Act, 71 P. S. §§ 732-101*. They are not subject to the requirements of Chapter 5 of the Commonwealth Procurement Code. Intergovernmental agreements should not be used in circumvent competitive procurements from a commercial contractor. The purpose of an intergovernmental agreement should align with the mission of the governmental entity. The agency should include justification in the file.

Invitation for Bids ("IFB"): All documents, including those either attached or incorporated by reference, used for soliciting bids.

Invitation to Qualify ("ITQ"): This term has a dual meaning. It is a commonly-used name for the invitation for bids or request for proposals that is used to solicit bids or proposals for the multiple award method of procurement. It is also sometimes used to identify the document that solicits applications or proposals for qualification of bidders/offerors.

Issuing Office: The sole point of contact for the offerors to contact the purchasing agency with any questions in regard to a request for proposals.

Joint Venture: A joining of two separate legal entities to work together on a technically challenging or unique procurement. It is simply a partnership for a particular project and terminates on the cessation of that project.

Late Bid or Proposal: A bid or proposal which is received at the place designated in the Invitation for Bids or Request for Proposal after the deadline established by the solicitation.

License: Permission or authority to use personal property for specific purposes without possessing title to, or any interest in, the property itself.

Life Cycle Cost: The total cost of the supply in terms of purchase cost, installation cost, maintenance cost, energy cost, supply cost, and other costs.

Liquidated Damages: A sum stated in a contract to be paid as ascertained damages for failure to perform in accordance with the contract. The damage figure stipulated must be a reasonable estimate of the probable loss to the agency, and not calculated simply to impose a penalty on the supplier.

Loan: The disbursement of funds by the Commonwealth to any person where the principal amount disbursed is required to be repaid to the Commonwealth, with or without interest, under an agreement.

Maintenance: Work that does not change the size, type, or extent of the facility. The facility includes the component parts of the existing building or structure.

Materials: Supplies, excluding insurance.

Medical Assistance Provider Agreement: A written agreement by a licensed or qualified provider of medically related services to participate in the medical assistance program administered by the Department of Public Welfare.

Memorandum of Understanding ("MOU"): A cooperative arrangement between executive agencies or, if concurred with both parties, an arrangement between an executive agency and an independent agency, as defined in the *Commonwealth Attorneys Act, 71 P. S. §§ 732-101*, which does not create any contractual rights or obligations between the signatory agencies. This document does not require approval by the Office of Attorney General.

Minority Business Enterprise ("MBE"): A small business employing no more than 100 employees, that is one of the following: A sole proprietorship owned and controlled by a minority; A partnership or joint venture controlled by minorities in which at least 51% of the beneficial ownership interest is held by minorities; A corporation or other entity controlled by minorities in which at least 51% of the voting interest and 51% of the beneficial ownership interest are held by minorities.

Multiterm Contract: A contract for materials, services, or construction whose term covers more than one Commonwealth fiscal year.

Notice to Proceed: Written authorization from the purchasing agency's contracting officer to the contractor to perform the services or construction specified in the contract. The notice to proceed cannot be issued until on or after the effective date of the contract.

Offeror: A person that submits a proposal in response to a request for proposals.

Option to Renew: A provision of the IFB or RFP and included as a provision within the contract which allows the continuance of a contract for an additional time period.

PA Supplier Portal: A website which provides suppliers with access to procurement opportunities and procurement documents while allowing them to manage catalogs and update company data. It also supports communication between the Commonwealth and suppliers.

Parent Contract: The “parent contract” and its corresponding number are created to group multiple suppliers when each of the suppliers holds a contract and the orders from the individuals can be aggregated. This is done when a Multiple Award Contract is issued.

Participating Provider Agreement ("PPA"): A written agreement between the Department of Health and a licensed or qualified provider of medically related services which was approved by the Office of the Budget and the Department of General Services and was awarded on a noncompetitive basis.

Party: Any person, corporation, unincorporated association, partnership, state governmental agency, political subdivision, authority, another state, or the government of the United States.

Performance Security: Security provided by a contractor solely for the protection of the purchasing agency or using agency receiving the materials, services, or construction, conditioned upon the faithful performance of the contract in accordance with plans, specifications, and conditions of the contract.

Procurement: Buying, purchasing, renting, leasing, licensing, or otherwise acquiring any supply, service, or construction. The term also includes all functions that pertain to the obtaining of any material, service, or construction, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

Procurement Description: The words used in a solicitation to describe the supply, service, or construction to be procured. The term includes specifications attached to or made a part of the solicitation.

Proposal: An offer made in response to a request for proposal which may be subject to negotiation and award criteria set forth in the request for proposal.

Programs and Systems Division: A division within DGS Bureau of Procurement which receives and processes information on proposed contracts for publication on the DGS website.

Protest: A written complaint about an administrative action or decision brought by a bidder or offeror to the appropriate administrative section with the intention of receiving a remedial result.

Purchase Order: Written authorization for a contractor to proceed to furnish a supply, service or construction in accordance with the terms of the IFB and the awarded bidder's bid or a contract.

Purchasing Agency: A Commonwealth agency authorized by Act 57 (*Commonwealth Procurement Code, 62 Pa. C.S. Sections 101 et seq.*) or by other law to enter into contracts for itself or as the agent of another Commonwealth agency. For small procurements and delegated procurements, the using agency is authorized by the statutorily authorized purchasing agency to be the purchasing agency. When purchasing for another Commonwealth agency, the purchasing agency acts on behalf of the principal in need of the materials, services, and construction and shall coordinate and cooperate with that agency.

Quote: A supplier' response to an RFQ (Request for Quote or RFQ IT ITQ (Request for Quote IT ITQ) to provide materials or services to the Commonwealth.

Reimbursement/Invoice Basis: Payment based on submission of a request for reimbursement or of an invoice after cash expenditures were made, after materials were delivered, or after construction or services were performed.

Request for Proposals ("RFP"): All documents, including those either attached or incorporated by reference, utilized for soliciting proposals.

Responsible Bidder: A bidder that has submitted a responsive bid and that possesses the capability to fully perform the contract requirements in all respects and the integrity and reliability to assure good faith performance.

Responsible Offeror: An offeror that has submitted a responsive proposal and that possesses the capability to fully perform the contract requirements in all respects and the integrity and reliability to assure good faith performance.

Responsive Bid: A bid, which conforms in all material respects to the requirements and criteria in the invitation for bids.

Responsive Bidder or Offeror: A person who has submitted a bid or proposal which conforms in all material respects to the invitation for bids or request for proposals.

Responsive Proposal: A proposal which conforms in all material respects to the requirements and criteria in the request for proposals.

Request for Information (RFI): An informal document issued when an agency is not aware of the products available in the market which may satisfy its requirements. The use of an RFI does not require a purchase requisition, however a RFI may result in the development of a requisition, or the issuance of an IFB or RFP after an agency determines the types of products that are available which will satisfy its requirements. An RFI cannot be made into an agreement.

Sealed Bid: A bid whose contents are not disclosed until the bid opening time. Bids are typically submitted in sealed envelopes to meet this requirement, but electronic submission is not prohibited so long as the purchasing agency has the electronic capability to maintain the confidentiality of the bid until the bid opening time.

Sealed Proposal: A proposal whose contents are not disclosed until the proposal receipt date. Proposals are typically submitted in sealed envelopes to meet this requirement, however, electronic submission is not prohibited so long as the purchasing agency has the electronic capability to maintain the confidentiality of the proposal until the proposal receipt date.

Services: The furnishing of labor, time, or effort by a contractor not involving the delivery of a specific end product other than drawings, specifications, or reports which are merely incidental to the required performance. The term shall include the routine operation or maintenance of existing structures, buildings, or real property. The term does not include employment agreements or collective bargaining agreements. The term includes utility services and those services formerly provided by public utilities such as electrical, telephone, water, and sewage service.

Signature: A distinctive mark or characteristic indicating identity. An electronic signature qualifies as an original signature.

Small Business: A business in the United States which is independently owned, is not dominant in its field of operation, employs no more than 100 persons, and has less than \$8,000,000 in gross annual revenues (\$18,000,000 in gross annual revenues for those businesses in the information technology sales or service business).

Sole Source – When an item is available from only one source due to the unique nature of the requirement, its supplier or market conditions.

Specifications: The description of the physical or functional characteristics or the nature of a material, service, or construction item. It may include a description of any requirement for inspecting, testing, or preparing a material, service, or construction item for delivery.

State-Affiliated Entity: A Commonwealth authority or a Commonwealth entity. The term includes the Pennsylvania Turnpike Commission, Pennsylvania Housing Finance Agency, Pennsylvania Municipal Retirement System, Pennsylvania Infrastructure Investment Authority, State Public School Building Authority, Pennsylvania Higher Educational Facilities Authority, and the State System of Higher Education. The term does not include any court or other officer or agency of the unified judicial system, the General Assembly and its officers and agencies, any state related institution, political subdivision or any local, regional, or metropolitan transportation authority.

Statewide Requirements Contract: A contract entered into by the purchasing agency which covers the annual, semiannual, or quarterly contract requirements of all Commonwealth agencies and allows the agencies to order needed materials, services, or construction directly from the contractor.

Subcontractor: An individual, business, university, governmental entity, or nonprofit organization contracting to perform part, or all, of another entity's contract.

Supplier: A bidder, offeror, or contractor offering to provide materials and/or services to the Commonwealth. May also be referred to as a vendor.

Supplier Registration: A series of steps suppliers must complete in order to gain access to the PA Supplier Portal. All procurement supplies must register to be considered a source of supply or services and to respond to solicitations.

Supplies: Any property including, but not limited to, equipment, materials, printing, insurance, and leases of and installment purchases of tangible or intangible personal property. The term does not include real property, leases of real property, or alcoholic beverages or liquor purchased for resale by the Pennsylvania Liquor Control Board.

Suspension: The temporary disqualification of a person or entity from consideration for an award of any Commonwealth contract or subcontract for a period of up to three (3) months pending further investigation or the completion of legal proceedings if there is probable cause for debarment.

Taxes – The Commonwealth is exempt from all excise taxes imposed by the Internal Revenue Service and has accordingly registered with the Internal Revenue Service to make tax-free purchases.

Using Agency: A Commonwealth agency, which utilizes any materials, services, or construction procured by the Commonwealth.

Women Business Enterprise ("WBE"): A small business employing no more than 100 employees, that is one of the following: A sole proprietorship owned and controlled by a woman; A partnership or joint venture controlled by women in which at least 51% of the beneficial ownership interest is held by women; A corporation or other entity controlled by women in which at least 51% percent of the voting interest and 51% percent of the beneficial ownership interest are held by women.

Work Statement: A detailed description of services to be performed by a contractor.

Written or Writing: Includes the electronic format.

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