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Date:            October 2019

Subject:        Vendor Guide to Doing Business with the Utah State Board of Education

To:              Prospective Contractors

Thank you for your interest in doing business with the Utah State Board of Education (USBE). This vendor guide is designed to give vendors an overview of USBE's purchasing processes and procedures.

With the exception of occasional contracts with extraordinary circumstances justifying the award of a sole source contract, USBE conducts competitive procurements in accordance with the Utah Procurement Code (Title 63G, Chapter 6a) and associated administrative rules for all products and services not available on existing USBE or State of Utah cooperative contracts.

The Utah Division of Purchasing has partnered with JAGGAER (formerly, SciQuest), an online e-procurement system provider, to publicly post and receive responses to participating Utah entities' invitations for bids, requests for proposals, and other solicitations through U3P, the Utah Public Procurement Place. U3P solicitations are known as "sourcing events" and are publicly accessible by visiting the U3P [public notice page](#).

Only registered vendors can respond to sourcing events posted in U3P. Registration with U3P's Utah Supplier Portal is free. To create an account, please visit [this page](#). As part of the registration process, you will have the opportunity to select U3P-specific codes for categories of products and services (commodities) matching your company's industry and offerings. You may also select North American Industry Classification System (NAICS) codes to allow your company to be visible to other JAGGAER customers.

Registered vendors will automatically receive e-mail notifications regarding U3P sourcing events matching the codes selected during registration, as well as notifications of amendments and Q&A board activity for sourcing events for which they indicate an intention to bid. Registered vendors will also be able to submit responses to U3P sourcing events electronically and in a secure format.

If you require assistance during the registration process, please contact the Division of Purchasing's U3P help desk at [sciquestadmin@utah.gov](mailto:sciquestadmin@utah.gov) or call the JAGGAER supplier support line at 1-800-233-1121.



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We appreciate your interest in doing business with the Utah State Board of Education and hope you will respond to future USBE solicitations. We encourage all qualified vendors to offer their products and services to the State of Utah. We welcome your questions or comments.

## **A VENDOR'S GUIDE TO DOING BUSINESS WITH THE STATE OF UTAH**

### **WHAT IS PURCHASED**

The USBE procures a variety of goods and services for the state level agency (the Utah State Board of Education), and some goods and services that local education agencies (LEA) use. For example, USBE procured the statewide assessment that all schools are required to use, as well as the UPSTART program.

Please note, USBE is NOT the purchasing group for LEAs. This means that we do not purchase curriculum (e.g., books), supplies (pens, pencils, paper, etc.), construction (building or remodeling), for schools or school districts (LEAs). They are independent procurement units and are responsible for these transactions.

### **SMALL PURCHASES**

**Direct Award:** For procurement items, including professional services, not already available on an existing USBE agency contract or State of Utah cooperative contract, USBE can expend up to \$10,000 by direct negotiation and award, without obtaining multiple quotes or engaging in another competitive process.

**Requests for Quotes (RFQ):** Above \$10,000 and up to \$75,000, USBE may, after obtaining quotes from a minimum of two vendors, award the purchase of procurement items other than professional services to the lowest-cost vendor meeting the requirements of the request for quotes.

**Small Purchase of Professional Service Providers and Consultants:** Above \$10,000 and up to \$100,000 (or \$250,000 for multiple providers), USBE may, after obtaining quotes and qualifications from a minimum of three vendors, award the purchase of professional services to the vendor identified by USBE as providing the agency with the best value.

Although requests for quotes may be published, publication is not required, and quotes may be requested via e-mail or phone. Vendors are encouraged to respond promptly, as the timeframe for a response is often short.



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Small purchases frequently result in purchase orders but may also result in contracts or service agreements.

Reference: Utah Administrative Rules R277-122-5 and R277-122-6

## COMPETITIVE PROCUREMENT METHODS

USBE uses three basic types of competitive source selection methods, in addition to those noted above:

**Invitation for Bids (IFB):** An invitation for bids is a competitive procurement process used when USBE deems cost to be the most determinative factor in awarding a contract exceeding \$50,000 in value. IFBs are published by USBE on U3P and include a description of the procurement item(s) sought, minimum specifications, and the resulting contract's required terms and conditions.

Bids submitted through U3P's Utah Supplier Portal are sealed until the IFB's indicated closing date and time, after which USBE may award a contract to the responsible vendor submitting the lowest-cost responsive bid. Negotiation or modification of the terms and conditions posted in the solicitation is not permissible after award, so vendors are encouraged to submit concerns with the posted terms and conditions during the IFB's Q&A period. Late bids cannot be considered for award.

The contract is awarded to the lowest responsible and responsive bidder whose bid conforms in all material respects to the requirements and criteria set forth in the IFB. After award of the contract, the name of each bidder and the amount of each bid becomes public information.

**Request for Proposals (RFP):** A Request for Proposal is a sealed, publicly posted, competitive procurement process used when the procurement officer determines that the RFP process will provide the best value to the State. The RFP process is utilized when the needs of the state agency may not be completely clear, when negotiations may be necessary, and when factors, in addition to cost, are highly significant in making the selection that is most advantageous to the State. An RFP will contain technical specifications of a Scope of Work for which the offeror must respond with a sealed technical proposal that is kept separate from the offeror's cost proposal. A formal proposal close date and time will be specified in the sourcing event; any proposal received after that time will not be considered. Evaluation criteria will be established and listed in the RFP and used by the evaluation committee to select the contractor.



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After award of the contract, both successful and unsuccessful technical and cost proposals become public information except for qualified business confidential information.

**Request for Statements of Qualifications (RFSQ):** The Request for Statement of Qualifications is a sealed, publicly posted, solicitation process used as part of a multiple-stage bidding, request for proposal, or design professional procurement process. During the RFSQ process, vendors must meet the mandatory minimums provided in the solicitation in order to advance to the next stage of the solicitation process.

### ELECTRONIC ISSUANCE OF SOLICITATIONS & ELECTRONIC RECEIPT OF RESPONSES

USBE utilizes the U3P platform to distribute and receive bids and proposals. U3P is an online bidding service designed to streamline the bidding process for buyers and suppliers. In order to access USBE's bids online, you will need to register as a vendor on the U3P Supplier Portal:

<https://solutions.sciquest.com/apps/Router/SupplierLogin?CustOrg=StateOfUtah>.

The State of Utah is sponsoring most of their solicitations, known as sourcing events, on the U3P network, therefore, registration, email notifications, and electronic bid response for USBE's sourcing events are FREE. Once you are registered, you will receive email notifications. You will also be able to view all of USBE's quotes, bids, proposals, etc. Finally, you will have the ability to submit your responses online. When you register with U3P, you will receive automatic email notifications about any sourcing event that matches your company's area of business which is posted on the U3P website by USBE or by any other organization under the State of Utah's contract. You will also receive automatic updates regarding amendments to sourcing events and questions.

### SOURCING EVENT INSTRUCTIONS AND GENERAL PROVISIONS

Each sourcing event will include a set of instructions and general provisions. Prospective suppliers should pay close attention to these instructions and general provisions. Failure to follow the instructions or to provide the required information can lead to a bid or proposal being declared nonresponsive.



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### SPECIFICATIONS

The specification and/or description of the item being purchased will be written to invite open competition. Merchandise offered must be new merchandise, unless the sourcing event specifically requests used merchandise. "Demonstrator", rented, or reconditioned merchandise is not considered new. Workmanship on products offered must be first class in every respect - as good as or better than that sold to the commercial trade.

IFB/RFPs will have one of the following requirements specifying the level of quality desired:

**Standard Specifications:** Specifications prepared and issued by standards or specification organizations which are generally known to the seller and to the industrial trade may be used to indicate the level of quality and other requirements for an item.

Examples of such organizations are Federal Standards, Underwriters Laboratories (UL), American National Standards Institute (ANSI), etc.

**Purchase Specifications:** A description of the item, product, or article may be given in an IFB/RFP to specify minimum requirements. These purchase specifications may be brief or complex and may be used in lieu of other criteria in establishing the minimum requirements for supplies, materials, services, and equipment.

**Brand Name or Equal Specifications:** When a brand name "or equal" specification is used as a reference; it is intended for descriptive purposes only and is not intended as a restrictive specification. In such cases, the bidder must clearly state the brand, type, model, etc., that is being offered instead and must support such offer with adequate specifications and properly marked descriptive literature of the product being offered as "equal." If the bidder does not take exception to the specification referenced in the IFB/RFP or does not provide detailed descriptive information on the product offered, the Division will assume the bidder proposes to furnish the exact item referenced in the IFB/RFP. Proof that the item offered is "equal to or exceeds specification" is the responsibility of the bidder.

### BID OPENING AND AWARD

**Bid Opening:** Formal Bids/RFPs will be opened by USBE at the time and place stated in public notices and/or IFB/RFP. Each vendor and/or his/her representative may attend the bid opening if so desired. At the opening of an IFB, the bidders' names and quotes are



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available. At the opening of an RFP, only the offerors' names are available. RFQs do not have a public quotation opening.

**Award:** USBE will evaluate bids (IFB) and make awards for supplies, materials, services and equipment on the basis of the "lowest responsive and responsible bid." USBE reserves the right to make multiple awards if it is in the best interest of USBE and when the intention to make a multiple award was listed in the specifications. Proposals are evaluated based upon the evaluation criteria indicated in the RFP. Awards on RFPs are made to the firm whose proposal is determined to be the most advantageous to the state, taking into consideration price and the other evaluation criteria.

**Publication of Award:** A publication of award for each publicly posted sourcing event will be available for public inspection on the U3P. The publication of award for an IFB will include the name of each bidder and the amount of each bid. The publication of award for an RFP will include: the name of the winning offeror and the total score awarded to that offeror; a justification statement; a cost-benefit analysis, if required by law; and the total score awarded to each offeror to which the contract is not awarded without identifying which offeror received which score. (63G-6a-709.5)

**Late Bids/Proposals:** Any bid/proposal submitted after the date and time designated in the IFB/RFP will not be accepted. This regulation does not allow for exceptions, thereby preserving USBE's policy of equal treatment toward all vendors.

**Protests:** Concerns regarding a sourcing event, specifications, or an award should first be discussed with the appropriate purchasing agent at USBE. If the concern is not resolved by the purchasing agent, vendors have the ability to formally protest to USBE's Director of Purchasing and Contracts, PO BOX 144200, Salt Lake City, Utah 84114-4200. Protests and appeals of USBE's actions are governed by the Utah Procurement Code 63G-6a Part 16 and Administrative Rule R33- 16. Any protest regarding specifications must be filed in writing prior to the sourcing event closing date and time. Protests relative to the contract award must be filed in writing within seven days after the aggrieved person knows or should have known of the facts giving rise thereto.

### CONTRACT TYPES

Prior to running a solicitation, the purchasing agent will select the contract type that will be used at the conclusion of the sourcing event. USBE uses two main contract types.

**Purchase Order:** A purchase order is a short-term contract used when making one time or spot purchases. Purchase requirements are clearly described on the sourcing event or



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purchase order. A purchase order contract is not anticipated to need more than three partial payments. If more payments will be required, an agency contract should be created.

**Agency Contract:** An agency contract is a term contract to procure products or services that are specific to the needs of USBE. The contract is used in lieu of a purchase order when more than three partial payments are anticipated to be made, when purchases will be made over time, or when the scope of work cannot be accurately defined on the face of a purchase order.

### PURCHASE ORDERS AND CONTRACTS

**Issuance:** Purchase orders or contracts are issued by USBE to the successful bidder(s). A contract is not valid until all required signatures have been affixed to the document.

**Cancellation:** Purchase orders or contracts may be canceled under the following conditions:

1. A purchase order or contract may only be canceled by the vendor or USBE.
2. USBE may cancel a purchase order or contract because of unsatisfactory performance or no performance by the contractor.
3. A contractor may request a cancellation of a purchase order or contract or a portion thereof, because of circumstances beyond his/her control. In these instances, USBE will consider such requests when presented in writing with proper documentation.

### DELIVERY AND INSPECTION

**Delivery:** Delivery must be made in compliance with the instructions in the IFB/RFP and subsequent purchase order or contract.

### STANDARDS OF CONDUCT

Under Utah law it is a felony for suppliers to offer, or for anyone acting as a procurement officer to accept gifts, kickbacks, or gratuities. Please see Utah Code Annotated 63G-6a-2401 thru 63G- 6a- 2404