



STATE OF TENNESSEE
PROCUREMENT COMMISSION
 3rd Floor, William R. Snodgrass TN Tower, 312 Rosa L. Parks Avenue
 Nashville, Tennessee 37243-1102
 (615) 741-1035 Fax (615) 741-0684

- AGENDA -

PROCUREMENT COMMISSION MEETING #027
THURSDAY, AUGUST 17, 2017 - 2:00 P.M.
TN TOWER, 3RD FLOOR, NASHVILLE ROOM

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LARRY B. MARTIN, Chairman
 Commissioner of Finance & Administration

JUSTIN P. WILSON
 Comptroller of the Treasury

ROBERT E. OGLESBY
 Commissioner of General Services

MICHAEL F. PERRY
 Chief Procurement Officer

**MINUTES OF JUNE 27, 2017
MEETING**



MINUTES
PROCUREMENT COMMISSION MEETING #026
TUESDAY, JUNE 27, 2017 – 11:00 A.M.
TN TOWER, 3RD FLOOR, NASHVILLE ROOM

Members in Attendance:

Larry B. Martin, Commissioner, Department of Finance and Administration; Justin P. Wilson, Comptroller of the Treasury; Robert E. Oglesby, Commissioner, Department of General Services; Mike Perry, Chief Procurement Officer

Others in Attendance:

Tina Pennington, Jenny Young, Shannon Howell, Daniel Leeson, Bryan Chriske, Tim Drown, Buddy Lea, Chris Salita, Laura Kinard, Meryl McVicker, Shane Gibson, Maggie Wilson, Thad Watkins, Paul Krivacka, Charlotte McKinney

I. Call to Order.

Commissioner Martin called the meeting to order and recognized that a quorum of Procurement Commission ("Commission") members was present.

II. Election of Procurement Commission Vice Chair

Commissioner Martin stated that the first agenda item was to elect a Vice Chair for the Procurement Commission. Commissioner Oglesby made a motion to elect Justin P. Wilson, Comptroller of the Treasury, to serve as Vice Chair. Commissioner Martin seconded the motion and asked if there was any discussion. Seeing no discussion, all members voted in favor to elect Comptroller Justin P. Wilson as Procurement Commission Vice Chair. Commissioner Martin expressed his appreciation to Comptroller Wilson for his willingness to serve in this capacity.

III. Minutes from the April 27, 2017 Procurement Commission Meeting.

Commissioner Martin presented the April 27, 2017, minutes for approval and asked if there were any corrections or additions. Comptroller Wilson stated that the minutes had been reviewed by his office and appeared to be in order. Comptroller Wilson made a motion to approve the minutes from the April 27, 2017, Procurement Commission meeting as presented. The motion was seconded by Commissioner Oglesby; whereupon the minutes were approved.

New Business:

IV. Proposed Changes to the following Central Procurement Office documents.

Commissioner Martin asked Paul Krivacka, Lead Attorney/Director of Category Management, Central Procurement Office, to present the New Business agenda items.

(1) Limitation of Liability Request

Mr. Krivacka summarized the following points with regard to the Limitation of Liability Request:

- This proposal will update the language included on the Limitation of Liability Request form to mirror the language included in Tenn. Code Ann. § 12-3-701.
- This proposal will also add a place to include the contract's "estimated liability", which is the terminology used in Statewide Contracts ("SWCs"). This will be in addition to the already included, most commonly used option of "maximum liability".

Comptroller Wilson made a motion to approve the Limitation of Liability Request as presented. The motion was seconded by Commissioner Oglesby; whereupon the item was approved.

(2) Rule Exception Request for the Delegated Authority ("DA") or Delegated Grant Authority ("DG") Templates

Mr. Krivacka summarized the following points with regard to the Rule Exception Request for the Delegated Authority ("DA") or Delegated Grant Authority ("DG") Templates:

- This proposal will revise the second question, "Edison Contract ID #" by dividing it into two parts so there is an opportunity to include not only the current Edison ID # but any prior ID # if there was a previously approved DA or DG. Having the prior delegation ID # easily accessible will be helpful to reviewers of the document.

Comptroller Wilson stated that this proposal was suggested by his office and he made a motion to approve the Rule Exception Request for the Delegated Authority ("DA") or Delegated Grant Authority ("DG") Templates as presented. The motion was seconded by Commissioner Oglesby; whereupon the item was approved.

(3) Governmental Grant ("GG") and Grant Contract ("GR") Templates – option: Work Products for use by Tennessee Department of Transportation ("TDOT") only

Mr. Krivacka summarized the following points with regard to Governmental Grant ("GG") and Grant Contract ("GR") Templates – option: Work Products for use by Tennessee Department of Transportation ("TDOT") only:

- This proposal will revise the optional "work products" contract clause for use by TDOT only, in the GG and GR Templates.
- The revised work products provision establishes greater clarity regarding the distribution of intellectual property rights between the State and a grantee.

- In particular, the Grantee will have a non-exclusive, royalty-free license to use the Work Product for Grantee's internal purposes only.

Commissioner Martin asked if there was any discussion in regard to agenda item (3). Seeing none, Comptroller Wilson made a motion to approve Governmental Grant ("GG") and Grant Contract ("GR") Templates – option: Work Products for use by Tennessee Department of Transportation ("TDOT") only as presented. Commissioner Oglesby seconded the motion; whereupon the item was approved.

(4) FA Template and Edison Configurator - Statewide Contract Optional Term- NEW

Mr. Krivacka summarized the following points with regard to the FA Template and Edison Configurator - Statewide Contract Optional Term- NEW:

- This proposal will add an optional Statewide Contract clause to the standard FA Template. This contract clause will define "Authorized Users" which will include local government, higher education, and certain not-for-profits as entities that are eligible to make purchases on SWCs in addition to State agencies.

Comptroller Wilson asked if this would be like the Enterprise contract. Mr. Krivacka stated that it could be like the Enterprise contract or the vehicle contract or several other statewide contracts. Commissioner Oglesby asked if allowing "Authorized Users" on SWCs was for convenience and not a mandatory requirement; for example if a local government or higher education found better pricing elsewhere would there be a mandatory requirement for them to utilize the SWC. Mr. Krivacka indicated that it is not mandatory for local government, higher education, or certain not-for-profits to use statewide contracts but often times the State has done a good job on the procurement and obtained such good pricing from the marketplace that these entities chose to utilize the SWCs.

Seeing no additional discussion, Comptroller Wilson made a motion to approve the FA Template and Edison Configurator - Statewide Contract Optional Term- NEW as presented. The motion was seconded by Commissioner Oglesby; whereupon the item was approved.

(5) FA Template and Edison Configurator - Major Procurement Contract Sales and Use Tax – NEW

Mr. Krivacka presented the following points with regard to the FA Template and Edison Configurator - Major Procurement Contract Sales and Use Tax:

- The Office of Comptroller of the Treasury ("COT") brought to the attention of the Central Procurement Office ("CPO") that there is a statutory provision from 2015 that requires certain language to be included in State contracts. For contracts over \$75,000 the statute requires State vendors to agree that they will pay all sales and use taxes. This proposal will add a new mandatory contract clause to the FA Template and Edison configurator for contracts over \$75,000.

Comptroller Wilson made a motion to approve the FA Template and Edison Configurator - Major Procurement Contract Sales and Use Tax as presented. Commissioner Oglesby seconded the motion; whereupon the item was approved.

(6) Request for Proposals ("RFP") Template – option: RFP Redlines – NEW

Mr. Krivacka presented the following points with regard to the Request for Proposals ("RFP") Template – option: RFP Redlines – NEW:

- This proposal will add optional language to the RFP template that allows the CPO to request redlines from respondents to a solicitation. This language makes it very clear what the process is and when redlines should be submitted.

Comptroller Wilson asked if this could only be used if approved by the Central Procurement Office. Mr. Krivacka responded that only the Central Procurement Office has the authority to negotiate costs or terms and conditions so redlines can only be used if approved by the CPO.

Commissioner Oglesby asked Mr. Krivacka to please explain what redlines are, why the CPO has that process, and how it works. Mr. Krivacka explained that on certain solicitations if the CPO is not sure how the marketplace will react to the State's standard terms and conditions, the CPO will allow respondents to redline the State's *pro forma* contract and that becomes the starting point for negotiations after contract award. In some cases when the CPO has been very rigid with respect to the *pro forma* contract language, there has been no interest from the marketplace, even in very lucrative contracts. Allowing redlines to the *pro forma* contract gives the CPO a mechanism to have a starting point for terms and conditions negotiations and can result in more competition for procurements. Commissioner Oglesby thanked Mr. Krivacka for the additional information.

Seeing no additional discussion, Comptroller Wilson made a motion to approve the Request for Proposals ("RFP") Template – option: RFP Redlines – NEW as presented. The motion was seconded by Commissioner Oglesby; whereupon the item was approved.

(7) Request for Proposals ("RFP") Template – option: Digital Submittal of Responses – NEW

Mr. Krivacka summarized the following points with regard to the Request for Proposals ("RFP") Template – option: Digital Submittal of Responses:

- This proposal will add optional language to the RFP Template to authorize digital responses to solicitations. Currently solicitations must be in writing and the CPO can request additional responses electronically by either a USB flash drive or CD.
- Under this option the entire response to a solicitation can be digital versus requiring everything to be in writing. This proposal will allow the CPO to streamline procurements, increase efficiency, and to better evaluate responses.
- This proposal is an optional term so the CPO could still continue the current process of requesting three written responses plus a few additional digital responses or with this proposal the CPO could request six digital responses.

Comptroller Wilson asked if his understanding was correct that this is a preference for digital responses and if the respondent prefers to do something other than a digital response they would have to contact the solicitation coordinator to get permission. Mr. Krivacka confirmed that was correct and further explained that this is an optional term meaning that the default term would be the way the CPO is currently doing business.

Comptroller Wilson stated that Mr. Krivacka's explanation was acceptable and made a motion to approve Request for Proposals ("RFP") Template – option: Digital Submittal of Responses as presented. Commissioner Oglesby expressed his appreciation to the CPO team for their forward thinking approach. Commissioner Oglesby continued that this may seem like a small step but it supports the bigger strategy of government having a more agile workforce and providing better customer service to the citizens of Tennessee.

Seeing no additional discussion Commissioner Oglesby seconded the motion; whereupon the item was approved.

(8) Central Procurement Office Policy Number 2013-002, *Procurement Methods*

Mr. Krivacka summarized the following points with regard to Central Procurement Office Policy Number 2013-002, *Procurement Methods*:

- This proposal will revise section 19.10., which describes when a Request for Qualifications or "RFQ" should be utilized:

A RFQ is a written solicitation, requiring written responses from potential respondents, containing a list of qualifications that must be met before a respondent may respond to a Request for Proposals or, through an approved Rule Exception Request, another approved procurement method such as a Competitive Negotiation. A RFQ, through an approved Rule Exception Request, may also be used to select professional services providers based on recognized competence and integrity in accordance with Tenn. Code Ann. § 12-3-103 [and 12-4-107]. In such instances, cost shall not be considered in evaluating respondents. A RFQ may be used to gather information from potential respondents regarding qualifications of providers of goods and services within the market place.

- This clarification was needed because of a number of situations where State agencies and the CPO were attempting to procure the professional services such as architects, engineers, attorneys, actuaries, and CPAs by considering both cost and qualifications. The statute makes it very clear that these types of procurements are to be based only on qualifications and not cost. It is hoped that this clarification will end situations where costs have been asked to be evaluated on these types of procurements.

Seeing no discussion, Comptroller Wilson made a motion to approve Central Procurement Office Policy Number 2013-002, *Procurement Methods* as presented. Commissioner Oglesby seconded the motion; whereupon the item was approved.

(9) Request for Qualifications ("RFQ") Template

Mr. Krivacka stated that this proposal includes several changes to the Request for Qualifications ("RFQ") Template:

This proposal will:

- Add more options to the RFQ Schedule of Events to reflect the various options available to procurement professionals.
- Add additional instructions reminding procurement professionals that cost should not be evaluated if the contract is for truly professional services (such as those discussed in the previous agenda item for attorneys, CPA's, engineers, architects).
- Add two optional provisions: one for the digital submittal of responses and one for redlines of the *pro forma* contract. Both of these were discussed for the RFP Template earlier in the meeting.
- Revise the sample letter of diversity commitment to request monthly instead of quarterly reporting to provide the Governor's Office of Diversity Business Enterprise ("Go-DBE") program with as much "real-time" data as possible.

Seeing no questions or comments, Comptroller Wilson made a motion to approve the Request for Qualifications ("RFQ") Template as presented. Commissioner Oglesby seconded the motion; whereupon the item was approved.

(10) Central Procurement Office Policy Number 2015-010, *Statewide Purchasing Card Policy and Procedures*

Mr. Krivacka summarized the following points with regard to Central Procurement Office Policy Number 2015-010, *Statewide Purchasing Card Policy and Procedures*:

This proposal includes several changes to the Statewide P-Card Policy.

This proposal will:

- Add more detailed procedural instructions for reporting any theft, forgery, or credit card fraud.
- Revise § 9.2. to provide the following instruction:
 - Each State Agency may develop its own internal procedures to carry out the intent and purpose of this Policy and to address unique State Agency complexities or risk factors. If a State Agency chooses not to develop its own internal procedures then the State Agency must follow this Policy and coordinate State Agency Employee roles with the Statewide P-Card Program Administration Team.
 - This second sentence mirrors the instruction already included in the Model Procedures.
 - References to a State Agency's internal procedures throughout have been modified to include an "as applicable".
 - Clarify that it is the State Agency Fiscal Director's responsibility to determine the total maximum per Cycle Limit for each Cardholder based on the individual's position and unique purchasing needs, and the State Agency's budget to ensure payment in full monthly.
 - Clarify that digital receipts are acceptable.
 - Move sections in a more logical order:

- Corrected definitions section to make sure in alphabetical order;
- Moved exception request paragraph from under the “purchases reserved for the designated state agency central fiscal office cardholder” section to the “prohibited purchases” section which is a more logical place for it; and
- Moved records retention requirements to a new section as it did not fit logically under the heading “types of accounts”.

Comptroller Wilson asked if the Commission members should consider agenda item (11) together with agenda item (10). Mr. Krivacka stated that both items were related and could be considered together. Commissioner Martin agreed and asked Mr. Krivacka to present agenda item (11).

(11) State Agency P-Card Procedures Model

Mr. Krivacka stated that State Agency P-Card Procedures Model is the document that is sent to the CPO for approval and then goes to COT for approval if an agency would like to have its own internal P-Card procedures.

Mr. Krivacka summarized the following points with regard to State Agency P-Card Procedures Model:

This proposal will:

- Add more detailed instructions for what to do in the case of theft, forgery, or credit card fraud.
- Remove instruction that allowed or suggested the P-Card Coordinator could also be a Cardholder; this practice is strongly discouraged.
- Add instructions that the State Agency Fiscal Director should also determine the total maximum per Cycle Limit for each Cardholder based on the individual's position and unique purchasing needs, and the State Agency's budget to ensure payment in full monthly.
- Add a paragraph about how agencies may request an exception to the policy and procedures by submitting a request to the Statewide P-Card Program Administrator.
- Add payments to other State Agencies, under “Prohibited Purchases”

Commissioner Oglesby asked if agenda item (10) was being proposed to address an observation from a recent audit. Mr. Krivacka stated that agenda item (10) was in response to an observation from a recent audit and Comptroller Wilson added that the proposal does a very good job of addressing the audit observation. Commissioner Oglesby asked if any proposed State Agency P-Card Procedures would be approved only if they were more stringent than the standing CPO P-Card procedures so that there would be no concern that an agency could circumvent the standards CPO has in place. Mr. Krivacka indicated that State Agency P-Card Procedures would have to be more stringent than standing CPO P-Card procedures in order to be approved by the CPO. To clarify, Commissioner Martin asked if the State Agency P-Card Procedures would serve to strengthen the CPO P-Card Policy and Mr. Krivacka indicated that Commissioner Martin was correct. Mr. Krivacka added that each of the 20 plus State Agencies do business a little differently and each manages their fiscal office differently. The agency procedures will allow the State agency to tailor their P-Card program

to their individual way of doing business but the agency's P-Card procedures cannot contradict the overall policy of State government. Commissioner Martin asked if there are core requirements that must be adhered to for State Agency P-Card Procedures however unique their situation may be. Mr. Krivacka confirmed that there are core requirements for State Agency P-Card Procedures.

Commissioner Martin asked what type of audit produced the observation related to this agenda item and asked if was related to a particular department. Comptroller Wilson and Commissioner Oglesby responded that the observation came from the Department of General Services Sunset Audit. Comptroller Wilson added that this proposed corrective action after an audit is exactly the way the process is supposed to work. Mr. Krivacka clarified that the audit result was an observation and not a finding. Commissioner Martin asked if the way a department handles P-Cards would normally be included in the scope of a department audit. Comptroller Wilson and Commissioner Oglesby responded that P-Card use should normally be included in an audit. Commissioner Martin stated that P-Cards need to be managed very carefully and in a consistent manner. Commissioner Martin asked if the Central Procurement Office was comfortable that allowing agency specific P-Card policies and procedures would not weaken the overall requirements and controls that are in place. Mr. Krivacka stated that it is the CPO's opinion that in many ways the agency specific P-Card policies and procedures would improve the program overall, and would not weaken the program in any way. When the CPO first started the P-Card program there was a requirement that agencies submit their agency P-Card policies and procedures to the CPO for approval. The CPO found that requirement to be onerous on the agencies and in many cases there was no benefit to each agency having their own P-Card policy and procedures. The CPO believes that making agency specific P-Card policies and procedures an option instead of a requirement is a much more agency friendly approach. Commissioner Martin asked who tracks things such as split purchases. Chief Procurement Officer Perry explained that the CPO looks for split invoices, which is when someone tries to artificially make a transaction appear smaller by breaking it into segments. The CPO Compliance Team looks for attempts to get a transaction under the dollar limit for the local small value delegation amount when the transaction should have been a competitively bid requisition. Commissioner Martin asked what the CPO does when split invoice transactions are found. Mr. Perry responded that the Compliance Team documents findings when issues like split invoices are found but these findings are not the same as audit type findings. The CPO Compliance team findings are written recommendations to the agency and in most cases additional training for agency staff is the remedy. The agency provides written responses to the CPO Compliance Team findings indicating what corrective actions have been taken. Mr. Perry indicated that in most cases the cause is lack of knowledge of policies and procedures and is not intentional action to circumvent rules.

Seeing no additional discussion, Comptroller Wilson made a motion to approve agenda items (10) Central Procurement Office Policy Number 2015-010, *Statewide Purchasing Card Policy and Procedures* and (11) State Agency P-Card Procedures Model, as presented. Commissioner Oglesby seconded the motion; whereupon agenda items (10) and (11) were approved.

(12) HR Pre-Approval Endorsement Request

Mr. Krivacka summarized the following points with regard to the HR Pre-Approval Endorsement Request:

- This proposal is to remove a reference by name to a former Department of Human Resources (“DOHR”) employee in favor of more generic language – “Department of Human Resources”.

Seeing no questions or comments, Comptroller Wilson made a motion to approve the HR Pre-Approval Endorsement Request, as presented. Commissioner Oglesby seconded the motion; whereupon the item was approved.

Commissioner Martin thanked Mr. Krivacka for presenting the New Business items and moved to the next two agenda items.

V. Approval of Tennessee Department of Environment and Conservation State Parks Purchasing Policies and Procedures

Mr. Krivacka presented the following points with regard to the Tennessee Department of Environment and Conservation State Parks Purchasing Policies and Procedures:

- Under Tenn. Code Ann. § 11-3-112 the Commissioner of the Department Environment and Conservation (“TDEC”) is responsible for submitting policies and procedures for purchases at state parks to the Procurement Commission for review and approval.
- This proposed policy change updates the purchase limits in TDEC’s policy since the CPO has updated the small (\$.01 to \$10,000) and informal purchases (\$10,000.01 to \$50,000) amounts for all state agencies.
- TDEC also requires any purchase over \$25,000 to be procured by the TDEC centralized procurement staff.

Seeing no questions or comments, Comptroller Wilson made a motion to approve the Tennessee Department of Environment and Conservation State Parks Purchasing Policies and Procedures, as presented. Commissioner Oglesby seconded the motion; whereupon agenda item V. was approved.

VI. Status Update on Glossary of CPO Terms Project

Mr. Krivacka presented the following status update with regard to the Glossary of CPO Terms Project:

- Individuals from the Comptroller’s Office of Research and Education Accountability (“OREA”) shared their “lessons learned” from their glossary project.
- A CPO Legal intern reviewed CPO Rules, Procedures Manual, and policies to pull together a comprehensive glossary of procurement terms.
- The CPO Website team is currently exploring website posting options.

Commissioner Martin asked if the Update on Glossary of CPO Terms Project was just for informational purposes and Mr. Krivacka responded that no action was needed by the Procurement Commission members as this was just a project status update.

Comptroller Wilson asked how detailed the glossary would be and approximately how many terms would be included. Mr. Krivacka responded that he did not know the number of terms to be included but it would be quite a few. Comptroller Wilson stated that the CPO might want to have the glossary of terms published in a booklet format and should consider whether to share the glossary with procurement offices in other states. Mr. Krivacka stated that he thought it would be helpful to share the glossary within Tennessee state government and there may be others outside of Tennessee state government that might find it helpful also. Comptroller Wilson added that he thought having this glossary would be very good and helpful.

Commissioner Martin thanked Mr. Krivacka for presenting agenda item VI. Status Update on Glossary of CPO Terms Project and moved to agenda item VII.

VII. Reports:

Commissioner Martin asked if there were any questions or comments regarding the following reports as presented:

- 1) Certification Related Items
- 2) Limitation of Liability
- 3) Correction of Errors
- 4) Memorandum of Understanding

Chief Procurement Officer Perry pointed out that a revised Limitation of Liability report had been sent via email to all Procurement Commission members prior to the meeting and a hard copy was also provided for members at the meeting. Comptroller Wilson confirmed that the revised Limitation of Liability report had been received and pointed out for the record that the first item listed on the report was the Jones, Lang, LaSalle contract. Mr. Perry acknowledged that Comptroller Wilson was correct.

Commissioner Martin noted that the reports had been acknowledged for the record and moved to the next agenda item.

VIII. Other Business.

Consent to Cancel the July Procurement Commission Meeting:

All members gave their verbal consent to cancel the July 20, 2017 Procurement Commission meeting and noted that the next meeting would be in August 17, 2017.

Chief Procurement Officer Perry indicated that he had two additional items for Procurement Commission consideration. Mr. Perry stated that the Central Procurement Office used the Collaborative Value Development ("CVD") process that was approved by the Procurement Commission in the most recent facilities management contract. Mr. Perry indicated that it might be wise to present a brief overview of that process at a future Procurement Commission meeting; perhaps at the August meeting if the agenda is fairly brief. The presentation would include how the CVD process works, lessons learned, benefits of using it on the facilities management contract, and how the CPO will move forward with using it on future procurements. Comptroller Wilson

agreed that the presentation would be a good idea, particularly the lessons learned. Commissioner Oglesby asked if it could include some best practices that the CPO could look at incorporating into everyday procurement processes; maybe at different levels of procurements and not just the very large and complex ones. Mr. Perry responded that if Commissioner Oglesby was asking if some of the components or features of CVD could be used in other procurements without using the full-blown process, that could certainly be possible. There were some benefits derived from using the CVD process that could, in increments, be of value in other procurements without using the complete CVD process. Commissioner Martin asked if it would be worthwhile to invite other departments that might have a particular interest in the CVD process and also invite the chairs of the finance committees to attend the presentation. Comptroller Wilson agreed that inviting the chairs of the finance committees would be good but he wanted to be sure that the presentation was controlled by the CPO as far as including agencies because the CVD process is very complicated. Commissioner Martin stated that he was not suggesting that CPO lose control but he felt like it would be helpful for some agencies to at least have knowledge of the CVD process. Mr. Perry stated that the CPO will give some thought to who should be invited to attend the meeting in person and noted that interested parties could watch the meeting via streaming. At a minimum the presentation could include a discussion of the CPO criteria for considering use of the CVD process and what types of procurements it could be utilized for which would apply to an agency even though the CPO would be leading the project. Comptroller Wilson emphasized that the CPO would have to be the lead on use of the CVD process. Mr. Perry continued that procurement of a complicated technology system would be an example of a procurement type for potential use of CVD. Commissioner Martin restated his suggestion that the chairs of the finance committees and perhaps Fiscal Review be invited to attend. Commissioner Oglesby asked if Mr. Perry foresaw a subsequent action of coming back to the Procurement Commission with some form of recommendation from the staff as to certain procedures they may want to roll into other procurement processes. Mr. Perry responded that it is possible that certain CVD features might need to be incorporated singly into a model or template, for example for an RFP or RFQ. In that event, Mr. Perry stated that those changes, just like all other changes to models or templates, would be brought to the Procurement Commission for consideration in the future. Mr. Perry continued that some great benefits were derived from using the CVD process that could be incorporated into the presentation, like the workshops - how the workshops functioned and a description of their subject matter. In addition, feedback from the vendors that participated was very positive and could be shared. Even the vendors that were not the awarded contractor had positive feedback regarding the transparency of the process. Comptroller Wilson added that he thought the CVD presentation was a very good idea.

Chief Procurement Officer Perry moved to the last item that he would like to present to the Procurement Commission for consideration. Mr. Perry stated that the Central Procurement Office had internally been discussing the concept of having a consent agenda for the Procurement Commission for those items that are purely housekeeping in nature. The change to the DOHR template that was Item (12) on today's agenda is a good example of something that could be on a consent agenda as it was a housekeeping measure that would not merit discussion by the Commission members. Mr. Perry continued that if the Procurement Commission members are interested in considering the consent agenda, a suggestion would be to remand the idea to the Procurement Commission Staff ("Staff") and the Staff could come back to the Procurement Commission with a recommendation as to what the criteria would be for consideration to appear on a consent agenda. Ultimately if the recommendation by Staff is to have a consent agenda and the recommendation is accepted by the Procurement Commission, the Procurement Commission

By-Laws would need to be amended to reflect such and the Procurement Commission members could vote on it in that manner. Commissioner Martin said he thought the concept was worthwhile. Comptroller Wilson agreed that it is a good idea and suggested that the Commission members make the request for the Staff to prepare a recommendation. Commissioner Martin asked if Mr. Perry would come back to the Procurement Commission with the Staff's recommendation. Mr. Perry indicated that within the next couple of Procurement Commission meetings he would present the Staff's recommendation of what the consent agenda should look like and what the criteria would be for something to be eligible to appear on the consent agenda. Mr. Perry added that a mechanism would be included that any Procurement Commission member could bump an item from the consent agenda if they felt like it needed further public discussion. Commissioner Oglesby stated that for the sake of full transparency even though these items would be housekeeping in nature that they should be available in the public realm by means of some reporting mechanism. Mr. Perry advised that all the consent agenda items would appear separately on the Procurement Commission meeting agenda which would be posted publicly just as it is now. Commissioner Oglesby asked Mr. Perry if a motion was needed for the item and Mr. Perry indicated that a motion would be best. Commissioner Oglesby made a motion to request that the Procurement Commission Staff provide a recommendation to the Procurement Commission for adopting a consent agenda. Comptroller Wilson seconded the motion whereupon the item was approved.

Commissioner Martin asked if there was any other business to be heard by the Procurement Commission and saw none.

VI. Adjournment.

Seeing no other business to be heard, a motion to adjourn was made by Comptroller Wilson and seconded by Commissioner Oglesby; whereupon the June 27, 2017 Procurement Commission meeting was adjourned.

RULE EXCEPTION REQUEST

Rule Exception Request

Use this document to request changes to Central Procurement Office templates, policies, or other procurement documents or to modify the "necessary contract clauses" identified in Tenn. Comp. R. & Reg. 0690-03-01-.17 ("CPO Rule 17"). Complete this document in conformity with CPO Rule 17, which is available [here](#). Send the completed document in PDF format to: Agsprs.Agsprs@tn.gov All Rule Exception Requests are subject to review and approval by the Chief Procurement Officer. Rule Exception Requests that propose to modify any of CPO Rule 17's necessary contract clauses shall be subject to review and approval by the Comptroller of the Treasury. Note: the Limitation of Liability Request should be utilized for any proposed changes to the limitation of liability.

<p>APPROVED</p> <hr/> <p>CHIEF PROCUREMENT OFFICER</p>	<p>APPROVED</p> <hr/> <p>COMPTROLLER OF THE TREASURY</p>
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Agency request tracking #	
1. Procuring Agency	
2. Edison contract ID #	
3. Contractor or Grantee	
4. Contract's Effective Date	
5. Contract or grant contract's Term (with ALL options to extend exercised)	months
6. Contract's Maximum Liability (with ALL options to extend exercised)	\$
7. Citation and explanation of the rule(s) for which the exception is requested	
8. Description of requested changes If adding new provisions or modifying existing provisions, insert the new or modified provisions in their entirety. Please provide red-lines or track changes to highlight any deviations from template language.	
9. Justification	
Signature of Agency head or designee and date	

**CENTRAL PROCUREMENT OFFICE
POLICY NUMBER 2013-009, *BUSINESS
CONDUCT AND ETHICS POLICY AND
PROCEDURES*
ATTACHMENT C - ANNUAL
ATTESTATIONS**

REQUEST: Revise Attachment C of the Business Conduct and Ethics Policy and Procedures, Policy Number 2013-009 as follows:

**CENTRAL PROCUREMENT OFFICE OR COVERED STATE AGENCY EMPLOYEE
ANNUAL ATTESTATIONS – CONFLICT OF INTEREST AND CONFIDENTIALITY**

Employee Name: _____

Employee Phone Number: _____

Employee Email Address: _____

CONFLICT OF INTEREST

I, _____ (*print name*), do hereby attest, certify, warrant, and assure that I will not participate in any portion of a Procurement wherein my involvement creates a conflict of interest or a potential conflict of interest, financial or otherwise.

Furthermore, I _____ (*print name*), do hereby attest, certify, warrant, and assure that I will make disclosures to the Chief Procurement Officer in the following situations:

- When I have an Immediate Familial relationship or a personal relationship that either creates or potentially creates a conflict of interest;
- When I have an interest—Immediate Familial, personal, professional or financial—that conflicts with the best interests of the State;
- When I was previously employed by a Respondent involved in a Procurement;
- When I am aware of—or should reasonably be aware of—any other facts or circumstances that compromise my ability to carry out my fiduciary duty to the State and act in a fair and impartial manner with respect to the State or the public;
- When I have actual knowledge of an Organizational Conflict of Interest involving a Solicitation, a contract award, or the circumstances giving rise to an Organizational Conflict of Interest, during the term of any contract awarded pursuant to a Solicitation.

CONFIDENTIALITY

I, _____ (*print name*), do hereby attest, certify, warrant, and assure that I shall not disclose any Procurement evaluation information related to a Procurement until the Notice of Intent to Award is communicated in writing or electronic transmission to all Respondents.

Employee's Signature

Date

**REQUEST FOR PROPOSALS (“RFP”)
TEMPLATE – OPTION – AUDITED
FINANCIAL STATEMENTS**

Request: Revise the RFP Template as follows:

Option: Audited Financial Statements.

Add the following row to the RFP Attachment 6.2., Section A table (after the template items)
ONLY IF the anticipated contract amount is \geq \$1,000,000.00 AND extraordinary effort to assure contractor financial responsibility is appropriate.

	<p>A.#. Provide the Respondent's most recent independent audited financial statements. Said independent audited financial statements <u>must</u>:</p> <ol style="list-style-type: none">(1) reflect an audit period for a fiscal year ended within the last 36 months;(2) be prepared with all monetary amounts detailed in United States currency;(3) be prepared under United States Generally Accepted Accounting Principles (US GAAP);(4) include the auditor's opinion letter; financial statements; and the notes to the financial statements; and(5) be deemed, in the sole discretion of the State to reflect sufficient financial stability to undertake the subject contract with the State if awarded pursuant to this RFP. <p>NOTES:</p> <ul style="list-style-type: none">▪ Reviewed or Compiled Financial Statements will not be deemed responsive to this requirement and will <u>not</u> be accepted.▪ All persons, agencies, firms, or other entities that provide opinions regarding the Respondent's financial status <u>must</u> be properly licensed to render such opinions. The State may require the Respondent to submit proof that the person or entity who renders an opinion regarding the Respondent's financial status is licensed, including the license number and state in which the person or entity is licensed.	
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PROCUREMENT PROCEDURES
MANUAL OF THE CENTRAL
PROCUREMENT OFFICE,
SECTION 5.15.3.3., CLICK-WRAP
AGREEMENTS

REQUEST: Revise section 5.15.3.3. of the *Procurement Procedures Manual of the Central Procurement Office* as follows:

5.15.3.3. Click-wrap Agreements.

For any and all purchases of goods and services of information technology by the State, no State employee shall have the actual authority or apparent authority to enter into any Click-wrap Agreements on behalf of the State without the approval of the Central Procurement Office and the Strategic Technology Solutions (“STS”). No State employee has the authority to modify, amend, or supplement a current contract through a Click-wrap Agreement. A current contract can only be modified, amended, or supplemented under its terms or through an amendment, reduced to writing, and approved in accordance with Central Procurement Office rules, policies, and procedures. A Click-wrap Agreement entered into contrary to this section shall be considered non-binding upon the State.

PROCUREMENT PROCEDURES
MANUAL OF THE CENTRAL
PROCUREMENT OFFICE,
SECTION 10.11, STATE SECURITY
CONFIDENTIAL INFORMATION

REQUEST: Revise section 10.11. of the *Procurement Procedures Manual* as follows to comply with Tenn. Code Ann. § 10-7-504(i):

10.11. *State Security Confidential Information.*

10.11.1. *Purpose.*

The Public Records Act includes numerous exceptions to the general proposition that all state records shall “be open for personal inspection by any citizen of this state,” as provided for in Tenn. Code Ann. § 10-7-503. One such exception is Tenn. Code Ann. § 10-7-504(i), which requires the state to keep as confidential “[i]nformation that would allow a person to obtain unauthorized access to confidential information or to government property.” Information that is confidential under subsection (i) includes but is not limited to: A.) Plans, security codes, passwords, combinations, or computer programs used to protect electronic information and government property; B.) Information that would identify those areas of structural or operational vulnerability that would permit unlawful disruption to, or interference with, the services provided by a governmental entity; C.) Information that could be used to disrupt, interfere with, or gain unauthorized access to electronic information or government property; and D.) The identity of a vendor that provides goods and services used to protect electronic information processing systems, telecommunication and other communication systems, data storage systems, government employee information, or citizen information to the State. This section provides guidance as to the procedures a procurement professional should consider to comply with this requirement.

10.11.2. *Process.*

The STS Pre-Approval Endorsement includes, as part of the endorsement, an assessment as to whether the exception under Tenn. Code Ann. § 10-7-504(i), as it relates to information technology, applies to the solicitation or contract under review. If STS determines that the security exception applies, then a procurement professional should consider the following precautions to safeguard the confidential information.

- Advertising the Solicitation: A procurement professional should, after consultation with STS and CPO Legal, publicly advertise a copy of the solicitation, in accordance with Tenn. Code Ann. § 12-3-502(a). Each procurement professional should review the STS endorsement before publicly advertising the solicitation to determine whether the solicitation contains confidential information. Confidential information should be redacted prior to publicly advertising the solicitation. Once redacted, the

procurement professional should publicly advertise a copy of the solicitation without the confidential information. Only those respondents who sign a non-disclosure agreement will have access to the confidential information via secure URL or similar protected, limited access.

Notice of Intent to Award and Open File Period: During the open file period, the procurement professional must take appropriate safeguards to protect confidential information, including the respondents' identities. This may be accomplished by randomly assigning a numeric value to reference the respondents' names and identities. Note: "Documents concerning the cost of protecting government property or electronic information shall **not** be confidential."

- Contract Entry: The procurement professional is responsible for making sure that the "Confidential" data field on the Additional Contract Info page in Edison is changed to "Yes," to reflect the existence of confidential information.
- Other: If there is a Protest, a Public Records Request, or Report concerning the confidential information, the Solicitation Coordinator should consult with STS and CPO Legal concerning what information should be redacted consistent with Tenn. Code Ann. § 10-7-504(i). Similarly, if the subject contract is a Statewide Contract, then the information publicly available online should be limited accordingly. The Solicitation Coordinator will be the contact person for all requests.
- Procurement professionals who are unsure of what data is protected under the Tennessee Open Records Act should consult a member of the legal team prior to release of any records subject to the exception described in this section.

10.11.3. *Permissible Disclosures.*

Tenn. Code Ann. § 10-7-504(i)(3)(D) authorizes a governmental entity to "upon request, provide the identity of a vendor to the comptroller of the treasury and the fiscal review committee of the general assembly." A procurement professional should notify the Fiscal Review Committee or the Comptroller of the Treasury that the confidential provision is applicable so they may exercise reasonable care in maintaining the confidentiality of the information, including the identity of the vendor.

**FA TEMPLATE –
SECTIONS D.17 AND D.18**

REQUEST: Revise the Fee for Goods or Services Contract Template (FA) and configurator terms and configurator by removing “money” in the following:

D.17. Limitation of State's Liability. The State shall have no liability except as specifically provided in this Contract. In no event will the State be liable to the Contractor or any other party for any lost revenues, lost profits, loss of business, decrease in the value of any securities or cash position, time, goodwill, or any indirect, special, incidental, punitive, exemplary or consequential damages of any nature, whether based on warranty, contract, statute, regulation, tort (including but not limited to negligence), or any other legal theory that may arise under this Contract or otherwise. The State's total liability under this Contract (including any exhibits, schedules, amendments or other attachments to the Contract) or otherwise shall under no circumstances exceed the Maximum Liability. This limitation of liability is cumulative and not per incident.

Option: Statewide Contracts Estimated Liability

For statewide contracts with no Maximum Liability, replace D.17. and D.18. with the following:

D.17. Limitation of State's Liability. The State shall have no liability except as specifically provided in this Contract. In no event will the State be liable to the Contractor or any other party for any lost revenues, lost profits, loss of business, decrease in the value of any securities or cash position, time, goodwill, or any indirect, special, incidental, punitive, exemplary or consequential damages of any nature, whether based on warranty, contract, statute, regulation, tort (including but not limited to negligence), or any other legal theory that may arise under this Contract or otherwise. Notwithstanding anything else herein, the State's total liability under this Contract (including without limitation any exhibits, schedules, amendments or other attachments to the Contract) or otherwise shall under no circumstances exceed the Estimated Liability. This limitation of liability is cumulative and not per incident.

Limitation of Liability

If the Contractor's Limitation of Liability will vary from Tenn. Code Ann. § 12-3-701, an approved Limitation of Liability Request is required. This language is allowed only if the CPO has agreed in negotiations to use of this language.

D.18. Limitation of Contractor's Liability. In accordance with Tenn. Code Ann. § 12-3-701, the Contractor's liability for all claims arising under this Contract shall be limited to an amount equal to two (2) times the Maximum Liability amount detailed in Section C.1. and as may be amended. Except as set forth below, in no event will the Contractor be liable to the State or any other party for any lost revenues, lost profits, loss of business, decrease in the value of any securities or cash position, time, goodwill, or any indirect, special, incidental, punitive, exemplary or consequential damages of any nature, whether based on warranty, contract, statute, regulation, tort (including but not limited to negligence), or any other legal theory that may arise under this Contract or otherwise. PROVIDED THAT in no event shall this Section limit the liability of the Contractor for: (i) intellectual property or any Contractor indemnity obligations for infringement for third-party intellectual property rights; (ii) any claims covered by any specific provision in the Contract providing for liquidated damages; or (iii) any claims for intentional torts, criminal acts, fraudulent conduct, or acts or omissions that result in personal injuries or death.

SPECIAL CONTRACT REQUEST

Special Contract Request

This form should be utilized to facilitate contract and procurement requests that require the Chief Procurement Officer's prior approval and that of the Comptroller of the Treasury, as applicable.

NOT required for a contract with a federal, Tennessee, or Tennessee local government entity or a grant.

Route a completed request, as one file in PDF format, via e-mail attachment sent to: agsprs.agsprs@tn.gov.

APPROVED	APPROVED
CHIEF PROCUREMENT OFFICER	COMPTROLLER OF THE TREASURY
DATE	DATE

Request Tracking #	
1. Contracting Agency	
2. Type of Contract or Procurement Method	<input type="checkbox"/> No Cost <input type="checkbox"/> Revenue <input type="checkbox"/> Sole Source <input type="checkbox"/> Proprietary <input type="checkbox"/> Competitive Negotiation <input type="checkbox"/> Other _____
3. Requestor Contact Information	
4. Brief Goods or Services Caption	
5. Description of the Goods or Services to be Acquired	
6. Proposed Contractor	
7. Name & Address of the Contractor's principal owner(s) <i>- NOT required for a TN state education institution</i>	
8. Proposed Contract Period – with ALL options to extend exercised <i>The proposed contract start date shall follow the approval date of this request.</i>	months
9. Strategic Technology Solutions (“STS”) Pre-Approval Endorsement Request <i>- information technology (N/A to THDA)</i>	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Attached
10. eHealth Pre-Approval Endorsement Request <i>- health-related professional, pharmaceutical, laboratory, or imaging</i>	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Attached
11. Human Resources Pre-Approval Endorsement Request <i>- state employee training</i>	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Attached

Request Tracking #	
12. Are these goods or services currently available on a statewide contract? If YES, please explain why the current statewide contract is not being used for this procurement.	<input type="checkbox"/> NO <input type="checkbox"/> YES,
13. Maximum Contract Cost – with ALL options to extend exercised	\$
14. Was there an initial government estimate? If so, what amount?	<input type="checkbox"/> NO <input type="checkbox"/> YES, \$
15. Cost Determination Used- How did agency arrive at the estimate of expected costs?	
16. Explanation of Fair and Reasonable Price- Explain how agency determined that price is fair and reasonable	
17. Documentation of Discussions with Contractor- How did agency document discussions with Contractor? Attach documentation to this request as applicable.	
18. Explanation of Need for or requirement placed on the State to acquire the goods or services	
19. Proposed contract impact on current State operations	
20. Justification – Specifically explain why the goods or services should be acquired through the procurement method or contract type selected.	
For No Cost and Revenue Contracts Only	
21. What costs will the State incur as a result of this contract? If any, please explain.	
22. What is the total estimated revenue that the State would receive as a result of this contract?	
23. Could the State also contract with other parties interested in entering substantially the same agreement? Please explain.	<input type="checkbox"/> NO <input type="checkbox"/> YES
24. Summary of State responsibilities under proposed contract	
For Sole Source and Proprietary Procurements Only	
25. Evidence of Contractor's experience & length of experience providing the goods or services to be procured.	
26. Has the contracting agency procured the subject goods or services before? If yes, provide the method used to purchase the goods or services and the name and address of the contractor.	<input type="checkbox"/> NO <input type="checkbox"/> YES, Method: Name/Address:
27. Contractor selection process and efforts to identify reasonable, competitive, procurement alternatives	

Request Tracking #	
Signature Required for all Special Contract Requests	
Signature of Agency head or authorized designee, title of signatory, and date (the authorized designee may sign his or her own name if indicated on the Signature Certification and Authorization document)	
Signature: _____	Date: _____

GO-DBE POLICY AND TEMPLATE CHANGES – PUBLIC CHAPTER 485

REQUEST: Revise the following models, templates, policies and procedures in accordance with Public Chapter No. 485, which updates the subcategories of businesses identified in Tenn. Code Ann. § 12-3-1102.

***Procurement Procedures Manual of the Central Procurement Office
Track Changes:***

6.1.4. Emergency Purchase Authorization Procedure.

Prior authorization of the Chief Procurement Officer is required for emergency purchases. The request for authorization may be approved in a true emergency or as the only method of payment for commodities and services ordered by the State Agency for reasons including improper planning, utilizing an improper purchasing method, and contract expiration. The procedure for obtaining an Emergency Purchase Authorization is as follows:

- The State Agency shall enter a direct entry purchase in Edison.
- The State Agency shall document in Edison justification for the emergency purchase.
- The State Agency shall contact the Chief Procurement Officer for emergency purchase authorization. In lieu of delegating the emergency purchase authority, the Chief Procurement Officer may elect to procure the goods or services through the Emergency Purchase Procedure.
- The State Agency must secure three (3) competitive responses, if practicable, and record the bids in Edison or provide justification for obtaining fewer than three (3) responses. If a sole source procurement, the State Agency must provide the justification required for the use of a sole source method of procurement.
- The State Agency shall obtain diversity information from the vendor recommended for award. This information must be entered in Edison.

Given the nature of the emergency and if practicable under the circumstances, agencies must actively solicit bids from minority-owned, woman-owned, service-disabled veteran-owned, businesses owned by persons with disabilities and small businesses. A current listing of active and certified diverse enterprises can be found on the Governor's Office of Diversity Business Enterprise Intranet website at www.tn.gov/businessopp/. When bids are not obtained from minority-owned, woman-owned, service-disabled veteran-owned, businesses owned by persons with disabilities or small businesses, agencies shall fully document their good faith effort to solicit bids from such businesses.

6.4.1.1. *Description of Small Purchase.*

State procurement professionals are encouraged to use competitive methods whenever practicable. State Agencies may utilize a Small Purchase authority without soliciting quotes or proposals from multiple vendors when the total value of a contract or a purchase will cost less than such amounts approved by the Procurement Commission. State procurement professionals shall also perform due diligence to ensure that the State is procuring goods and services on terms, conditions, and pricing that is in the State's best interests. All due diligence performed by a state procurement professional, such as benchmarking of pricing, shall be documented for small purchases from \$5,000.01 to \$10,000.00. State procurement professionals shall follow *Manual, Section 5.4.2.*, to identify prospective vendors of goods or services. Moreover, State procurement professionals shall consult Section 10.1 of the *Manual* and actively solicit goods or services from minority-owned, woman-owned, service-disabled veteran-owned, businesses owned by persons with disabilities and small businesses when possible. Agency purchasing professionals shall obtain the Chief Procurement Officer's prior approval for procuring goods or services from sources other than a Statewide Contract when the goods or services to be procured are available from an existing Statewide Contract. In allowing a State Agency to purchase other than "off" of a Statewide Contract, the Chief Procurement Officer may consider, by way of example only, a Contracting Party's past performance, timeliness of performance (e.g., inability to supply the needed goods or services within the timeframe prescribed by the State Agency, etc.), the Contracting Party's ability to supply the goods or services (e.g., by having a source of supply of the requested goods or services), pricing, quality or compatibility concerns. See *Manual, Section 10.4. Purchases Made "Off" Statewide Contract*. See also Policy Number 2013-004, *Central Procurement Office Contract Management Policy and Procedures, Section 4.2.3*.

6.4.2.1. *Description of Informal Purchase.*

State procurement professionals shall use competitive methods whenever practicable. State Agencies may utilize their Informal Purchase authority by soliciting quotes or proposals from at least three (3) vendors when the total value of a contract or a purchase will cost less than such amounts approved by the Procurement Commission. A current website, catalogue, price list, or price available at retail to the general public may count as a quote. A Special Contract Request is not required if the procurement professional undertakes reasonable efforts to obtain the requisite three (3) quotes and these efforts have been sufficiently documented to the procurement file. State procurement professionals shall also perform due diligence to ensure that the State is procuring goods and services on terms, conditions, and pricing that is in the State's best interests. All due diligence performed by a state procurement professional shall be documented and made a part of the procurement file. State procurement professionals should follow *Manual, Section 5.4.2*, to identify prospective vendors of goods or services. State procurement professionals should also consult *Section 10.1* of the *Manual* and actively solicit goods and services from minority-owned, woman-owned, service-disabled veteran-owned,

businesses owned by persons with disabilities and small businesses when possible. Agency purchasing professionals shall obtain the Chief Procurement Officer's prior approval for procuring goods or services from sources other than a Statewide Contract when the goods or services to be procured are available from an existing Statewide Contract. In allowing a State Agency to purchase other than "off" of a Statewide Contract, the Chief Procurement Officer may consider, by way of example only, a Contracting Party's past performance, timeliness of performance, the Contracting Party's ability to supply the goods or services, pricing, quality or compatibility concerns. See *Manual, Section 10.4. Purchases Made "Off" Statewide Contract*. See also Policy Number 2013-004, *Central Procurement Office Contract Management Policy and Procedures, Section 4.2.3*.

10.1. *Governor's Office of Diversity Business Enterprise.*

All agencies should actively solicit goods or services from minority-owned, woman-owned, service-disabled veteran-owned, businesses owned by persons with disabilities and small businesses. A current listing of active and certified diverse businesses can be found on the Governor's Office of Diversity Business Enterprise website at <http://www.tennessee.gov/generalservices/article/godbe-enterprise-directory>.

10.5. *Vendor Registration.*

All vendor registration application information received by the Central Procurement Office should be reviewed to ensure that the applicant meets all qualifications as a prospective respondent to a solicitation issued by the State. If the vendor acknowledges on the vendor registration application that his or her business entity is a minority-owned, woman-owned, service-disabled veteran-owned, business owned by persons with disabilities or small business, the Central Procurement Office should forward the application to the Governor's Office of Diversity Business Enterprise (Go-DBE) for registration and possible certification.

Request for Qualifications (RFQ) Template Track Changes:

1. INTRODUCTION

The State of Tennessee, Central Procurement Office, hereinafter referred to as "the State," issues this Request for Qualifications ("RFQ") to define mandatory goods or services requirements; solicit responses; detail response requirements; and, outline the State's process for evaluating responses.

Through this RFQ or any subsequent solicitation, the State seeks to buy the requested goods or services at the most favorable, competitive prices and to give ALL qualified respondents, including those that are owned by

minorities, women, service-disabled veterans, persons with disabilities, and small business enterprises, the opportunity to do business with the state as contractors or subcontractors.

4.1.4. Notwithstanding the foregoing, potential Respondents may also contact the following as appropriate:

4.1.4.1. Staff of the Governor's Office of Diversity Business Enterprise may be contacted for assistance with respect to available minority-owned, woman-owned, service-disabled veteran-owned, businesses owned by persons with disabilities, and small business enterprises as well as general public information relating to this request; or

4.1.4.2. The following individual designated by the State to coordinate compliance with the nondiscrimination requirements of the State of Tennessee, Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, and associated federal regulations:

NAME, TITLE

ADDRESS

PHONE

EMAIL ADDRESS

B.15.

Provide documentation of the Respondent's commitment to diversity as represented by the following:

- (a) Business Strategy. Provide a description of the Respondent's existing programs and procedures designed to encourage and foster commerce with business enterprises owned by minorities, women, service-disabled veterans, businesses owned by persons with disabilities, and small business enterprises. Please also include a list of the Respondent's certifications as a diversity business, if applicable.
- (b) Business Relationships. Provide a listing of the Respondent's current contracts with business enterprises owned by minorities, women, service-disabled veterans, businesses owned by persons with disabilities, and small business enterprises. Please include the following information:
 - (i) contract description;
 - (ii) contractor name and ownership characteristics (*i.e.*, ethnicity, gender, service-disabled, disability); and
 - (iii) contractor contact name and telephone number.
- (c) Estimated Participation. Provide an estimated level of participation by business enterprises owned by minorities, women, service-disabled veterans, businesses owned by persons with disabilities, and small business enterprises if a contract is awarded to the Respondent pursuant to this RFQ. Please include the following information:
 - (i) a percentage (%) indicating the participation estimate. (Express the estimated participation number as a percentage of the total estimated contract value that will be dedicated to business with subcontractors and supply contractors having such ownership characteristics only and **DO NOT INCLUDE DOLLAR AMOUNTS**);
 - (ii) anticipated goods or services contract descriptions;
 - (iii) names and ownership characteristics (*i.e.*, ethnicity, gender, service-disabled veterans, disability) of anticipated subcontractors and supply contractors.

NOTE: In order to claim status as a Diversity Business Enterprise under this contract, businesses must be certified by the Governor's Office of Diversity Business Enterprise (Go-DBE). Please visit the Go-DBE website at <https://tn.diversitysoftware.com/FrontEnd/StartCertification.asp?TN=tn&XID=9810> for more information.

- (d) Workforce. Provide the percentage of the Respondent's total current employees by ethnicity and gender.

NOTE: Respondents that demonstrate a commitment to diversity will advance State efforts to expand opportunity to do business with the State as contractors and subcontractors. Response evaluations will recognize the positive qualifications and experience of a Respondent that does business with enterprises owned by minorities, women, service-disabled veterans, businesses owned by persons with disabilities, and small business enterprises and who offer a diverse workforce.

SAMPLE LETTER OF DIVERSITY COMMITMENT

(Company Letterhead/Logo)

(Address)

(Date)

(Salutation),

(Company Name) is committed to achieving or surpassing a goal of (numeral) percent spend with certified diversity business enterprise firms on State of Tennessee contract # (Edison document #). Diversity businesses are defined as those that are owned by minority, women, service-disabled veterans, businesses owned by persons with disabilities and small businesses which are certified by the Governor's Office of Diversity Business Enterprise (Go-DBE).

We confirm our commitment of (percentage) participation on the (Contract) by using the following diversity businesses:

- (i) Name and ownership characteristics (i.e., ethnicity, gender, service-disabled veteran, or disability) of anticipated diversity subcontractors and suppliers:

- (ii) Participation estimates (expressed as a percent of the total contract value to be dedicated to diversity subcontractors and suppliers):
_____ %.
- (iii) Description of anticipated services to be performed by diversity subcontractors and suppliers:

We accept that our commitment to diversity advances the State's efforts to expand opportunity of diversity businesses to do business with the State as contractors and subcontractors.

Further, we commit to:

1. Using applicable reporting tools that allow the State to track and report purchases from businesses owned by minority, women, service-disabled veterans, businesses owned by persons with disabilities, and small businesses.
2. Reporting monthly to the Go-DBE office the dollars spent with certified diversity businesses owned by minority, women, service-disabled veterans, businesses owned by persons with disabilities and small business accomplished under contract # (Edison number).

(Company Name) is committed to working with the Go-DBE office to accomplish this goal.

Regards,

(Company authority – signature and title)

FA Template:



CONTRACT

(fee-for-goods or services contract with an individual, business, non-profit, or governmental entity of another state)

Begin Date	End Date	Agency Tracking #	Edison Record ID
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Contractor Legal Entity Name	Edison Vendor ID
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Goods or Services Caption (one line only)

Contractor <input checked="" type="checkbox"/> Contractor	CFDA #
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Funding —

FY	State	Federal	Interdepartmental	Other	TOTAL Contract Amount
TOTAL:					

Contractor Ownership Characteristics:

- Minority Business Enterprise (MBE):
 - African American
 - Asian American
 - Hispanic American
 - Native American
- Woman Business Enterprise (WBE)
- Service-Disabled Veteran Enterprise (SDVBE)
- Disabled Owned Businesses (DSBE)
- Small Business Enterprise (SBE): \$10,000,000.00 averaged over a three (3) year period or employs no more than ninety-nine (99) employees.
- Government
- Non-Minority/Disadvantaged
- Other:

Selection Method & Process Summary (mark the correct response to confirm the associated summary)

<input type="checkbox"/> Competitive Selection	Describe the competitive selection process used
<input type="checkbox"/> Other	Describe the selection process used and submit a Special Contract Request

Budget Officer Confirmation: There is a balance in the appropriation from which obligations hereunder are required to be paid that is not already encumbered to pay other obligations.		
Speed Chart (optional)	Account Code (optional)	

Contractor Commitment to Diversity

Add the following Section as appropriate (typically in contracts resulting from a standard RFP).

E.#. Contractor Commitment to Diversity. The Contractor shall comply with and make reasonable business efforts to exceed the commitment to diversity represented by the Contractor's Response to **Solicitation Number** (Attachment **Reference**) and resulting in this Contract.

The Contractor shall assist the State in monitoring the Contractor's performance of this commitment by providing, as requested, a monthly report of participation in the performance of this Contract by small business enterprises and businesses owned by minorities, women, service-disabled veterans, and persons with disabilities. Such reports shall be provided to the State of Tennessee Governor's Office of Diversity Business Enterprise in the TN Diversity Software available online at:
<https://tn.diversitysoftware.com/FrontEnd/StartCertification.asp?TN=tn&XID=9810>.

No Cost Model

Contractor Commitment to Diversity

Add the following section as appropriate (typically only in standard RFP *pro forma* contracts).

E.#. Contractor Commitment to Diversity. The Contractor shall comply with and make reasonable business efforts to exceed the commitment to diversity represented by the Contractor's proposal responding to RFP-**NUMBER** (Attachment **REFERENCE**) and resulting in this Contract.

The Contractor shall assist the State in monitoring the Contractor's performance of this commitment by providing, as requested, a quarterly report of participation in the performance of this Contract by small business enterprises and businesses owned by minorities, women, service-disabled veterans, and persons with disabilities. Such reports shall be provided to the state of Tennessee Governor's Office of Business Diversity Enterprise in form and substance as required by said office.



CONTRACT

(no cost contract, involving no monetary obligation between the parties, with an individual, business, non-profit, or government entity of another state or country)

Begin Date	End Date	Agency Tracking #	Edison ID
Contractor Legal Entity Name			Edison Vendor ID (optional)
Service Caption			
Ownership/Control <input type="checkbox"/> Minority Business Enterprise (MBE): <input type="checkbox"/> African American <input type="checkbox"/> Asian American <input type="checkbox"/> Hispanic American <input type="checkbox"/> Native American <input type="checkbox"/> Woman Business Enterprise (WBE) <input type="checkbox"/> Service-Disabled Veteran Enterprise (SDVBE) <input type="checkbox"/> Disabled Owned Businesses (DSBE) <input type="checkbox"/> Small Business Enterprise (SBE): \$10,000,000.00 averaged over a three (3) year period or employs no more than ninety-nine (99) employees. <input type="checkbox"/> Government <input type="checkbox"/> Non-Minority/Disadvantaged <input type="checkbox"/> Other:			
Selection Method & Process Summary (mark the correct response to confirm the associated summary)			
<input type="checkbox"/> RFP	The procurement process was completed in accordance with the approved RFP document and associated regulations.		
<input type="checkbox"/> Competitive Negotiation	The predefined, competitive, impartial, negotiation process was completed in accordance with the associated, approved procedures and evaluation criteria.		
<input type="checkbox"/> Alternative Competitive Method	The predefined, competitive, impartial, procurement process was completed in accordance with the associated, approved procedures and evaluation criteria.		
<input type="checkbox"/> Non-Competitive Negotiation	The non-competitive contractor selection was completed as approved, and the procurement process included a negotiation of best possible terms & price.		
<input type="checkbox"/> Other	The contractor selection was directed by law, court order, settlement agreement, or resulted from the state making the same agreement with <u>all</u> interested parties or <u>all</u> parties in a predetermined "class."		
CPO USE - NC			

Revise the cover sheet instructional text for the Revenue, No Cost, and Grant Contract

Ownership/Control

optional – procuring party's ownership/control...

Minority Business Enterprise (MBE): select if a minority-owned business, which means a continuing, independent, for profit business that performs a commercially useful function, and is at least fifty-one percent (51%) owned and controlled by one (1) or more minority individuals who are impeded from normal entry into

the economic mainstream because of past practices of discrimination based on race or ethnic background. Identify the applicable Minority if known. Minority means a person who is a citizen or lawful permanent resident of the United States and who is:

- (A) African American, a person having origins in any of the black racial groups of Africa;
- (B) Asian American, a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands;
- (C) Hispanic American, a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
- (D) Native American, a person having origins in any of the original peoples of North America.

Woman Business Enterprise (WBE): select if a woman-owned business, which means a woman-owned business that is a continuing, independent, for profit business that performs a commercially useful function, and is at least fifty-one percent (51%) owned and controlled by one or more women; or, in the case of any publicly owned business, at least fifty-one-percent (51%) of the stock of which is owned and controlled by one (1) or more women and whose management and daily business operations are under the control of one (1) or more women.

Service-Disabled Veteran Enterprise (SDVBE): select if a Tennessee service-disabled veteran-owned business, which means a service-disabled veteran-owned business that is a continuing, independent, for profit business located in this state that performs a commercially useful function and:

- (A) Is at least fifty-one percent (51%) owned and controlled by one (1) or more service-disabled veterans;
- (B) In the case of a business solely owned by one (1) service-disabled veteran and such person's spouse, is at least fifty percent (50%) owned and controlled by the service-disabled veteran; or
- (C) In the case of any publicly owned business, at least fifty-one percent (51%) of the stock of which is owned and controlled by one (1) or more service-disabled veterans and whose management and daily business operations are under the control of one (1) or more service-disabled veteran.

Disabled Owned Businesses (DSBE): select if a business owned by persons with disabilities, which means a continuing, independent, for-profit business that performs a commercially useful function, and is at least fifty-one percent (51%) owned and controlled by one (1) or more persons with a disability; or, in the case of any publicly owned business, at least fifty-one percent (51%) of the stock of which is owned and controlled by one (1) or more persons with a disability and whose management and under the control of one (1) or more persons with a disability.

Small Business Enterprise (SBE): select if a small business, which means a business that is a continuing, independent, for profit business which performs a commercially useful function with residence in Tennessee and has gross receipts of no more than ten million dollars (\$10,000,000) averaged over a three-year period or employs no more than ninety-nine (99) persons on a full-time basis.

Non-Minority/Disadvantaged if the contractor is not \geq 51% owned or controlled by minority or disadvantaged persons & is not a small business.

For additional guidance, please visit: <http://tn.gov/generalservices/article/godbe-program-eligibility>

Request for Proposals (RFP) Template

Track Changes:

1. INTRODUCTION

The State of Tennessee, **STATE AGENCY NAME**, hereinafter referred to as "the State," issues this Request for Proposals (RFP) to define minimum contract requirements; solicit responses; detail response requirements; and, outline the State's process for evaluating responses and selecting a contractor to provide the needed goods or services.

Through this RFP, the State seeks to procure necessary goods or services at the most favorable, competitive prices and to give ALL qualified respondents, including those that are owned by minorities, women, service-disabled veterans, persons with disabilities and small business enterprises, an opportunity to do business with the state as contractors, subcontractors or suppliers.

1.4.2.2. Notwithstanding the foregoing, Prospective Respondents may alternatively contact:

- a. staff of the Governor's Office of Diversity Business Enterprise for assistance available to minority-owned, woman-owned, service-disabled veteran-owned, businesses owned by persons with disabilities, and small businesses as well as general, public information relating to this RFP (visit <http://www.tn.gov/generalservices/article/godbe-general-contacts> for contact information); and
- b. the following individual designated by the State to coordinate compliance with the nondiscrimination requirements of the State of Tennessee, Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, and associated federal regulations:

NAME
 STATE AGENCY NAME
 STREET ADDRESS
 TELEPHONE NUMBER
 E-MAIL ADDRESS
 OTHER APPROPRIATE INFORMATION IF ANY

B.15.	<p>Provide documentation of the Respondent's commitment to diversity as represented by the following:</p> <ul style="list-style-type: none"> (a) <u>Business Strategy</u>. Provide a description of the Respondent's existing programs and procedures designed to encourage and foster commerce with business enterprises owned by minorities, women, service-disabled veterans, persons with disabilities, and small business enterprises. Please also include a list of the Respondent's certifications as a diversity business, if applicable. (b) <u>Business Relationships</u>. Provide a listing of the Respondent's current contracts with business enterprises owned by minorities, women, service-disabled veterans, persons with disabilities, and small business enterprises. Please include the following information: <ul style="list-style-type: none"> (i) contract description; (ii) contractor name and ownership characteristics (i.e., ethnicity, gender, service-disabled veteran-owned or persons with disabilities); (iii) contractor contact name and telephone number. (c) <u>Estimated Participation</u>. Provide an estimated level of participation by business enterprises owned by minorities, women, service-disabled veterans, persons with disabilities, and small business enterprises if a contract is awarded to the Respondent pursuant to this RFP. Please include the following information: <ul style="list-style-type: none"> (i) a percentage (%) indicating the participation estimate. (Express the estimated participation number as a percentage of the total estimated contract value that will be dedicated to business with subcontractors and supply contractors having such ownership characteristics only and DO NOT INCLUDE DOLLAR AMOUNTS); (ii) anticipated goods or services contract descriptions; (iii) names and ownership characteristics (i.e., ethnicity, gender, service-disabled veterans, or disability) of anticipated subcontractors and supply contractors.
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NOTE: In order to claim status as a Diversity Business Enterprise under this contract, businesses must be certified by the Governor's Office of Diversity Business Enterprise (Go-DBE). Please visit the Go-DBE website at <https://tn.diversitysoftware.com/FrontEnd/StartCertification.asp?TN=tn&XID=9810> for more information.

(d) Workforce. Provide the percentage of the Respondent's total current employees by ethnicity and gender.

NOTE: Respondents that demonstrate a commitment to diversity will advance State efforts to expand opportunity to do business with the State as contractors and subcontractors. Response evaluations will recognize the positive qualifications and experience of a Respondent that does business with enterprises owned by minorities, women, service-disabled veterans, persons with disabilities, and small business enterprises and who offer a diverse workforce.

Option: Performance Bond Requirement.

Procurement professionals should consider the advantages and disadvantages of requiring performance bonds because these bonds may not be appropriate for all types of procurements. Procurement professionals should include performance bond requirements if necessary to mitigate risk when procuring equipment, technology, or services. Performance bonds are a three-party agreement between a surety company, a contractor, and the State. The bond provides a guarantee that the contractor will comply with the terms and conditions of the contract. If the contractor is unable to successfully perform the contract, the surety assumes the contractor's responsibilities and ensures that the project is completed. Although performance bonds may be beneficial for risky projects (e.g., projects requiring extensive software customization, system integration, etc.), these bonds can limit competition by excluding smaller firms (e.g., , minority-owned, woman-owned, service-disabled veteran-owned, businesses owned by persons with disabilities, or small businesses). Smaller firms often have to pay substantially more to get a surety company to underwrite the bond. In deciding whether to require performance bonds, procurement professionals should balance the need to mitigate performance risk against adverse effects of bond requirements on small businesses, competition or the prices the State will pay for goods and services, as well as any other considerations.

Revenue (RV) Model:

			
<p>CONTRACT (state revenue contract with an individual, business, non-profit, or government entity of another state or country and from which the state receives monetary compensation)</p>			
Begin Date	End Date	Agency Tracking #	Edison ID
Procuring Party Legal Entity Name			Procuring Party Registration ID
Service Caption			

Ownership/Control	
<input type="checkbox"/> Minority Business Enterprise (MBE): <input type="checkbox"/> African American <input type="checkbox"/> Asian American <input type="checkbox"/> Hispanic American <input type="checkbox"/> Native American	
<input type="checkbox"/> Woman Business Enterprise (WBE)	
<input type="checkbox"/> Service-Disabled Veteran Enterprise (SDVBE)	
<input type="checkbox"/> Disabled Owned Businesses (DSBE)	
<input type="checkbox"/> Small Business Enterprise (SBE): \$10,000,000.00 averaged over a three (3) year period or employs no more than ninety-nine (99) employees.	
<input type="checkbox"/> Government <input type="checkbox"/> Non-Minority/Disadvantaged <input type="checkbox"/> Other:	
Selection Method & Process Summary (mark the correct response to confirm the associated summary)	
<input type="checkbox"/> RFP	The procurement process was completed in accordance with the approved RFP document and associated regulations.
<input type="checkbox"/> Competitive Negotiation	The predefined, competitive, impartial, negotiation process was completed in accordance with the associated, approved procedures and evaluation criteria.
<input type="checkbox"/> Alternative Competitive Method	The predefined, competitive, impartial, procurement process was completed in accordance with the associated, approved procedures and evaluation criteria.
<input type="checkbox"/> Non-Competitive Negotiation	The non-competitive procuring party selection was completed as approved, and the procurement process included a negotiation of best possible terms & price.
<input type="checkbox"/> Other	The procuring party selection was directed by law, court order, settlement agreement, or resulted from the state making the same agreement with <u>all</u> interested parties or <u>all</u> parties in a predetermined "class."
Agency Contact & Telephone #	<i>CPO USE - RV</i>

FA Template:

SUMMARY COVER SHEET

Contractor Ownership Characteristics

Minority Business Enterprise (MBE): select if a minority-owned business, which means a continuing, independent, for profit business that performs a commercially useful function, and is at least fifty-one percent (51%) owned and controlled by one (1) or more minority individuals who are impeded from normal entry into the economic mainstream because of past practices of discrimination based on race or ethnic background.

Identify the applicable Minority if known. Minority means a person who is a citizen or lawful permanent resident of the United States and who is:

(A) African American, a person having origins in any of the black racial groups of Africa;

- (B) Asian American, a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands;
- (C) Hispanic American, a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
- (D) Native American, a person having origins in any of the original peoples of North America.

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Service-Disabled Veteran Enterprise (SDVBE): select if a Tennessee service-disabled veteran-owned business, which means a service-disabled veteran-owned business that is a continuing, independent, for profit business located in this state that performs a commercially useful function and:

- (A) Is at least fifty-one percent (51%) owned and controlled by one (1) or more service-disabled veterans;
- (B) In the case of a business solely owned by one (1) service-disabled veteran and such person's spouse, is at least fifty percent (50%) owned and controlled by the service-disabled veteran; or
- (C) In the case of any publicly owned business, at least fifty-one percent (51%) of the stock of which is owned and controlled by one (1) or more service-disabled veterans and whose management and daily business operations are under the control of one (1) or more service-disabled veteran.

Disabled Owned Businesses (DSBE): select if a business owned by persons with disabilities, which means a continuing, independent, for-profit business that performs a commercially useful function, and is at least fifty-one percent (51%) owned and controlled by one (1) or more persons with a disability; or, in the case of any publicly owned business, at least fifty-one percent (51%) of the stock of which is owned and controlled by one (1) or more persons with a disability and whose management and under the control of one (1) or more persons with a disability.

Small Business Enterprise (SBE): select if a small business, which means a business that is a continuing, independent, for profit business which performs a commercially useful function with residence in Tennessee and has gross receipts of no more than ten million dollars (\$10,000,000) averaged over a three-year period or employs no more than ninety-nine (99) persons on a full-time basis.

Non-Minority/Disadvantaged if the contractor is not ≥ 51% owned or controlled by minority or disadvantaged persons & is not a small business

Other: select if none of the above options. There is an option to provide additional details here.

For additional guidance, please visit: <http://tn.gov/generalservices/article/godbe-program-eligibility>.

GR TEMPLATE:

 <h2 style="margin: 0;">GRANT CONTRACT</h2> <p style="margin: 0;">(cost reimbursement grant contract with an individual, business, non-profit, or governmental entity of another state or country)</p>			
Begin Date	End Date	Agency Tracking #	Edison ID
Grantee Legal Entity Name			Edison Vendor ID

Subrecipient or Contractor		CFDA #			
<input type="checkbox"/> Subrecipient <input type="checkbox"/> Contractor		Grantee's fiscal year end			
Service Caption (one line only)					
Funding —					
FY	State	Federal	Interdepartmental	Other	TOTAL Grant Contract Amount
TOTAL:					
Ownership/Control					
<input type="checkbox"/> Minority Business Enterprise (MBE):					
<input type="checkbox"/> African American <input type="checkbox"/> Asian American <input type="checkbox"/> Hispanic American <input type="checkbox"/> Native American					
<input type="checkbox"/> Woman Business Enterprise (WBE)					
<input type="checkbox"/> Service-Disabled Veteran Enterprise (SDVBE)					
<input type="checkbox"/> Disabled Owned Businesses (DSBE)					
<input type="checkbox"/> Small Business Enterprise (SBE): \$10,000,000.00 averaged over a three (3) year period or employs no more than ninety-nine (99) employees.					
<input type="checkbox"/> Government <input type="checkbox"/> Non-Minority/Disadvantaged <input type="checkbox"/> Other:					
Grantee Selection Process Summary					
<input type="checkbox"/> Competitive Selection			Describe the competitive selection process used.		
<input type="checkbox"/> Non-competitive Selection			Describe the reasons for a non-competitive grantee selection process.		
Budget Officer Confirmation: There is a balance in the appropriation from which obligations hereunder are required to be paid that is not already encumbered to pay other obligations.				<i>CPO USE - GR</i>	
Speed Chart (optional)		Account Code (optional)			

**CERTIFICATION RELATED
DOCUMENTATION**



STATE OF TENNESSEE
PROCUREMENT COMMISSION

3rd Floor, William R. Snodgrass TN Tower, 312 Rosa L. Parks Avenue
Nashville, Tennessee 37243-1102
(615) 741-1035 Fax (615) 741-0684

RE-CERTIFICATION

1. Item No. 763.A166
Service: Janitorial Services
Agency/Location: Tennessee Military Department, Tennessee Emergency Management Agency, Building 130, 3041 Sidco Drive, Nashville, Tennessee.
Annual Price: \$2,405.88 annually, or \$0.40 per square foot per year.
No price increase requested.
Satisfaction: No complaints have been filed.
Re-Certification Requested for Period of 08/01/2017 – 07/31/2018

2. Item No. 763.A175
Service: Janitorial Services
Agency/Location: Tennessee Military Department, Tennessee Army National Guard, Building 757, Nashville International Airport, Nashville, Tennessee.
Annual Price: \$13,412.64 annually, or \$ 1.39 per square foot per year.
No price increase requested.
Satisfaction: No complaints have been filed.
Re-Certification Requested for Period of 08/01/2017 – 07/31/2018

3. Item No. 763.A176
Service: Janitorial and Dishwashing Services
Agency/Location: Tennessee Department of Education, York Agricultural Institute, 701 N. Main Street, Jamestown, Tennessee.
Annual Price: \$16,705.04 annually or \$9.83 per hour for 1700 man-hours per year.
No price increase requested.
Satisfaction: No complaints have been filed.
Re-Certification Requested for Period of 08/01/2017 – 07/31/2018

CERTIFICATION

4. Item No. 763.A182
Service: Ground Maintenance Services

LARRY MARTIN, Chairman
Commissioner of Finance & Administration

JUSTIN P. WILSON
Comptroller of the Treasury

ROBERT E. OGLESBY
Commissioner of General Services

MIKE PERRY
Chief Procurement Officer

Agency/Location: Tennessee Military Department, Tennessee Volunteer Challenge Academy, 3965 Stewarts Lane, Nashville, Tennessee.
Annual Price: \$18,094.18, or \$48.25 per acre per cycle.
No price increase requested.
Satisfaction: No complaints have been filed.
Re-Certification Requested for Period of 08/01/2017 – 07/31/2018

ADDENDUM

5. Item No. 763.A74
Service: Janitorial and Hourly Porter Services
Agency/Location: Tennessee Department of Environment and Conservation, Bicentennial Capitol Mall State Park, 600 James Robertson Parkway, Nashville, Tennessee.
Annual Price: \$62,264.73 annually or \$11.97 per hour for janitorial services; \$11.90 per hour for hourly crewmember services, and \$16.76 per hour for hourly supervisor services.
No price increase requested.
Satisfaction: No complaints have been filed.
Re-Certification Requested for Period of 04/01/2017 – 03/31/2018

LIMITATION OF LIABILITY REPORT

**Approved Limitation of Liability Requests
for the Time Period June 2, 2017 to August 1, 2017**

TRACKING	CALENDAR YEAR	ID	LOGGED	STATUS	STATUS DATE	SERVICE	CONTRACTING AGENCY	BASIS FOR REQUEST	COT APPROVAL OF REQUEST
34501-12718	17	8995	6/12/2017	APPROVED	6/13/2017	EMPLOYMENT AND INCOME VERIFICATIONS	DEPARTMENT OF HUMAN SERVICES	CONTRACTOR'S LIABILITY FOR ALL CLAIMS ARISING UNDER THIS CONTRACT SHALL BE LIMITED TO AN AMOUNT EQUAL TO TWO (2) TIMES THE MAXIMUM LIABILITY AMOUNT DETAILED IN SECTION C.1.	6/14/2017
33501-17203	17	9007	6/13/2017	APPROVED	6/16/2017	CONDUCT A TARGETED EXAMINATION OF A CAPTIVE INSURANCE COMPANY RISK RETENTION GROUP	DEPARTMENT OF COMMERCE AND INSURANCE	CONTRACTOR'S LIABILITY FOR ALL CLAIMS ARISING UNDER THIS CONTRACT SHALL BE LIMITED TO AN AMOUNT EQUAL TO TWO (2) TIMES THE MAXIMUM LIABILITY AMOUNT OF THE TOTAL COMPENSATION DUE FROM THE CAPTIVE INSURANCE COMPANY BEING REVIEWED.	7/17/2017
35910-02545	17	9234	8/1/2017	APPROVED	8/2/2017	FOSTER AND RESIDENTIAL CARE AND TREATMENT	DEPARTMENT OF CHILDREN'S SERVICES	THE CONTRACTOR'S LIABILITY FOR ALL CLAIMS ARISING UNDER THIS CONTRACT SHALL BE LIMITED TO THE GREATER OF A) FIVE MILLION DOLLARS (\$5,000,000) OR B) AN AMOUNT EQUAL TO TWO (2) TIMES THE AMOUNTS PAID TO THE STATE UNDER SECTION C.1.	8/3/2017

CORRECTION OF ERRORS REPORT

(No Report this Period)

MEMORANDUM OF UNDERSTANDING REPORT

Number	SWC # / Edison Contract #	Contract Name	Category Specialist / Sourcing Analyst	Vendor Name	Description	MOU Active Date	Items Added via MOU
108	3005	Tablets	Josh Gaddy	Insight Public Sector Inc.	Tablets	8/1/2017	AC Adapter
109	3005	Tablets	Josh Gaddy	Insight Public Sector Inc.	Tablets	8/1/2017	2nd Keyboard
110	3005	Tablets	Josh Gaddy	Insight Public Sector Inc.	Tablets	8/1/2017	Stylus for Model 5285
111	161	Trash Pick-up Services	Jordan Green	Waste Industries of TN LLC	Trash Pick-up	7/28/2017	Trash Pick-Up (R1), 8 Cu Yd, Pick Up, Hawkins County
112	161	Trash Pick-up Services	Jordan Green	Waste Industries of TN LLC	Trash Pick-up	7/29/2017	Trash Pick-Up (R1), 8 Cu Yd, Pick Up, Greene County