

Questions for Presenters from Attendees

Commodities:

1. How do you research the best prices available?
 - a. When reprocurring a Statewide Contract, the State will do a contract review and analyze how the State of Tennessee's pricing compares to other States as well as other nationwide cooperative contracts. There is also a Data Analytics team within CPO that assists the Category Specialists to understand contract pricing and terms in other States and how they compare to ours.

2. How do we know when a contract has changed? For example, a couple of years ago, the paper contract kept changing but nothing was said about it getting amended or updated.
 - a. The quickest way to see a contracts updated files is to go to: TN.Gov/generalservices then select procurement tab and "Local Units of Government" and then select "Statewide Contract Listing" tile– If the documents are unavailable, you can contact the Contract Administrator for further details.

3. Can you please explain how you would search for a piece of equipment or machinery? I usually open each Vendor and do a visual search down each list. I'm hoping there is a more efficient search process which will pull up the only vendors offering what the Highway Department is in need of acquiring.
 - a. There is a Statewide Contract Line Details (Excel Download) located on the Edison Supplier Portal homepage which you can access. This document was reference in Putting SWCs to Use.
 - b. If you still can't find what your looking for reach out to the contract administrator for assistance.

4. How do I purchase tires on the SWC?
 - a. Please reference the instructions for SWC 221, since the company stores from both manufacturers are covered you are able to purchase directly from those stores. There are also a few independent dealers covered and they are listed on the instructions. Those Independent dealers are selected based on volume with state agencies.

5. Our police department is in desperate need of used police or unmarked vehicles. How do we obtain these through a statewide contract?
 - a. Please reach out to VAM concerning any possible used equipment thru their surplus program since only new equipment is covered by the SWC's. Please note there are some exceptions regarding local governments and motor vehicles found in a TCA that is around cooperative purchasing agreements (TCA § 12-3-1205). CPO recommends that the entity consult their legal.

Services:

1. **What resources are available for someone new to government procurement and SWC's?**
 - a. The CPO website is the best resource available to for someone new to government procurement and SWCs. On the website, you can find all contracts dashboard, the usage instructions webpage, and a list of all statewide contracts. You can also see new invitations to bid and request for proposals. We also have a section dedicated to local units of government that provides more procurement information, special announcements, TN Smart Shop information and information from the local government purchasing forum. Finally, you'll see a CPO library that contains a glossary, reference material, and various public information. The link to the CPO website is as follows below:
 - i. <https://www.tn.gov/generalservices/procurement.html>
 - b. In addition to State resources NASPO has a lot of information/common issues in government procurement that could be helpful for someone new to government procurement. The link to the NASPO website is as follows below:
 - i. <https://www.naspo.org/content-library/>
2. **How can we track down services and products that are on a statewide contract?**
 - a. The supplier portal is a great place to start to track down services and products available on our SWCs. There, you will find a Statewide Contract Search, where you can see all contract documents publicly available on our SWCs. You'll also find a line item excel download that has all lines on SWCs available. You can run a simple search of Ctrl+f to find any line item you're looking for. The link to these pages are as follows below:
 - i. <https://www.tn.gov/generalservices/procurement.html>
 - b. The State of TN CPO website detailed above is also available for use. You can find all SWCs available including a listing and all usage instructions under the Contract Information page on the website.
3. **How can we help promote more local vendors to register to bid on Tennessee solicitations?**
 - a. The Supplier Information page on our website provides valuable information on how to get registered with the State and why it's beneficial. There are job aids and instructions available on how to register and what is expected of suppliers. There are also several videos available on how to register, how to navigate the supplier portal, how to submit a bid, etc. Some of these contracts are multi-billion-dollar agreements. State agencies are required to use the SWCs. The link to the Supplier Information page discussed above is as follows:
 - i. <https://www.tn.gov/generalservices/procurement/central-procurement-office--cpo-/supplier-information.html>

4. Where are the best places to look for bid opportunities?

- a. The best place to look for bid opportunities are the Invitation to Bid (ITB) and Request for Proposals (RFP) pages on the CPO website. This will be listed under the Supplier Information section of the CPO website. The link to each location are as follows:
 - i. ITB <https://www.tn.gov/generalservices/procurement/central-procurement-office--cpo-/supplier-information/invitations-to-bid--itb-.html>
 - ii. RFP <https://www.tn.gov/generalservices/procurement/central-procurement-office--cpo-/supplier-information/request-for-proposals--rfp--opportunities1.html>
- b. You can also find all contract information on the website mentioned. This will provide information on when the contract is set to expire so you'll have an idea of when to expect an ITB or RFP to be issued. You can also reach out to the Contract Administrator listed to find this information.

5. Is there an amendment on the website that says the pricing has changed to include with our records?

- a. Almost all the time there is an amendment posted with price increases. You would see those with the contract documents on tn.gov/statewide-contracts. It is safe to always make sure you are using the latest line item document, because there may be some minor increases that didn't meet the threshold for needing to do an amendment. In this instance, CPO would recommend checking for updated line item contracts before reaching out to a supplier to make a purchase to ensure you are using the most updated contract version.

Tech:

1. [How do I navigate the website and what are some easy ways to save our town money?](#)
 - a. Several of our courses during this forum will touch on how to navigate our website to find pertinent information. The best way to save money is to utilize our SWC's if they meet your needs. This saves both time and potential implementation costs of having to do the front-end solicitation development, posting of event, and evaluation process yourselves. While the State includes terms and conditions to its contracts, the CPO encourages entities to review the State's terms and conditions to ensure additional terms aren't needed to meet the local entity's requirements. Collectively, the State gets competitive pricing due to the large purchasing power of all state agencies to negotiate instead of a single smaller entity. If you need help, contact the contract administrator.

2. [How often is the SWC log updated?](#)
 - a. The SWC webpage is updated any time there is a change to the contract or any associated contract documents.

3. [Does TN leverage national contracts such as NASPO, GSA and/or TX DIR for services and software?](#)
 - a. The State utilizes primarily NASPO contracts (at least on the Tech Team) but does have co-ops with Omnia/MMCAP/Sourcewell also.

4. [Is there a way to search for a specific company and see if they are on contract? Or whether they were renewed on a new contract?](#)
 - a. You can always go to the contract page and CTRL F for the name of the supplier you are looking for. If that doesn't work, then you may want to reach out to a member of CPO so they can try to assist or get you to the correct person.

5. [What contracts are accessible for 911 centers or other first responder entities to use?](#)
 - a. Virtually all SWCs are available for these entities to use. On the first page of the contract itself, it will say whether it's available to local government use. A few of the contracts that may be of particular interest are SWC 306 for Headsets, Headset Accessories, and Telephones, SWC 911 for wireless voice, texting, and data service plans along with equipment, e911 (emergency) is SWC 3017, and SWCs 418 and 420 for radio equipment and two-way radios.

Legal:

1. [How do you consider a conflict of interest?](#)

In addition to statutory requirements, (see Tenn. Code Ann. §§ 12-4-104; 12-4-106; 12-4-115), the primary resource for the Central Procurement Office is the Business Conduct and Ethics Policy and Procedures, [Policy Number 2013-009](#). This Policy is posted on the CPO Library page and provides guidance on identifying, managing, and avoiding conflicts of interest.

The two main Conflicts of Interest are (1) personal conflicts of interest (“COI”); and “Organizational Conflicts of Interest” (“OCI”).

OCIs may include any relationship or action between any party, including contractors and consultants, and the state or its agents making decisions to procure or contract that may (1) conflict with the State’s best interest; or (2) taint the procurement process or reputation of the State. Respondents should be aware that an OCI may exist, for example, in the following circumstances: *Impaired Objectivity of a Contracting Party; Unfair Competitive Advantage; Biased ground rules; or Impropriety*. Disclosures to the CPO are required in the event of any conflicts of interest.

2. [What information \(if any\) can be requested from restricted contracts without signing an NDA? Why is it required for our agency to sign an NDA to access the restricted contracts when we are allowed to purchase from them?](#)

The Tennessee Public Records Act includes numerous exceptions to the general proposition that all State records shall be open to public inspection by any citizen of the State.

One of those exceptions that is commonly involved in the State’s technology contracts provides that: “information that would allow a person to obtain unauthorized access to confidential information or to government property” shall be maintained as confidential and is not subject to public inspection under Tenn. Code Ann. § 10-7-504(i).

If Strategic Technology Solutions (“STS”) with the State determines that the security exception applies, then applicable contracts are flagged as confidential and procurement professionals must take a number of precautions to safeguard the confidential information and ensure reasonable care is taken in maintaining confidentiality as provided in the CPO’s Procurement Procedures Manual.

If a records request is made regarding a confidential contract, then a redacted copy may be prepared removing any information identified as being confidential. Records containing information about cost are not confidential under this subsection; however, other information such as the identity of a vendor that provides to the state goods and services used to protect electronic information processing systems, telecommunication and other communication systems, data storage systems, government employee information, or citizen information would need to be redacted.

3. [How does the State determine if the party it is contracting with is considered a Contractor or a Grantee?](#)

This analysis is done on a case-by-case basis. The CPO's Grant Management and Subrecipient Monitoring Policy, [Policy 2013-007](#), provides characteristics to consider. These factors are based on the [Code of Federal Regulations](#) and include the following:

The characteristics that support the classification of an entity as a Contractor includes whether the entity:

- Provides the goods or services within its normal business operations;
- Provides similar goods or services to many different purchasers;
- Normally operates in a competitive environment;
- Provides goods or services that are ancillary to the operation of a state or federal program; and,
- Is not subject to compliance requirements of the state or federal program as a result of the agreement at issue, though similar requirements may apply for other reasons.

If the Contract establishes a Grantor/Grantee relationship then the State Agency must ensure that all monitoring and required contract terms are included.