

## **GSA Contract Purchasing Procedures for North Carolina**

### **Important Information Regarding the GSA Contract Purchasing Procedures:**

Per G.S. 143B-1323(c)(4), and 9 NCAC 06B.1006 (Cooperative Purchasing) these procedures apply to purchases under U.S. General Services Administration (GSA) Supply Schedule 70 Information Technology and GSA's Consolidated Schedule containing information technology Special Item Numbers (SINs) on the GSA Schedule 70 only.

State Agencies must use established State Term Contracts (9 NCAC 06B.0701) or Master Agreements established for Enterprise use. Not all items under GSA Schedule 70 and the GSA Consolidated Schedule are available for Agencies to purchase. For example, State Agencies may not use the GSA contracts to purchase Telecommunication Goods and Services as per 09 NCAC 06B.0301. If the GSA Schedule 70 SIN is limited and not representative of a competitive marketplace, then the Agency must follow other applicable procurement Rules, policies and procedures.

IT Schedule 70 is for IT Products, Services and Solutions:

- Mobile device and mobile application management (MDM/MAM) tools,
- Automated data processing equipment (firmware),
- Software,
- Cloud computing services,
- Hardware,
- Support equipment, and
- Professional IT services.

Agencies utilizing GSA Schedule 70 shall not utilize a “low cost meeting specification” bidding process. GSA pricing is set at a maximum, therefore Agencies must negotiate pricing with the responding Vendors, as well as terms and conditions, to obtain the best value. Please note that GSA Vendors may accept or reject orders placed by the Agencies at their discretion.

Agencies on the e-Procurement System must issue a Purchase Order (PO) to the GSA Vendor through the e-Procurement System. Purchase Orders for issued for goods are subject to the e-Procurement fee which is paid by the Vendor. GSA purchases are also subject to an Industrial Funding Fee (IFF) which Vendors pay to the federal government. However, GSA pricing already includes the IFF.

### **GSA Contract Purchasing Procedures:**

- I. Agencies will first determine if the necessary goods or services are available under a State Term Contract. If the goods or services are not available under a State Term Contract, the Agency shall:

- A. Notify the Statewide IT Procurement Office of its desire to utilize GSA Schedule 70 and the SIN, and
  - B. Identify qualified Vendors for the necessary SIN under the GSA Schedule 70 contract, and
  - C. Conduct and document marketplace research to determine whether the identified GSA Vendors represent the general competitive market.
- II. Upon receipt of the Agency's notice, the Statewide IT Procurement Office shall review the request, SIN and associated terms, conditions or other contractual matters.
- III. If the Agency's GSA request is approved, the Statewide IT Procurement Office will send approval to the Agency via email.
- IV. The Agency must follow the GSA Ordering Procedures for IT Schedule 70. The web link to the instructions are located at:  
<https://www.gsa.gov/technology/technology-purchasing-programs/it-schedule-70>
- V. The Agency can order from GSA IT Schedule 70 through two methods, eBuy or GSA Advantage. Please note that for GSA terminology, schedule equals contract. In order to determine which tool to use, the Agency will need to perform a requirements analysis. The [ordering process](#) may vary based on whether or not a Statement of Work (SOW) is required.
- A. Procedures to use eBuy
1. The eBuy webpage is: <https://www.ebuy.gsa.gov/ebuy/>
  2. The Agency will need to create a login to use.
  3. The Agency will have to develop/create a Request for Quote (RFQ) that will be posted on eBuy, the GSA online tool.
  4. The Agency must review the contract's specific Terms and Conditions (T&Cs) and decide if they will agree to them. In general, when state or local governments place orders, all terms and conditions of the contractor's Schedule flow down to the order level, except the following:
    - Disputes Clause,
    - Patent Indemnity Clause,
    - Prompt Payment Clause, and
    - Certain Commercial Item Contract Terms and Conditions
  5. The Agency will need to follow the [eBuy](#) template, which will guide you through issuing the RFQ, and help you submit it to vendors.
  6. The Agency may add additional terms and conditions or enhancements to Schedule terms and conditions as long as they do not conflict with the base-level Schedule terms and conditions.
  7. The Agency will need to negotiate and make risk determinations and business decisions regarding some of the State's T&Cs as noted in 4 above.

8. GSA pricing is a contract maximum and Agencies must negotiate final pricing.

B. Procedures to use GSA Advantage:

1. The GSA Advantage webpage is:  
[https://www.gsaadvantage.gov/advantage/main/start\\_page.do](https://www.gsaadvantage.gov/advantage/main/start_page.do)
2. The Agency will need to create a login to use.
3. The Agency will need search the category lists and choose items
4. The Agency must review the items contract's specific Terms and Conditions (T&Cs) and decide if they will agree to them. In general, when state or local governments place orders, all terms and conditions of the contractor's Schedule flow down to the order level, except the following:
  - Disputes Clause,
  - Patent Indemnity Clause,
  - Prompt Payment Clause, and
  - Certain Commercial Item Contract Terms and Conditions
5. The Agency may add additional terms and conditions or enhancements to Schedule terms and conditions as long as they do not conflict with the base-level Schedule terms and conditions.
6. The Agency will need to negotiate and make risk determinations and business decisions regarding some of the State's T&Cs as noted in 4 above.
7. GSA pricing is a contract maximum and Agencies must negotiate final pricing.

- VI. The Agency will evaluate the responses they receive, following their normal procurement procedures for review and evaluation. The Agency should use the [GSA eLibrary](#) to investigate the industry partners and research their detailed contract information. The Agency may consult with the Statewide IT Procurement Office during negotiations.
- VII. The Agency will then send their award recommendation to the Statewide IT Procurement Office. The Agency's award recommendation must include:
  - A. The Agency negotiated pricing versus the GSA contract pricing.
  - B. A copy of the GSA applicable contract T&Cs
  - C. The additional State terms and conditions that the Agency negotiated.
  - D. Xxx
- VIII. After review, the Statewide IT Procurement Office will send their approval to the Agency.
  - A. Make the award and issue a PO through eProcurement
  - B. Schedule contractors have the option of accepting orders placed by state and local government buyers. They may decline an order, for any reason, within a five-day period after receipt of the order.
  - C. State and local governments are responsible for ensuring that only authorized

representatives place orders against these Schedules.

- IX. The Statewide IT Procurement Office will then review the Agency award recommendation for approval or disapproval.
  - A. If approved, the Agency will issue a Purchase Order (PO) to the awarded vendor. Per the GSA contract, the Vendor has five (5) days to decide if they will accept or decline the Agency's PO.
  - B. If the Vendor does not accept the PO, then the Agency may select another qualified and responsive Vendor after notifying the Statewide IT Procurement Office.
  - C. Schedule contractors have the option of accepting orders placed by state and local government buyers. They may decline an order, for any reason, within a five-day period after receipt of the order.
- X. If the Agency is unable to reach agreement with a Vendor using the GSA Schedule 70 process, the Agency may elect to proceed pursuant to applicable IT Procurement Rules and procedures.