

Part I Chapter 41 Written Determinations

- A. Written Determinations Required by Act 57 (Known as Commonwealth Procurement Code, 62 Pa.C.S. Sections 101, et seq.).** The purchasing agency is required to prepare written determinations for the following decisions:
- 1.** Withdrawals of erroneous bids after bid opening but before award based on bid mistakes.
 - 2.** A finding that the use of competitive sealed bidding is either not practicable or advantageous to the Commonwealth and that the competitive sealed proposals method of procurement should be used.
 - 3.** The award decision for the competitive sealed proposals method of procurement. The written determination must provide an explanation that the selected offeror's proposal is the most advantageous to the purchasing agency, taking into consideration price and all evaluation factors.
 - 4.** The determination that a contract for supplies, services, or construction items should be awarded without competition. The determination must include the finding that one of the listed conditions for sole source procurement exists.
 - 5.** A determination of the basis for an emergency procurement and for the selection of the particular contractor for the emergency procurement of supplies, services, or construction items.
 - 6.** The award decision for the competitive selection procedures for certain services method of procurement. The written determination must explain how the selected offeror is the best qualified based on the evaluation factors set forth in the RFPs.
 - 7.** The award decision for the selection procedure for insurance and notary bonds. The written determination must explain how the selected offeror's proposal is the most advantageous to the Commonwealth based on criteria determined by DGS, including the coverage offered and the premium.
 - 8.** The waiver from the requirements for cost or pricing data and certifications.
 - 9.** The determination that the proposed contractor's accounting system will permit timely development of all necessary cost data in the form required by the specific contract type contemplated and that the proposed contractor's accounting system is adequate to allocate costs in accordance with generally accepted accounting principles.
- B. Retainment Period for Written Determinations.** These written determinations must be retained for a minimum of three years from the date of final payment under the contract and disposed of in accordance with records retention guidelines and schedules. These determinations shall be made available to the State Treasurer, Auditor General, General Counsel, Inspector General, and Attorney General upon request.