

## Part I Chapter 03 Responsibilities

### A. Department of General Services (DGS).

1. **Procurement Policy.** DGS formulates procurement policy governing the procurement, management, control, and disposal of supplies, services, and construction for agencies.
2. **Purchasing Agency.** Except as authorized by DGS or by law, DGS acts as the purchasing agency for all agencies for supplies, services, and construction. Independent agencies are authorized by the Commonwealth Procurement Code to act as their own purchasing agency for services.
3. **Small Procurement Thresholds.** DGS establishes the dollar thresholds for small, no-bid procurements and small, informal bid procurements.
4. **Delegation.** DGS may delegate procurement authority to another agency through written authorization of the Secretary of General Services.
5. **Audit.** DGS may audit agency compliance with Act 57 and the requirements of this handbook.
6. **Inventories.** DGS exercises general supervision and control over all inventories of supplies belonging to executive agencies.
7. **Inspection, Testing, and Acceptance.** DGS is responsible for coordinating programs for the inspection, testing, and acceptance of supplies and construction to ensure availability of facilities and to avoid duplication of functions.
8. **Contract Compliance Program.** DGS, through the Bureau of Small Business Opportunities (BSBO), is responsible for administering the Contract Compliance Program (as detailed in Management Directive 215.16, Contract Compliance Program), a program designed to ensure that commonwealth contracting and grant funding is nondiscriminating in intent and effect.
9. **Contractor Responsibility Program.** DGS participates in the management and maintenance of the Contractor Responsibility Program in coordination with the Office of the Budget and other agencies as may be directed by the Governor.
10. **Annual Review of Contracts with Agencies for Persons with Disabilities.** DGS shall conduct annual reviews of those contracts with agencies for persons with disabilities that exceed \$300,000 per year in cost to confirm compliance with the contract and the requirements of Section 520 of the Commonwealth Procurement Code.

### B. **Purchasing Agency.**

1. **Procurement and Contracting Activity.** The agency head of the purchasing agency has primary responsibility for ensuring all procurement

and contracting actions of the purchasing agency are in compliance with the Commonwealth Procurement Code and this handbook. The agency head ensures that responsibilities for the various contracting functions are assigned to specific individuals and that those individuals are familiar with, and follow, DGS policies and procedures pertaining to the contracting process. The agency head of the purchasing agency has the authority to settle and resolve protests and contract controversies.

2. **Contracting Officer.** The contracting officer is the individual who has been authorized by the purchasing agency head to enter into and administer contracts and to make written determinations with respect to contracts.
3. **Contact Person.** The contact person is the individual who manages the contract and monitors the contractor's performance.
4. **Bureau of Small Business Opportunities ("BSBO") Review and Participation.** The purchasing agency will give BSBO the opportunity to participate and provide input throughout all procurement processes, including reviewing IFBs, RFPs, ITQs, and RFQs; responding to questions concerning small diverse business (SDB) utilization; evaluating and scoring SDB participation submissions and negotiating contracts.
  - a. **RFPs, ITQs, and RFQs.** The purchasing agency shall invite BSBO to participate in the kick-off meeting, development of the RFP, ITQ or RFQ, the preproposal conference, the drafting of the responses to offeror questions, and in contract negotiations with respect to small diverse business (SDB) participation. The SDB participation submittal (originals and best and final offers) and quotes regardless of the procurement amount shall be forwarded to BSBO for review and scoring. Upon the request of BSBO, the agency will brief BSBO on the technical aspects of the RFP. The entire proposal, including the cost submittal, shall be made available to BSBO upon request.
  - b. **Notification of Contract Commitments.** After the contract has been executed, the purchasing agency must complete the [Award Form](#), which includes the contractor's small diverse business commitments as identified in the contract and submit it to BSBO within 10 days after the fully executed contract is sent to the selected bidder/offeror. The purchasing agency must, on a quarterly basis, submit to BSBO the quarterly SDB activity reports submitted by each contractor. The agency contracting officer must submit any proposed change to the contractual SDB participation commitments to BSBO.
5. **Employee/Employer Relationship Review.** The purchasing agency will forward to the Office of Administration (OA) for review all RFPs, IFBs, and contracts which appear to have an employee/employer relationship or other complement-related service (i.e., temporary help, training, interagency personnel agreements, internships). A copy of the OA approval must be attached to the referenced documents.
6. **Competitive Sealed Proposals.** When the competitive sealed proposals method of procurement is used, the purchasing agency is required to invite its

comptroller to participate in the evaluation of proposals as a nonvoting member of the evaluation committee.

**C. Office of the Budget.**

- 1. Encumbrance of Funds.** Except for the Office of Attorney General, the Department of the Auditor General, Treasury Department, and the Office of the Budget, through the agency comptrollers, encumbers sufficient funds for the payment of invoices.
- 2. Contractor Responsibility Program.** The Office of the Budget participates in the management and maintenance of the Contractor Responsibility Program in coordination with DGS and other agencies as may be directed by the Governor.
- 3. Review of Contracts for Services.** Except for contracts under the dollar threshold established by DGS for small procurements, statewide requirements contracts for services, procurements made by the Office of Attorney General, Department of the Auditor General, and the Treasury Department, the using agency's comptroller shall review and approve all contracts for services for that using agency for:
  - a. Fiscal responsibility.
  - b. Budgetary appropriateness.
  - c. Availability of funds. For statewide requirements contracts for services, the purchasing agency's comptroller shall review and approve the contracts for fiscal responsibility and budgetary appropriateness.
- 4. Evaluation Committees.** A using agency comptroller may, at his or her option, serve as a nonvoting member of an Evaluation Committee for RFPs or similar bidding or selection committee for the acquisition of services.

**D. Purchasing Agency Counsel.** Reviews and approves, for form and legality, all contracts entered into by the agency. Such review shall go to the statutory or other legal authority of the purchasing agency or official to enter into such contract, the legality of provisions of the contract, and the form and manner of execution of the contract. Purchasing agency counsel identifies contracts requiring review by the Office of General Counsel (OGC) and the Office of Attorney General (OAG) and forwards these contracts to those offices for review. Purchasing agency counsel advises agencies in all legal matters surrounding contractor performance.

**E. [Office of General Counsel \(OGC\)](#).** Reviews and approves, for form and legality, contracts referred from the purchasing agency counsel. The purchasing agency counsel, as directed by General Counsel, shall determine whether OGC approval is required.

**F. [Office of Attorney General \(OAG\)](#).** Reviews and approves contracts, for form and legality, unless the OAG has pre-approved the form.

**G. Bureau of Procurement, Programs & Systems Division.** Receives and processes for publication on the Internet on DGS home page, as well as in the State Contracts Information Section of the Pennsylvania Bulletin, information about IFBs and RFPs involving estimated expenditures which exceed the small, informal bid procurements thresholds. They also provide, upon request, information pertaining to the procurement needs of agencies.

**H. Bureau of Small Business Opportunities (BSBO).**

- 1. RFPs.** BSBO will, in its discretion, attend kick-off meetings, preproposal conferences and contract negotiations. BSBO will establish a weight for small diverse business participation, evaluate the small diverse business participation submittals and convey the scores to the agency evaluation committee prior to the decision to award the contract. BSBO will also provide assistance to the agency with respect to negotiating final participation commitments with the offeror(s).

BSBO will review any proposed change in contractual commitments to small diverse businesses and will recommend a course of action to the agency contracting officer. If the agency does not intend to follow the BSBO recommendation, the agency contracting officer must submit to the Department of General Services' Deputy Secretary for Procurement a written explanation for the course of action which it intends to pursue. The written explanation must be received by the Deputy Secretary at least three days prior to the agency taking such action.

- 2. Source Lists.** BSBO shall compile, maintain, and make available source lists of small and diverse businesses.

**I. Treasury Department.**

- 1. Copies of Contracts.** Treasury Department receives and files for public reference copies of all contracts in the amount of \$5,000 or more.
- 2. Approval of Statewide Requirements Contracts for Supplies.** Statewide requirements contracts for supplies, where the total dollar purchasing amount, based upon estimated quantities, is in excess of \$1,000,000 (as adjusted each year by the department to reflect the annual percentage change in the Composite Construction Cost Index of the United States Department of Commerce occurring in the one-year period ending December 31 each year) shall not be effective unless first approved by the State Treasurer.

**J. Office of Administration, Bureau of Human Resource Management and Development ("OA, HRM").** Reviews and approves RFPs, IFBs, and contracts referred by agencies which appear to establish an employee/employer relationship or other complement related service (i.e., temporary help, training, interagency personnel agreements, internships). Provides written approval which should be attached to the referenced documents.

**K. Office of Administration, Office for Information Technology ("OA, OIT").** Formulates policy in regard to the identification and description of the computer,

electronic, telecommunications, and radio hardware, software, and services to be procured by executive agencies.

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**References:**

1. [Department of General Services](#)
2. [Bureau of Small Business Opportunities](#)
3. [Award Form](#)
4. [Office of General Counsel](#)
5. [Office of Attorney General](#)
6. [Treasury Department](#)
7. [Office of Administration, Bureau of Human Resource Management and Development](#)
8. [Office of Administration, Office for Information Technology](#)