

PENNSYLVANIA PROCUREMENT CODE

Fiscal Year End: June 30

1. **Prequalifications:** Bids for certain goods or services may require prequalification.
 - a. **PA Proc. Code section 532** → Prospective bidders and offerors may be prequalified for particular types of supplies, services and construction
2. **Auto-drop:** None.
3. **Life Cycle Costing (LCC):** Evaluations based on LCC are allowed if stated in the IFB.
 - a. **PA Proc. Code §512.e** → ...Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs and total or life cycle costs. The invitation for bids shall set forth the evaluation criteria to be used. No criteria may be used in bid evaluation that are not set forth in the invitation for bids
4. **Piggybacking:** Allowed.
 - a. **PA Proc. Code §1902** → A public procurement unit may either participate in, sponsor, conduct or administer a cooperative purchasing agreement for the procurement of any supplies, services or construction with one or more public procurement units or external procurement activities in accordance with an agreement entered into between the participants. The Department of General Services is authorized to enter into cooperative purchasing contracts solely for the use of local public procurement units or State-affiliated entities. The department shall enter into cooperative purchasing contracts for the use of local public procurement units or State-affiliated entities if the number of contractors under a previously existing contract for the same supply or service is reduced to a single contractor or reduced by more than 50% of the number existing on September 30, 2003, and shall award such contracts pursuant to section 517 (relating to multiple awards) using an invitation for bids. Nothing in this section shall prohibit a local public procurement unit or State-affiliated entity from participating in or procuring from other cooperative purchasing agreements awarded by the department. Cooperative purchasing may include, but is not limited to, joint or multiparty contracts between public procurement units and open-ended purchasing agency contracts which are made available to local public procurement units.
5. **Recycle Preferences:** 5% price preference to materials with minimum recycled content
 - a. **PA Act 101 of 1988 section 1505 (b)**→ Every bidder for the purchase of goods, supplies, equipment, materials and printing which certifies that the goods, supplies, equipment, materials and printing subject to the bid contain the minimum percentage of recycled content that is set forth in the invitation for bids shall be granted a preference equal to 5% of the bid amount against any bidder that has not so certified. The Department of General Services shall waive this requirement for paper products purchased for State-owned hospitals

- b. **PA Act 101 of 1988 section 1505 (c)** → Ties.-- When there is a tie for lowest responsible bidder, the Department of General Services may consider, as one factor in determining to whom to award the contract, which of the bids provides for the greatest weight of recycled content in the goods, supplies, equipment, materials or printing, or such other measure of recycled content as may be set forth in the invitation for bids

<http://www2.legis.state.pa.us/WU01/LI/BI/BT/1987/0/SB0528P2325.pdf>

6. **Minority/Small/Disadvantaged Business Enterprise preferences:** None.

- a. **PA Proc. Code §2101.** → The policy of this Commonwealth is to assist small and disadvantaged businesses in learning how to do business with Commonwealth agencies. The department shall implement this policy in accordance with regulations promulgated by the department.

7. **Cooperative Purchasing**

National IPA

The City of Tucson, AZ has awarded a national cooperative purchasing agreement available to agencies through National Intergovernmental Purchasing Alliance (National IPA). Visit the National IPA website for state specific information

<http://www.nationalipa.org/statutes.html>

National Joint Powers Alliance (NJPA)

NJPA currently supports over 100 national contracts for products and services that are available to local governmental agencies and other not for profit entities. Additional information can be found by visiting NJPA's State Procurement Resources web site.

<http://www.njpacoop.org/national-cooperative-contract-solutions/legal-authority/>

*****Pennsylvania Procurement Code:**

http://www.portal.state.pa.us/portal/server.pt/community/procurement_handbook/14304

*****Pennsylvania Act 101 of 1988:**

<http://www2.legis.state.pa.us/WU01/LI/BI/BT/1987/0/SB0528P2325.pdf>