

State of Wisconsin
Department of Administration

State Bureau of Procurement
Vendors' Guide

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OVERVIEW

This guide is intended to assist companies interested in doing business with the State of Wisconsin and will help to ensure mutually beneficial contractor/purchasing agent relationships. Throughout this document, the term “bidder” will be used frequently to describe a person or company who has submitted a response to a Request for Bids (RFB) or Request for Proposals (RFP).

Please note that State employees are subject to a very strict code of ethics and may not accept personal gratuities or associate with a bidder or vendor for personal gain. Please help us by not sending gifts or offering to take a representative out to lunch.

TIPS FOR DOING BUSINESS WITH THE STATE OF WISCONSIN

Whether you are responding to an RFB or RFP, we recommend that you:

- Read the documents carefully to understand the State’s requirements.
- Take advantage of question and answer opportunities.
- Communicate only with the designated contact for the RFX, typically only in writing.
- Monitor the RFX posting while it is open/active to ensure you receive and understand any amendments or other changes made to the event up to the due date.
- Follow the instructions carefully and do not substitute your own materials in lieu of what is being asked so that procuring agencies are able to do apples-to-apples comparisons of bids and proposals.
- Do not alter any of the forms or the price sheet unless the bid expressly allows such alterations (e.g., allowing bidders to add more rows to a price sheet) as price/cost sheets are created to solicit pricing in an equitable manner.
- Review the terms and conditions, as they will be part of the final contract with a successful bidder.
- Complete all the required forms so the procuring agency can promptly review responsive bids.

STATE PROCUREMENT

What does the State buy?

The State of Wisconsin operates buildings, institutions, offices, university facilities, parks, forests, farms, and care and truck fleets. To do this, the State looks to various vendors to provide a variety of services, commodities, and capital equipment. While a complete list of items purchased by the State would be too lengthy to list here, some of the types of services and commodities:

Services

- | | | | |
|---------------|---------------------------------|-----------------|------------------------|
| • Accounting | • Architectural & Engineering | • Entertainment | • Legal |
| • Advertising | • Consulting | • Financial | • Medical & Scientific |
| • Appraisals | • Elevator Maintenance & Repair | • IT | • Security Guard |
| | | • Janitorial | • Vending |

Commodities

- Agricultural & Horticultural
- Building & Construction
- Clothing & Accessories
- Drafting & Surveying
- Drugs & Chemicals
- Food
- Footwear
- Furniture & Furnishings
- Hand and Power Tools
- Laboratory
- Medical
- Motor Vehicle & Transportation
- Office Machines
- Personal Care Products & Toiletry

From whom does the State purchase?

Every year agencies, institutions, and campuses make purchases totaling over \$1 billion. Some of these purchases are made from private companies and are low dollar orders and many are from small businesses.

How is State purchasing governed?

State laws place the responsibility for all State purchasing with the Department of Administration's State Bureau of Procurement (SBOP) and grants them the authority to delegate this responsibility to State agencies. Purchasing offices are located throughout the state.

Wisconsin procurement statutes provide a framework for the policies and procedures used by State agencies and campuses to acquire commodities and services needed for day-to-day operations. State procurement laws and policies are established as follows:

- §16.70-16.78 of the Wisconsin Statutes applies to all general purchasing of commodities and services by agencies and campuses,
- ADM 5-11 and 50 of the Wisconsin Administrative Code define purchasing and competitive bidding policies, and
- The State Procurement Manual sets forth detailed procurement policies and procedures and is available online via the SBOP and VendorNet websites.

Why does the State use the procurement process?

State laws require the use of the bid process whenever possible because it promotes free and open competition while allowing the State to pay the best price for an appropriate product. This is accomplished by awarding the solicitation to the lowest responsible bidder.

What is a responsible bidder?

The State ensures its needs are met by awarding to a responsible bidder who submits the lowest bid. The concept of the *lowest responsible bidder* includes the understanding of two terms: *responsible* and *responsive*.

The State uses the term *responsible* in reference to a bidder's integrity and reliability. Bidders who have the structure and ability to perform as promised and to stand behind what they deliver to the State are responsible bidders. The term *responsive* refers to the bidder's ability to meet the specifications of the contract.

Here are the criteria used to determine if a bidder is responsible and responsive:

- The financial ability to provide the service or complete the contract;
- The skill, judgment, experience, and resources to capably provide the service or complete the contract;
- The necessary facilities, staff, personnel, and equipment to provide the service or complete the contract;
- The demonstrated ability to satisfactorily perform the work in a prompt and conscientious manner; and

- The demonstrated ability to comply in situations where the award is contingent on special considerations subject to the nature of the service or contract.

Are there any other factors that come into consideration when determining who the State is able to contract with?

Agencies and campuses may not contract with vendors that the Department of Revenue has identified as failing to collect and remit Wisconsin sales or use taxes.

Is the procurement process complicated?

The State of Wisconsin adjusts its bid levels according to what is allowed by the law. Agencies make special efforts to award to small businesses, veteran-owned businesses, disabled veteran-owned businesses, minority businesses, and work centers.

- *Purchases of \$5,000 or less* – Purchases may be made from vendors who, according to the best judgment of the purchasing agent, can supply the item of appropriate quality at a reasonable price.
- *Purchases over \$5,000 through \$50,000* – The purchasing agent compares bids from a minimum of three bidders whenever possible from price lists, quotes on file, phone or verbal quotes, or written bids. The low bid price should be confirmed in writing by the vendor.
- *Over \$50,000* – At this level, a formal process is used. Solicitations are advertised on the State of Wisconsin's Public Notices website (<https://PublicNotices.wi.gov>) and are posted on VendorNet (<https://VendorNet.wi.gov>) and eSupplier (<https://eSupplier.wi.gov>).

What if there is only one source for a product or service?

Sole source negotiation (also called "non-competitive" negotiation) is the process that may be used to purchase a product or service that can be obtained only from one source. The agency must demonstrate, and the State Bureau of Procurement must concur, that only one source exists, that the price is equitable, and/or that non-competitive negotiation is in the best interests of the State. Additionally, sole source requests over \$25,000 must be approved by the Governor.

Does the State consider value or just cost?

Competitive negotiation, or the request for proposal (RFP) process, is used for soliciting proposals where an award cannot be made strictly on specifications or price and several firms are qualified to furnish the product or service. However, price is always factored into the decision.

Are there any commodities or services that are handled differently?

Construction, Architectural, and Engineering Services: Architectural and engineering contracts differ from contractual services in that they are considered construction and are procured according to construction rules and regulations. All new construction, remodeling, and additions for State agencies and the University of Wisconsin System are administered by the Department of Administration's Division of Facilities Development.

Contractual Services: Contractual services are most commonly purchased by using the RFP process, although the RFB process can be appropriate as well. Agencies must justify that it is more economical and efficient to contract for the service than to use State employees.

Printing: The Wisconsin State Constitution requires that all printing for the State of Wisconsin be awarded on the basis of low bid, regardless of dollar amount. Therefore, RFP and sole source negotiations do not apply to printing. In addition, the bidder preference will not be considered from a minority or disabled veteran-owned business on a printing or stationery procurement.

How are solicitations awarded?

Provided the bid response meets all specifications and requirements, an RFB will be awarded to the lowest responsible bidder, with considerations made for price, responsibility, qualification, and capability of the bidder; the availability of funds; and all other relevant factors.

- When life cycle costs are considered, the bid selected may not be the lowest initial cost bidder.
- Certified minority-owned business enterprises and disabled veteran-owned businesses may be given a 5% preference (excludes bids for printing).
- Printing bids are awarded based on the lowest costs.

For a request for proposal, an evaluation committee reviews the proposals and scores each according to the criteria established in the RFP. Awards are made based on total score.

What is the Wisconsin Supplier Diversity program?

The Wisconsin Supplier Diversity Program was created in 1983 when the Legislature passed Wisconsin Act 390 that set a 5% participation goal for State agencies and University of Wisconsin campuses for the purchases of goods and services with certified minority businesses enterprises (MBEs). The Act also established a permissive 5% bid preference for certified MBE firms responding to bids for State contracts.

In 2010, the Legislature enacted Wisconsin Act 299 that provided a participation goal of a portion of State contracts for disabled veteran-owned businesses (DVBs) certified by the State of Wisconsin. It also provided a permissive 5% bid preference to such firms. In 2014, the Legislature enacted an amendment under 2013 Wisconsin Act 192 to establish a 1% goal for DVBs.

The 5% expenditure goals apply to all State purchases with the exception of the Department of Transportation (DOT) Federal Surface Transportation Assistance Act and the Department of Natural Resources Environmental Protection Agency (EPA) funds. In addition, the Supplier Diversity Program offers certification for women-owned businesses; however, statutes do not provide a goal or price preference for women-owned businesses participating in State purchasing.

MBEs and DVBs compete for state contracts on the same basis as all other vendors. However, Wisconsin Statute §16.75(3m)(b)(3) requires State agencies to make awards to an MBE or DVB "submitting the lowest qualified responsible competitive bid when the bid is not more than 5% higher than the apparent low bid or competitive proposal that is no more than 5% lower than the most advantageous proposal."

More information about becoming certified with the Supplier Diversity Program can be found at <http://doa.wi.gov/Divisions/Enterprise-Operations/Supplier-Diversity-Program>.

Are there affirmative action requirements for vendors?

Contracts estimated to be over \$50,000 require the contractor to submit a written affirmative action plan. The contractor may be exempt from this requirement if their workforce has fewer than 50 employees. Technical assistance in writing an affirmative action plan is available from the contracting State agency.

What is the State's non-discrimination policy?

The State of Wisconsin maintains non-discriminatory provisions in all contracts with suppliers or vendors which prohibit discrimination in employment by its vendors. The non-discrimination provision states, "In connection with the performance of work under this contract, the vendor agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability..., sexual orientation..., or national origin."

RESPONDING TO A SOLICITATION

Doing Business with the State of Wisconsin: Getting Started

Companies interested in doing business with the State will need to register on the eSupplier Portal for Bidders (<https://eSupplier.wi.gov>). Registration on eSupplier is available free of charge to all businesses and organizations that want to sell to the State. To register, you will need to complete the following steps:

- Go to <https://eSupplier.wi.gov> and click **Enter Bidder Site**.
- If you don't already have one, click the link to **Create a WAMS ID**, fill out the form, and click the link in the WAMS ID verification email you receive.
- Return to <https://eSupplier.wi.gov>, click **Enter Bidder Site**, and login with your WAMS ID and password.
- Complete the registration process by clicking **Register** and filling out the required information.
- Return to the eSupplier Bidder Homepage and click **My NIGP Codes** to search and select the codes that match the commodities or services your company provides.

Once you've registered and have entered the appropriate NIGP codes, you will begin to receive automatic emails notifying you of new solicitations with State agencies, the University of Wisconsin System, and municipalities that match the codes you've selected. All solicitations will also be posted on the Public Notices website (<https://PublicNotices.wi.gov>) and on VendorNet (<https://VendorNet.wi.gov>).

Registration allows a vendor to:

- Register for a bidders list for commodities/services that the vendor wants to sell to the State.
- Receive an automatic email notification each time a State agency, including the University of Wisconsin System campuses, posts an RFB or an RFP with an estimated value over \$50,000 in their designated commodity/service area(s).
- Receive an email notification of addendums/amendments relative to the solicitation.

To respond to a solicitation from a State agency, simply login to eSupplier, review the solicitation, and submit your responses electronically within the system. To respond to a solicitation from a UW System campus or municipality, go to VendorNet (<https://VendorNet.wi.gov>) to view the solicitation and follow the directions within the document to submit your response.

Can I get automatically notified of future solicitations?

By registering on eSupplier and assigning NIGP codes to your account, you will be notified of any newly posted solicitation matching your NIGP codes. Only vendors registered with a valid email address at the time the solicitation is posted will receive email notifications of addendums or amendments. Vendors who obtain the solicitation from a third party, through the Public Notices website, or other means assume responsibility for checking for updates to the solicitation.

How do I find out what solicitations are currently available?

You can find current solicitations a variety of ways:

- eSupplier (<https://eSupplier.wi.gov>): On eSupplier, you can view current solicitations on the Bidder Homepage in the center column. If you are logged in, it will display the solicitations matching your selected NIGP codes by default. If you're not logged in, it will display the most recent solicitations entered into the system by default. To see all solicitations, click the "Search Solicitations" button.
- VendorNet (<https://VendorNet.wi.gov>): In VendorNet, clicking on "Bids" in the top menu will take you to the search screen. From here you can search by a variety of topics, such as keyword, number, agency, and NIGP code. If you'd like to include solicitations hosted in eSupplier, click the "Include eSupplier" filter.
- Public Notices (<https://PublicNotices.wi.gov>): In Public Notices, you can click on "Search Notices" on the menu on the left. From the search screen, you can search by a variety of topics, including keyword, category ("Procurement"), and region.

How do I respond to a solicitation?

Each solicitation will give instructions for submitting responses within the main document. In both eSupplier and VendorNet, once you've searched for and found a solicitation you're interested in submitting a response to, you can access the main document by clicking on the Solicitation Reference Number in the search results. When you do this in eSupplier, a new window will open and you can click on the file folder icon labeled "Main Document" or "All Documents" to download the respective files. In VendorNet, you will be taken to a new page and will need to scroll down to the "Documents" section.

With eSupplier, you will be able to respond to solicitations electronically. To submit responses for solicitations outside of eSupplier, bidders must ensure that responses to solicitations are sealed prior to delivery to the procuring agency.

What if my response is late?

Late responses will not be accepted. It is the bidder's responsibility to ensure that a response is received by the procuring agency at or prior to the time and date specified. Late responses will be rejected unopened, regardless of the degree of lateness or the reasons for lateness, including reasons beyond the control of the bidder. Limited exception may apply to bids affected by a system disruption to the eSupplier Portal. The State has published a policy bulletin related to these cases, [PIM 17-003: Receipt of Late Electronic Bids, Proxy Bid Entry](#).

Who do I contact if I have an issue with eSupplier?

The easy reference, the eSupplier Help Desk information is listed on the bottom left corner of the Bidder Homepage in eSupplier. For technical questions about the eSupplier system, you will need to contact the STAR Support Team at

STARSupport@wisconsin.gov or (844) 947-7827. For questions about procurement in general, you can contact the State Bureau of Procurement by email at doawispro@wisconsin.gov or by phone at (800) 482-7813 (U.S. only) or (608) 264-7897.

Who do I contact if I have a question about a solicitation?

Questions concerning solicitations should be directed to the purchasing agent whose name and telephone number appear on the document. Please specify the solicitation number and opening date when contacting this person.

May I demonstrate my product or service?

The State recognizes the value that a demonstration of products and services can provide. However, to ensure proper testing and valid evaluation, bidders are required to obtain prior approval for demonstrations from the procuring agency.

Will early payment discounts be included in the evaluation of my submission?

Except in the case of a tied bid, early payment discounts are not considered when reviewing bids.

What is the policy on used equipment and trade-ins?

Supplies and equipment offered and furnished must be new and of current production, unless the solicitation specifically permits the offer of used items. Remanufactured or reconstructed items are not considered new. The State may publish a solicitation for new equipment employing trade-ins or used equipment. In such cases, two price quotations will typically be requested: one including the value of trade-in equipment and one excluding consideration of the trade-in equipment. The State reserves the right to purchase equipment with or without the trade-in.

What can I do if I discover an error in my RFB or RFP response?

A bidder may withdraw their submission at any time prior to the opening of the solicitation. A bidder may modify their submission and resubmit it to the procuring agency before the due date and time of the solicitation.

Can I withdraw my submission after the closing date?

Work with the designated purchasing agent for the solicitation to discuss your intent to withdraw from the competitive process.

May I attend the opening of the RFBs or RFPs?

For RFBs, a public opening will be held; for RFPs, a public opening may (but is not required to be) held.

Bidders and the public are invited but are not required to attend a formal opening. Other than attending and taking notes, no activity on the part of bidders is permitted at an opening. Any attempt to qualify or change any solicitation by any bidder in attendance may result in the rejection of the solicitation. Prices may be read aloud to the public when practical. No decisions related to an award of a contract or purchase order will be made at the opening.

Bids and tabulation sheets are kept by the procuring agency for a period of time established by regulation or statute after the award is made. These documents are available for inspection by contacting the procuring agency.

What happens to provided samples or literature after an award has been made?

Samples or descriptive literature required for the solicitation request must be provided free of charge. Samples which are not destroyed by testing will be returned at the bidder's request and expense. Samples submitted by successful bidders may be kept for the duration of the contract for comparison with products received.

How do I find out who won the contract?

Contact the purchasing agent for the solicitation to request an appointment to review bid files or to request copies of documents associated with an awarded solicitation.

Is there an appeals process?

Yes, but only for procurements for contractual services over \$50,000. Such challenges must be made in writing to the procuring agency head, detailing the specific nature of the complaint or objection and identifying the alleged violation of a Wisconsin Statute or a provision of a Wisconsin Administrative Code.

AFTER BEING AWARDED A CONTRACT

How should a product be packaged?

Packaging must conform to the award standard acceptable to the trade. A packing slip or invoice which states the purchase order number must accompany all shipments.

What are the State's inspection procedures?

Materials, equipment, and supplies are subject to inspections and tests. Items that do not meet specifications will be rejected.

May I substitute my product?

Substitution is defined as the shipment of an item that conforms to the specifications, but is technically different from the item specified in the solicitation. Substitution requires approval from the procuring agency prior to shipment. Products delivered that do not meet the specifications will be returned to the vendor at the vendor's expense. When a product is returned, the vendor must replace it with an acceptable item or the State may seek remedies for default.

What if something is back-ordered?

If it is necessary to back-order items, the vendor should notify the procuring agency and inform them of the expected delivery date. If that date is unacceptable, the State may seek remedies for default.

What are the consequences of defaulting?

In case of default by the vendor, the State may procure the product or service from other sources and hold the vendor responsible for any damages incurred, including, but not limited to, excess cost or handling charges.

What is the payment process?

After delivery of products or services ordered, the vendor must submit an invoice for payment to the agency specified on the purchase order. Vendors can expedite payment by preparing and mailing the invoice in strict accordance with the instructions given on the purchase order. For large orders requiring partial or periodical deliveries, separate invoices

may be submitted for each delivery.

When merchandise is received, it is inspected and a receiving report may be prepared. The receiving report is then compared with the vendor's invoice and the order form. If all the documents are in order, a payment request is submitted and a check is issued.

If no dispute exists, the law requires the State of Wisconsin to pay invoices within 30 days of the receipt of a properly completed invoice or receipt and acceptance of the product or service, whichever is later. If an agency does not pay on time, a vendor can request that the agency pay interest on the balance due from the 31st day.

Can the State withhold payment for any reason?

Vendors who have a delinquent tax liability may have their payments from the State withheld and applied toward their tax delinquency by the State of Wisconsin.



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