



**Department of General Services
Procurement Division**

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**TO: Purchasing Authority Contacts (PACs)
Procurement and Contracting Officers (PCOs)**

RE: Bidder Instructions/General Provisions - Revised April 2004

The Bidder Instructions, revised April 30, 2004 and the General Provisions for both non-information technology (IT) goods and IT goods and services, revised April 26, 2004 have been updated to include recent implemented statutory changes and are available at the following Procurement Division (PD) web sites:

- [Access Bidder Instructions \(GSPD-451\) here](#)
- [Access Non-IT Goods General Provisions \(GSPD-401 Non-IT Commodities\) and IT goods and services \(GSPD-401 IT\) here](#)

All departments granted purchasing authority by DGS/PD for non-IT goods and/or IT goods and services must immediately incorporate the revised Bidder Instructions and applicable General Provisions into all new and in-progress solicitations.

DGS/PD will incorporate the revised General Provisions into existing and/or new Leveraged Procurement Agreements (LPAs) as applicable to their programs. Departments should review the following considerations when executing LPA transactions:

Use Tax Collection (non-IT - Paragraph 53, IT - Paragraph 57): The General Provisions language has been developed to require the Contractor to certify its compliance with statute and advise the State of any change in the status of its compliance, thereby alleviating the need for users to require a certification each time an order is placed against the LPA. Further, it should be noted that this statute does not apply to non-taxable items such as food.

Electronic Waste Recycling Act of 2003 (non-IT - Paragraph 52, IT - Paragraph 56): The General Provisions language has been developed to require the Contractor to certify its compliance with statute. There are many products/services provided that are not subject to this Act. If the contractor contends that this particular Provision is not

applicable, he/she must demonstrate that the Act is inapplicable to all lines of business engaged by the supplier (or related agents, subsidiaries, partners, joint ventures, and sub-contractors). This "demonstration" should be required for each order placed against the LPA as LPAs are subject to products/services being added and while the initial LPA may not offer the Act-defined products/services, they may be available on the LPA at a later date.

Sweat free Code of Conduct (non-IT - Paragraph 47, IT - Paragraph 51): Note that with regard to "services" in this Provision, "services" applies only to the "laundering" of garments, apparel or accessories; it does not apply to IT services, non-IT services, or consulting services.

Departments are reminded that the State's model Bidder Instructions and General Provisions have been developed to protect the State's interests, and as such, modifications to this language are prohibited unless approved by the DGS/PD Contract Negotiations Manager. Departments are also reminded that any requests to modify language must be coordinated through the Purchasing Authority Management Section (PAMS).

Questions or concerns regarding this notification should be addressed to:

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