

751—5.2(8D) Methods of procurement.

5.2(1) *Informal competition.* For procurements requiring informal competition under paragraph 5.1(1) “b”:

- a. The commission shall attempt to solicit quotes or proposals from at least three qualified vendors.
- b. The solicitation may be conducted via electronic mail or telephone.
- c. Public notice is not required.

5.2(2) *Formal competition.* For procurements requiring formal competition under paragraph 5.1(1) “c”:

a. *Notice.* The commission shall also comply with legal requirements for notifying targeted small businesses. Notice of the solicitation shall be posted on the state’s centralized bidding website or the commission’s website not less than ten days prior to the submission deadline.

b. *Evaluation.*

(1) When an Invitation to Bid is used, the contract shall be awarded to the lowest cost responsible bidder who meets the specifications.

(2) When a Request for Proposals is used, the contract shall be awarded to the vendor offering the best value based on the evaluation criteria identified in the solicitation.

c. *Negotiation.* The commission reserves the right to negotiate with the highest-ranked vendor or request a best and final offer (BAFO) from finalists.

5.2(3) *Auctions.* The commission may purchase goods or services through:

- a. Electronic auctions, including reverse auctions where vendors bid down the price in real time.
- b. Standard auctions, when purchasing new or used equipment or materials, provided the auction is conducted by a reputable organization.

5.2(4) *Purchasing cooperatives and consortiums.* The commission may join public or private purchasing cooperatives or consortiums to reduce costs for the network and authorized users. The commission may purchase goods and services through these entities without conducting a separate competitive bidding process, provided the cooperative or consortium utilized a competitive procurement procedure.

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