



State of Georgia  
Department of Administrative Services  
State Purchasing Division

Official Announcement #18-04

FROM: Lisa Eason, Deputy Commissioner, DOAS 

DATE: May 18, 2018

TO: State of Georgia Procurement Professionals

RE: **Revised Georgia Procurement Manual**

The State Purchasing Division (SPD) is pleased to announce updates to the [Georgia Procurement Manual \(GPM\)](#) as outlined below and the attached Summary of GPM Changes Table. All revisions are effective as of the issue date of this Official Announcement unless otherwise stated within the Summary Table.

1. **Incorporate New Automated Processes:** SPD recently automated the submission process for [Statewide Contract Waiver Requests](#) and [Supplier Performance Reports](#). The updated GPM includes links to the new online tools. References to the paper forms have been removed.
2. **Update Sole Source Posting Process:** The revised GPM incorporates the recent update to the Georgia Procurement Registry (GPR) for sole source postings to eliminate the need for the separate sole source justification form.
3. **Revise Supplier Protest Procedures:** SPD has revised the supplier protest procedures. A courtesy notice has been included in updated versions of the Notice of Intent to Award (SPD-AP004) and Notice of Award (SPD-AP005). Please use these updated versions effective May 18, 2018.
4. **Update Definition of Public Works:** The updated GPM references the most recent [Attorney General memo](#) clarifying the definition of public works contracts (which are exempt from the State Purchasing Act for the University System of Georgia, Department of Transportation, Georgia Public Telecommunications Commission and public authorities).
5. **Incorporate Anti-Boycott, Divestment and Sanctions Campaign against Israel (Anti-BDS) Legislation:** The revised GPM includes the requirement to obtain a supplier's certification of compliance with the Anti-BDS legislation, which was previously implemented through [Official Announcement #01-17](#).
6. **Conduct General Clean-Up:** SPD has updated the Title Page and Signature Page, corrected certain typographical errors and repaired broken web links.

SPD will conduct webinars to review these changes. Please distribute this Official Announcement internally. For any questions related to this Official Announcement, please contact SPD at [processimprovement@doas.ga.gov](mailto:processimprovement@doas.ga.gov).



## Summary of Georgia Procurement Manual (GPM) Changes May 18, 2018

**NOTE:** This table summarizes changes to the GPM. Please reference the [GPM](#) for the official version of the Department of Administrative Services (DOAS) State Purchasing Division (SPD) policy.

GPM Section	Description of Change
<b>Cover and Signature Pages</b>	
Updated release date and Commissioner signature line	
<b>Chapter 1: Stage 1 – Need Identification</b>	
Table 1.1 Referenced Official Forms	Deleted reference to SPD-NI005 Statewide Contract Waiver Request and inserted reference to new automated submission process.
Section 1.3.1.1. Waivers	<ul style="list-style-type: none"> <li>• Deleted reference to SPD-NI005 Statewide Contract Waiver Request form</li> <li>• Revised <u>Item 1</u> to read as follows: “The online Statewide Contract Waiver Request must be completed and submitted through SPD’s online tool by the APO/CUPO or another staff member with the APO/CUPO’s approval.”</li> <li>• Revised <u>Item 3</u> to read as follows: “In the event SPD grants the waiver, the waiver must be maintained as part of the state entity’s procurement file. Waivers to mandatory statewide contracts do not relieve the state entities of any bidding requirements and the state entity must comply with all stipulations included within SPD’s approved waiver. The waiver process is not applicable to convenience statewide contracts.”</li> </ul>

<b>GPM Section</b>	<b>Description of Change</b>
Section 1.3.6.1. Construction or Public Works	<ul style="list-style-type: none"> <li>• In first paragraph, added the following sentence: “For purposes of Table 1.3 Select Exemptions from the State Purchasing Act, public works contracts also include contracts for landscape maintenance and cleaning services.”</li> <li>• In first paragraph, revised last sentence to read as follows: “For additional information regarding the definition of public works contracts, please access <a href="#">Attorney General's Informal Advice Letter of April 25, 2017.</a>”</li> </ul>
<b>Chapter 2: Stage 2 – Pre-Solicitation</b>	
Table 2.1 Referenced Official Forms	Deleted reference to SPD-PS020 Sole-Source Intent to Award Justification
Table 2.6 Conducting a Sole Source Purchase	<ul style="list-style-type: none"> <li>• Revised “Step 2: Prepare Sole Source Justification” to read as follows: “The procurement professional must develop written justification for the proposed sole source to be posted with the public notice on the Georgia Procurement Registry.”</li> <li>• Revised “Step 3: Estimate Expected Contract Value and Route to SPD as needed”, Subsection B to read as follows: <ul style="list-style-type: none"> <li>b. If the value of the sole source purchase amounts to \$500,000 or greater, the GPR system will route the proposed sole source to the Agency Sourcing Division for review prior to posting. A determination by the Agency Sourcing Division will be sent to the state entity upon completion of review.</li> </ul> </li> <li>• Revised “Step 4: Post Public Notice” to delete the following: (mandated by Georgia law)</li> <li>• Revised “Step 5: Invite Market Response” to remove reference to SPD-PS020 Sole Source Intent to Award Justification Form in 4<sup>th</sup> bullet. Revised bullet reads as follows: <ul style="list-style-type: none"> <li>○ Justification for the sole source and</li> </ul> </li> </ul>
Table 2.7 Sole Source Sample Notice	Deleted “in the attached Sole-Source Justification Form” and replaced with “in the sole source notice.”
<b>Chapter 3: Stage 3 – Solicitation Preparation</b>	
Section 3.5.1.7. Anti-Boycott of Israel (NEW)	Added New Section:  <b>Section 3.5.1.7. Anti-Boycott of Israel</b>

GPM Section	Description of Change		
	<p>A state entity shall not enter into a contract with an individual or company if the contract is related to construction or the provision of services, supplies, or information technology unless the contract includes a written certification that such individual or company is not currently engaged in, and agrees for the duration of the contract not to engage in, a boycott of Israel:  “Contractor certifies that Contractor is not currently engaged in, and agrees for the duration of the contract not to engage in, a boycott of Israel, as defined in O.C.G.A. Section 50-5-85.”  In accordance with O.C.G.A. Section 50-5-85, this requirement shall not apply to contracts with a total value of less than \$1,000.00.</p> <p><b>EFFECTIVE:</b> July 1, 2016  See Official <a href="#">Announcement #01-17</a> dated July 26, 2016</p>		
<b>Chapter 5: Stage 5 – Evaluation Process</b>			
<p>Section 5.6.2.3. General Checklist for Evaluating Solicitations, Table 5.5</p>	<p>Added New Step #13 to existing table as follows:</p> <table border="1" data-bbox="667 675 1906 878"> <tr> <td data-bbox="667 675 1289 878"> <p>13. For all contract awards of \$1,000.00 or more, supplier certifies that it is not currently engaged in, and agrees for the duration of the contract not to engage in, a boycott of Israel, as defined in O.C.G.A. Section 50-5-85.</p> </td> <td data-bbox="1289 675 1906 878"> <p>Failed Contract Discussions</p> </td> </tr> </table> <p><b>EFFECTIVE:</b> July 1, 2016  See Official <a href="#">Announcement #01-17</a> dated July 26, 2016</p>	<p>13. For all contract awards of \$1,000.00 or more, supplier certifies that it is not currently engaged in, and agrees for the duration of the contract not to engage in, a boycott of Israel, as defined in O.C.G.A. Section 50-5-85.</p>	<p>Failed Contract Discussions</p>
<p>13. For all contract awards of \$1,000.00 or more, supplier certifies that it is not currently engaged in, and agrees for the duration of the contract not to engage in, a boycott of Israel, as defined in O.C.G.A. Section 50-5-85.</p>	<p>Failed Contract Discussions</p>		
<b>Chapter 6: Stage 6 – Award Process</b>			
<p>6.5. Step 4 – Supplier Participates in Protest Process</p>	<p>Revised <b>Section 6.5. “Step 4 – Supplier Participates in Protest Process”</b> to read as follows:</p> <p>“An interested supplier may file a written protest challenging a state entity’s compliance with applicable procurement procedures subject to the interested supplier’s compliance with the provisions of this section and subsections. An “interested supplier” is defined as an actual or prospective bidder or offeror with a direct economic interest in the procurement. In challenges relating to the evaluation of bids and proposals and the award of contracts, this generally means a bidder or offeror that would potentially be in line for award if the protest were sustained. Protests must demonstrate a reasonable possibility of competitive prejudice; in effect, but for the state entity’s actions, the protesting party would have had a substantial chance of receiving an award. The presence of multiple nonmaterial issues in a solicitation or award does not constitute a material issue unless the interested party can establish that those nonmaterial issues together would</p>		

GPM Section	Description of Change
	<p>prejudice the outcome of the procurement. Protests will be resolved in accordance with the following subsections.</p> <p>The following general principles shall apply in the review of protests:</p> <ul style="list-style-type: none"> <li>• The standard for reviewing the evaluation of proposals is one of deference to any reasonable judgment of the evaluation team. A protesting party’s simple disagreement with the evaluation team provides no basis for reversing the evaluation team’s allocation of points.</li> <li>• Governmental officials and state entities are presumed to act in good faith, and a protester’s contention that procurement officials, including but not limited to procurement personnel and evaluation team members, are motivated by bias or bad faith must be supported by convincing proof.</li> <li>• The composition of an evaluation team is a matter in which the procuring entity maintains great discretion. The qualifications or the composition of an evaluation team may not be questioned unless the protester provides convincing proof of bad faith, conflict of interest, or actual bias.</li> <li>• The manner and depth of a state entity’s price analysis is a matter within the sound exercise of the state entity’s discretion. Interested suppliers may not challenge the realism of a potential awardee’s price, such as arguing that whether a supplier’s price is so low that it reflects a lack of understanding of the state entity’s requirements or creates a risk of unsuccessful performance.</li> <li>• State entities maintain discretion in establishing their requirements, but only to the extent that such requirements are not overly restrictive.</li> <li>• Patent ambiguities must be challenged prior to close of the solicitation. A supplier who chooses to compete under a patently ambiguous solicitation does so at its own peril and cannot later complain when the state entity proceeds in a manner inconsistent with one of the possible interpretations.”</li> </ul> <p><b>EFFECTIVE:</b> All protests filed on or after May 18, 2018</p>
Section 6.5.1. Types of Challenges	Revised <b>Section 6.5.1 “Types of Challenges”</b> as follows:

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	<ul style="list-style-type: none"> <li>• Revised first sentence to read as follows: “There are numerous different challenges an interested supplier may make; however, the types of challenges are generally organized as follows:”</li> <li>• Replaced references to “aggrieved supplier” with “interested supplier”</li> <li>• Added the following new language: “DOAS does not maintain statutory authority to consider protests relating to procurements conducted by the following entities: <ul style="list-style-type: none"> <li>• University System of Georgia including colleges and universities regarding public works.</li> <li>• Georgia Department of Transportation regarding construction, public works, and services ancillary to the construction and maintenance of public roads.</li> <li>• Certain government authorities such as the Georgia Technology Authority (GTA).</li> <li>• Local governmental entities, community service boards, local boards of public health, local boards of education, Regional Educational Service Agencies, state authorities, or the federal government.”</li> </ul> </li> </ul>
<p>Section 6.5.2. Determinations of Responsibility (NEW)</p>	<p>Inserted the following new section:</p> <p><b>6.5.2. Determinations of Responsibility</b>  “Affirmative determinations of responsibility by a state entity are subject to protest only in the following circumstances:</p> <ul style="list-style-type: none"> <li>• Challenges alleging that definitive responsibility criteria contained in the solicitation were not met.</li> <li>• Challenges identifying significant evidence that a state entity failed to consider available relevant information that, by its nature, would be expected to have strong bearing on whether the apparent successful supplier should be found responsible. The information in question must concern serious matters that call into question the supplier’s capability or qualification to contract with the state, such as allegations of fraud or other potential criminal activity.</li> </ul> <p>In making a negative responsibility determination (a determination that a supplier is nonresponsible), a state entity is vested with a wide degree of discretion and, of necessity, must rely upon business judgment in exercising that discretion. Although the determination must be factually supported and made in good faith, the ultimate decision appropriately is left to the state entity, since the state entity must bear the effects of any difficulties experienced in obtaining the required performance. For these reasons, DOAS generally will not question a negative</p>

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	<p>determination of responsibility unless the protester can demonstrate bad faith on the part of the state entity or a lack of any reasonable basis for the determination.”</p> <p><b>EFFECTIVE:</b> All protests filed on or after May 18, 2018</p>
<p>Section 6.5.3. Protests involving ability of a supplier to submit a timely bid or proposal (NEW)</p>	<p>Inserted the following new section:</p> <p><b>Section 6.5.3. Protests involving ability of a supplier to submit a timely bid or proposal</b>  “A bid or proposal that is received after the exact time specified in the solicitation is considered to be late and generally will not be considered by a state entity. Suppliers are responsible in all respects for timely submission of bids and proposals. A supplier’s protest relating to ability to submit a timely bid utilizing the state’s electronic bidding system will not be sustained unless DOAS’s technical review of the electronic bidding system specifically identifies a system functionality error that prevented submission of supplier’s response within two hours prior to close of a solicitation. Increased processing time is not considered to be a system functionality error.”</p> <p><b>EFFECTIVE:</b> All protests filed on or after May 18, 2018</p>
<p>Section 6.5.4. Sole Source Challenges (NEW)</p>	<p>Inserted the following new section:</p> <p><b>6.5.4. Sole Source Challenges</b>  “Upon initial receipt of a timely-filed protest regarding a sole source, DOAS will forward such protest to the APO/CUPO for initial consideration. During the consideration of the sole source protest, the APO/CUPO may provide additional information to the supplier regarding the goods/services that the state entity is seeking to procure and/or request additional information from the supplier in order to understand whether the protesting party is able to meet the state entity’s requirements. Sole source challenges can be resolved at any time by either 1) the APO/CUPO contacting DOAS and providing notification of the cancellation of the sole source or 2) the protesting party submitting a written request to withdraw its protest to DOAS. In the event the APO/CUPO determines that the protest will not be resolved by cancellation or withdrawal, the APO/CUPO will notify DOAS that review of the protest by the Deputy Commissioner of State Purchasing is required. Such notification shall be sent by the APO/CUPO to <a href="mailto:protests@doas.ga.gov">protests@doas.ga.gov</a>.”</p> <p><b>EFFECTIVE:</b> All protests filed on or after May 18, 2018</p>
<p>Section 6.5.5. Form of Protest</p>	<ul style="list-style-type: none"> <li>• Previously Section 6.5.2; Renumbered as Section 6.5.5</li> </ul>

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	<ul style="list-style-type: none"> <li>In 4<sup>th</sup> bullet, replaced “when” with “within”</li> <li>Revised first sentence of 2nd paragraph to read as follows: “To ensure the protest process <del>may be</del> <u>is</u> conducted efficiently and in a manner fair to all parties, DOAS requires a protesting supplier to identify all grounds for protest during the protest filing period.”</li> </ul>
6.5.6. Filing Protests	<ul style="list-style-type: none"> <li>Previously Section 6.5.3; Renumbered as Section 6.5.6</li> </ul>
Table 6.8 Protest Method	<ul style="list-style-type: none"> <li>Replaced “Assistant Commissioner” with “Deputy Commissioner”</li> <li>Deleted the following: FAX 404-657-8444</li> </ul> <p><b>EFFECTIVE:</b> All protests filed on or after May 18, 2018</p>
Section 6.5.7. Filing Deadlines	<ul style="list-style-type: none"> <li>Previously Section 6.5.4; Renumbered as Section 6.5.7</li> <li>Deleted first sentence and replaced with the following language:  “Protests must be received within ten (10) calendar days after the protesting party knows or should have known of the occurrence of the action which is protested, or the protest filing deadline located in Table 6.9, whichever date is earlier. DOAS will not consider untimely protests absent evidence of malfeasance or administrative error by the state entity that substantially impaired an interested supplier’s ability to file a timely protest. In the event that a state entity does not provide timely access to records as required pursuant to O.C.G.A. 50-5-67(d)(2), the interested supplier is required to file a protest within the filing period, indicating the failure of the state entity to provide timely access to records and reserving the right to file an amended protest upon production of such records. A Checklist for Bid Posting Times and Protest Filings, SPD-SP014, can be viewed on the DOAS State Purchasing website for more details. If an interested supplier fails to file a protest by the applicable deadline, DOAS may, at its discretion, deem such failure as the supplier’s voluntary relinquishment of any grounds the supplier may have for protesting through DOAS’ protest process or through subsequent litigation.”</li> <li>Deleted paragraph directly following Table 6.9 Protest Filing Deadlines.</li> </ul> <p><b>EFFECTIVE:</b> All solicitations posted on or after May 18, 2018</p>
Table 6.9 Protest Filing Deadlines	<p>Replaced Table 6.9 with the following (Minor changes to language only as noted below; <b>Please note that there are <u>NO</u> changes to the filing time periods</b>):</p> <div style="text-align: center; border: 1px solid black; background-color: #cccccc; padding: 10px; margin: 10px auto; width: fit-content;"> <p>Table 6.9 Protest Filing Deadlines</p> </div>

GPM Section	Description of Change		
	Type of Protest	Dollar Threshold	Protest Filing Deadline
	Challenge to Competitive Solicitation Process	\$25,000 to <del>\$99,999.99</del> <u>\$249,999.99</u>	One business <del>days</del> <u>day</u> prior to the closing date and time of the solicitation as identified on the GPR <del>or eSource.</del>
		<del>\$100,000 to \$249,999.99</del>	<del>One business day prior to the closing date and time of the solicitation as identified on the GPR or eSource.</del>
		\$250,000.00 or greater	Two business days prior to the closing date and time of the solicitation as <del>identified</del> <u>published</u> on the GPR <del>or eSource.</del>
	Challenge to Sole-Source Notice	N/A	Prior to <del>the</del> closing date and time of the Sole-Source Notice as published on the GPR.
	Challenge to Consortium/Cooperative Purchase Notice	N/A	Prior to <del>the</del> closing date and time of the Notice of Intent to Purchase from a <u>Consortia/Cooperative</u> <del>as published on the GPR.</del>
	Challenge to Results of RFQC	N/A	<del>Within ten</del> <u>The protest notice must be filed within 10</u> calendar days of the date the RFQC List of Qualified <del>Suppliers</del> <u>Contractors</u> is posted.
	State Entity Posts an NOIA-Challenge to an Intended or Actual Contract Award <u>as posted in State Entity's NOIA</u>	\$25,000 to \$99,999.99	The protest notice must be filed within five calendar days of the date the NOIA is posted.
\$100,000.00 to \$249,999.99		The protest notice must be filed within five calendar days of the date the NOIA <u>is posted</u> . The supplier has an additional <del>5</del> <u>five</u>	

GPM Section	Description of Change		
			calendar days to complete and submit supporting exhibits, evidence or documents with desired remedy to DOAS.
		\$250,000.00 or greater	The protest notice must be filed within <del>40</del> ten calendar days of the date the NOIA is posted.
		State Entity Does Not Post an NOIA Challenge to an Intended or Actual Contract Award State Entity was not required to post NOIA	The protest <u>notice</u> must be filed within ten calendar days of the date the NOA is posted.
Section 6.5.8. Stay of Procurement During Protest Review	<ul style="list-style-type: none"> <li>• Previously Section 6.5.5; Renumbered as Section 6.5.8</li> <li>• In second paragraph, replaced “consortium” with “consortium”</li> </ul>		
Section 6.5.9 Protest Resolution	<ul style="list-style-type: none"> <li>• Previously Section 6.5.6; Renumbered as Section 6.5.9</li> <li>• Revised first sentence to read as follows: “The State Purchasing Division Deputy Commissioner will review and issue a written decision on the protest as expeditiously as possible after receiving all relevant requested information from the state entity, issuing officer, and suppliers.”</li> </ul>		
Table 6.10 Protest Remedies	<ul style="list-style-type: none"> <li>• Revised Title of Second Column to read as follows: “Then, available relief includes, but is not limited to the following:”</li> <li>• In last row, second column, added a new 3<sup>rd</sup> bullet: <ul style="list-style-type: none"> <li>○ Cancellation</li> </ul> </li> </ul>		
Section 6.5.10 Costs	<ul style="list-style-type: none"> <li>• Previously Section 6.5.7; Renumbered as Section 6.5.10</li> </ul>		
Section 6.5.11 Request for Formal Review/Appeal Process	<ul style="list-style-type: none"> <li>• Previously Section 6.5.8; Renumbered as Section 6.5.11</li> <li>• In Section Title, replace “Requests” with “Request”</li> </ul>		

GPM Section	Description of Change
	<ul style="list-style-type: none"> <li>• Revised first paragraph to incorporate references to RFQCs and consortia or cooperative purchase notices. First paragraph now reads as follows:            “All protest decisions concerning solicitations, sole-source notices, consortia or cooperative purchase notices, results of RFQCs and/or intended/actual contract awards with an estimated value of \$100,000.00 or more will be subject to formal review by the DOAS Commissioner upon request. In the event the estimated value of the solicitation, sole-source notice, consortia or cooperative purchase notices, results of RFQC and/or intended/actual contract award is less than \$100,000.00, it will be within the DOAS Commissioner’s discretion whether such request for formal review will be granted.”</li> <li>• In the paragraph directly following Table 6.11, replaced “ecision” with “decision”</li> <li>• In the paragraph directly following Table 6.12, revised language to read as follows:            “The parties involved in the protest have a right to a hearing before the DOAS Commissioner. If a hearing is requested, the DOAS Commissioner, or designee, shall issue a Procedural Order, scheduling and providing details for a hearing. The parties may submit documentary evidence and witness testimony in the form of affidavits prior to the hearing. The DOAS Commissioner may solicit additional information from the parties at any time prior to the issuing of the final decision. Issues not raised in the initial protest or issues not raised in the initial request for formal review may, at the discretion of the DOAS Commissioner, be deemed voluntarily relinquished. The protesting party may request that the hearing be conducted before a court reporter. Such request must be in writing and include an agreement by the protesting party that it shall pay for the court reporting services for such hearing. To be made part of the record, the original transcript of any such proceedings shall be submitted to the DOAS Commissioner as soon as the transcript is available, without cost. The DOAS Commissioner will make a decision on the protest as expeditiously as possible after receiving all relevant requested information. The decision of the DOAS Commissioner will be the final DOAS action regarding the protest.”</li> </ul> <p><b>EFFECTIVE:</b> All protests filed on or after May 18, 2018</p>
Table 6.11 Parties Eligible to Request Formal Review	<ul style="list-style-type: none"> <li>• Revised Title of Second Column to read as follows: “Then, the following parties may appeal the resulting protest decision.”</li> </ul>
Table 6.12 Request for Formal Review Methods	<ul style="list-style-type: none"> <li>• Updated DOAS mailing address</li> </ul>

GPM Section	Description of Change
	<ul style="list-style-type: none"> <li>Removed the following reference: FAX 404-651-9595</li> </ul> <p><b>EFFECTIVE:</b> All protests filed on or after May 18, 2018</p>
Section 6.5.12. Partnership with Georgia State Finance and Investment Commission	<ul style="list-style-type: none"> <li>Previously Section 6.5.9; Renumbered as Section 6.5.12.</li> </ul>
<b>Chapter 7: Stage 7 – Contract Process</b>	
Table 7.1 Referenced Official Forms	Removed reference to SPD-CP008 Supplier Performance Report and create new reference to automated submission process.
Section 7.4.9. Tracking Performance	Revised last sentence as follows: “The contract administrator should also share suppliers’ performance (both satisfactory and non-satisfactory) with SPD through use of SPD’s online <a href="#">Supplier Performance Report</a> .”
<b>Global Edits</b>	
<ul style="list-style-type: none"> <li>Removed reference to “sole-source” and replaced with “sole source” for consistency</li> <li>Updated certain web links and corrected certain typographical errors</li> </ul>	