

Part I Chapter 01 General Provisions

- A. Purpose.** This handbook provides a standard reference to established policy, procedures, and guidelines for the procurement of supplies, services, and construction under the authority of the Commonwealth Procurement Code, 62 Pa.C.S. Sections 101 *et seq.* It is designed to achieve maximum practicable uniformity for procurements by executive and independent Agencies. To the extent that any policy, procedure, or guideline conflicts with the Commonwealth Procurement Code or other procurement statute, the Commonwealth Procurement Code or other procurement statute shall prevail. To the extent that the provisions of this handbook conflict with the provisions of any directives or circulars issued by other Agencies, the provisions of this handbook shall prevail in matters of procurement policy.
- B. Scope.** Unless otherwise provided in this handbook or by law, the policies, procedures, and guidelines of this handbook apply to the procurement of all supplies, services, and construction in which an executive or independent agency is a participant. Effective July 1, 2011, the Office of Administration (OA) has been delegated full authority over the procurement of Information Technology (IT) supplies and services. Accordingly, wherever this handbook references the Department of General Services, it shall be understood to mean OA with respect to those IT procurement functions which have been delegated to OA. The following chart shows those areas where the Department of General Services establishes policy in regard to Commonwealth agency procurements:

Procurement Organization and Responsibility Under the Commonwealth Procurement Code

	Supplies		Services		Construction	
	Policy	Procure	Policy	Procure	Policy	Procure
Executive Agencies	DGS sets policy §301(a) and §311	DGS procures §301(a) except as delegated by DGS §321(i); and §514 and exceptions §301(c)(2)(3) and (4)	DGS sets policy §301(a) and §311	DGS procures §301(a) except as delegated by DGS §321(1) and §514	DGS sets policy §301(a) and §311	DGS procures §301(a) except as delegated by DGS §321(1) and §514 and exceptions §301(c)(1)
Independent Agencies	DGS sets policy §301(a) and §311	DGS procures §301(a) except as delegated by DGS §321(i); and §514 and exceptions §301(c)(2)(3) and (4)	DGS sets policy §301(a) and §311	Independent Agency procures §301(b)	DGS sets policy §301(a) and §311	DGS procures §301(a) except as delegated by DGS §321(1) and §514

Row Offices	DGS sets policy §301(a) and §311	DGS procures §301(a) except as delegated by DGS §321(i); and §514 and exceptions §301(c)(2)(3)(4) and (5)	Row Office establishes procurement policy §301(c)(5)	Row Office procures §301(c)(5)	DGS sets policy §301(a) and §311	DGS procures §301(a) except as delegated by DGS §321(1) and §514
State Affiliated Agencies	SAE sets policy §301(d)	SAE procures §301(d)	SAE sets policy §301(d)	SAE procures §301(d)	SAE sets policy §301(d)	SAE procures §301(d)

Executive Agency: The Governor and the departments, boards, commissions, authorities and other officers and agencies of the Commonwealth.

Independent Agency: Boards, commissions and other agencies and officers of the Commonwealth which are not subject to the policy supervision and control of the Governor.

Row Offices: The Office of Attorney General, the Department of the Auditor General and the Department of Treasury

State Affiliated Agency: A Commonwealth authority or a Commonwealth entity. The term includes the Pennsylvania Turnpike Commission, the Pennsylvania Housing Finance Agency, the Pennsylvania Municipal Retirement System, the Pennsylvania Infrastructure Investment Authority, the State Public School Building Authority, the Pennsylvania Higher Educational Facilities Authority and the State Systems of Higher Education.

None of these terms includes any court or other officer or agency of the unified judicial system, the General Assembly and its officers and agencies, PHEAA, any political subdivision or any local, regional or metropolitan transportation authority.

C. Not Applicable. The policies, procedures, and guidelines of this handbook will not apply to:

1. The investment of funds.
2. Medical assistance provider agreements administered by the Department of Public Welfare or participating provider agreements entered into by the Department of Health.
3. Grants.
4. The procurement of works of art, historic objects, and documents for acquisition and public exhibition.
5. The procurement of published books, maps, periodicals, technical pamphlets, compact discs, video and audio reproductions, subscriptions, and professional memberships.
6. The procurement of perishable food products.

7. The procurement of services, the renting of machinery and equipment and the licensing of specialized computer software by the Office of Attorney General, Department of the Auditor General, and the Treasury Department.
 8. Bridge, highway, dam, airport (except vertical construction), railroad, or other heavy or specialized construction, including:
 - a. The construction of facilities and improvements by the Department of Conservation and Natural Resources in state parks and state forests.
 - b. Construction activities, excluding buildings, solely within the expertise of the Department of Environmental Protection, including but not limited to, mine reclamation, oil, and gas well plugging, waste site remediation, flood control, stream rehabilitation.
 - c. Owner-controlled insurance programs for bridge, highway, dam, airport, railroad, or other heavy or specialized construction.
 9. **Loans.** The disbursement of funds by the Commonwealth to any person where the principal amount disbursed is required to be repaid to the Commonwealth, with or without interest, under an agreement.
- D. Effect.** This handbook constitutes guidelines to DGS and the executive and independent agencies concerning the procurement of supplies, services and construction. This handbook is not and does not purport to operate as a regulation and does not establish a binding norm nor have or purport to have the force of law. A procurement or resulting contract shall not be invalidated for failing to strictly adhere to the provisions of this handbook provided the procurement or contract otherwise complies with the Commonwealth Procurement Code.
- E. Changes.** In order for this handbook to serve as a living document reflecting best procurement practices, changes may be made to this handbook from time to time. DGS may also issue official interim or supplemental procurement policy guidance in the form of Policy Directives. Changes and interim or supplemental guidance shall be effective when published to the DGS website and shall apply to procurements in progress to the extent feasible under the terms of the issued solicitation documents.

Waivers. Upon written request from an Agency, the Secretary of the Department of General Services or their designee, may grant a waiver from any requirements of this handbook, provided the waiver would not be a violation of law. Exceptions to [Management Directive 215.9, Contractor Responsibility Program, Amended](#), must be approved by the Secretary of General Services and the Secretary of Budget.

References:

1. [Management Directive 215.9, Contractor Responsibility Program, Amended](#)