

Part I Chapter 52 Records Retention

A. Retention Periods.

- 1.** All documents, including those written determinations required by the Commonwealth Procurement Code, relating to a procurement that results in the formation of a contract must be maintained for 4 years from the contract end date. This includes solicitation documents and all documents received during the solicitation, including unsuccessful bids and proposals and emails to and from the bidders, offerors and potential contractors. Any purchase orders or similar documents issued against the contract shall be kept for the same retention period as the contract (end date + 4 years). See: the [General Administrative Retention and Disposal Schedule, G102.004 and G102.005](#).
- 2.** All solicitation documents and all documents received during the solicitation which relate to a procurement that does **not** result in a contract must be kept for 3 years from the date a decision is made to cancel the solicitation or otherwise reject all bids and proposals. See: the [General Administrative Retention and Disposal Schedule, G102.006](#).
- 3.** If an audit, investigation or litigation is commenced within the retention periods, the records and documents within the scope of the audit, investigation or litigation must be maintained and shall not be destroyed by the agency through the latter of the close of the retention period or the conclusion of the audit, investigation or litigation.

B. Identification of "Procurement Records".

- 1. Written Determinations Required by the Commonwealth Procurement Code.** The following written determinations must be retained as procurement records:
 - a.** Any agency head determination that it is in the best interests of the Commonwealth to waive the provisions of the Reciprocal Limitations Act.
 - b.** The contracting officer's determination permitting or denying the withdrawal of a bid.
 - c.** The contracting officer's determination that the use of competitive electronic auction bidding is in the best interests of the Commonwealth.
 - d.** The contracting officer's determination that the use of competitive sealed bidding is either not practicable or advantageous to the Commonwealth and thus authorizing the use of the competitive sealed proposals (RFP) method of procurement.
 - e.** The document evidencing the determination that a particular proposal, submitted in response to an RFP, is the most advantageous to the

purchasing agency and has been selected for contract negotiation (This is the selection recommendation memorandum).

- f. The completed and approved on-line [Source Justification Form, BOP-001](#) or other contracting officer written determination authorizing a sole source procurement.
- g. The completed and approved on-line [Emergency Procurement \(EP\) Approval Request Form, BOP-004](#) and the applicable back-up documentation or other written determination explaining the basis for using an emergency procurement and for the selection of a particular contractor.
- h. The contracting officer's determination that one of the criteria for the use of the multiple awards method of procurement is applicable.
- i. The contracting officer's determination that a particular offeror is the best qualified, based upon the evaluation factors set forth in the RFP, and should be awarded a contract to provide the services of accountants, clergy, physicians, lawyers, dentists and other professional services which are not performed by other Commonwealth employees.
- j. The Department of General Services' determination that a particular proposal to provide the Commonwealth with insurance and notary bonds is the most advantageous to the Commonwealth based on criteria determined by the department.
- k. The contracting officer's written determination explaining why the requirement that a contractor provide cost or pricing data should be waived for a particular contract.
- l. The agency head's written determination certifying that a proposed contractor's accounting system will permit timely development of all necessary cost data in the form required, and that the contractor's accounting system is adequate to allocate costs in accordance with generally accepted accounting principles.

2. Written Determinations Required by Other Procurement Laws.

- a. Any agency head determination that the purchase of motor vehicles manufactured in North America is inconsistent with the public interest or the cost is unreasonable.
- b. Any agency head determination that the requirement to purchase only United States steel products should be waived.

3. Bid Tabulation. The bid tabulation that the purchasing agency is required to prepare with name of each bidder and the amount of each bid is a procurement record.

4. Small Procurements Records. Records of small procurements must be transmitted to the purchasing agency, which must maintain the records as

procurement records. Email communications soliciting offers, making offers and accepting offers must be included in these records of small procurements.

C. Other Documents Relating to a Procurement that Results in the Formation of a Contract. The following documents are considered documents relating to a procurement that results in the formation of a contract:

1. The invitation for bids or request for proposals or other solicitation document, including addenda/flyers that revise the invitation for bids or request for proposals.
2. The bid or proposal submitted by the successful bidder or offeror, including all documents submitted by the bidder/offeror with its bid or proposal (certificates, financial information, product specifications, for examples) and including any best and final offer submitted by the successful offeror.
3. The contract or purchase order, including all documents that are incorporated into or made a part of the contract or purchase order (work statement, specifications, terms and conditions, for examples).
4. Purchase orders issued against contracts.
5. The contractor responsibility determination.
6. Notification of selection/non-selection.
7. Change notices and amendments.

D. Documents relating to a procurement that does not result in a contract. The following documents, though they do not result in a contract and are *not* considered procurement records, should be retained for three years after the decision to cancel or to reject all bids or proposals:

1. Proposals and bids submitted by unsuccessful offerors or bidders.
2. All bids and proposals submitted in response to a solicitation for which no contract was executed.
3. Individual scoring sheets and notes of members of the committee evaluating proposals in response to an RFP.
4. The reasons for cancellation of an invitation for bids or request for proposals and the reasons for rejection of all bids or proposals are procurement records that must be maintained in the contract file.

E. Access to Records. Retained documents shall be made available to the public in accordance with Chapter 50 of Part I of this Handbook.

F. No Requirement for Retention of Multiple Copies. Agencies shall not be required to retain multiple copies of the same document. For example, where an offeror is required to submit multiple copies of a proposal, the agency is only required to retain one copy of each offeror's proposal after a determination has been made in regard to award of the contract.

References:

1. [General Administrative Retention and Disposal Schedule, G102.004 and G102.005](#)
2. [General Administrative Retention and Disposal Schedule, G102.006](#)
3. [BOP-001, Source Justification Form](#)
4. [BOP-004, Emergency Procurement Approval Request Form](#)