

CHAPTER 1: INTRODUCTION



Like the predecessor to this book, the text in this volume seeks to identify the current forces that are challenging the role of the state or local government procurement officer and to suggest ways in which that government ought to address them. It also describes principles and practices that are at the heart of a procurement system that is both flexible and accountable.

According to the February 2008 issue of [Government Procurement](#) magazine, state and local governments purchased \$1.74 trillion in goods and services in 2007 (including expenditures for education, wages, and capital investment), exceeding the federal government's spend of \$999 billion. With procurement officers at the center of many of those expenditures, they must find new ways to offer effective service and quality to their user agency customers.

At various times, the text of this book will cite a survey of state purchasing practices that the National Association of State Procurement Officials (NASPO) conducts periodically. For a more specific look at practices and trends, the reader may obtain a copy of the responses of the 50 central procurement officers and the District of Columbia. It is available for purchase through NASPO's website, www.naspo.org.

The goal of this book is for the reader to come away with two key conclusions. First, while the procurement process is becoming more electronic, the principles for managing the process remain the same. Additionally, a central procurement office cannot provide the effective leadership required to meet today's complex procurement needs if located several layers below the jurisdiction's highest-executive level.

The latter conclusion isn't a self-serving one of NASPO. The objective and respected United States Government Accountability Office (GAO) recently made that point, as discussed in more detail in Chapter 2.

NEW FEATURES

For those readers who want a short history of this text, that subject is discussed in a later paragraph. This is the sixth iteration of the book, which has been in print since 1975.

There are several differences between this updated version and earlier ones, most notably the new title and new look. New features include chapters on construction and emergency preparedness. The absence of a construction chapter in the past reflected the fact that many state central procurement offices do not have the responsibility to procure construction. However, with the greater use of more innovative procurement processes to address the looming crisis with the nation's crumbling infrastructure, NASPO believes that it is important for it to make a record of the best practices for constructing and repairing public facilities. The chapter includes input from a nationally-recognized expert on the "art" of public construction and public-private partnerships.

NASPO has replaced the entire chapter on the importance of competition to update it. Again, a nationally-recognized attorney with extensive anti-trust experience, including prosecuting bid-fixing cases for the State of Arizona, has written that chapter to reflect the most current laws and thinking. The

chapter also describes the link between anti-trust issues and ethical behavior.

The chapter on environmental procurements provides excellent information for those states and local governments whose laws require “green” purchases. The appendices to this book contain a comprehensive list of sources relating to how purchasing plays a role in achieving sustainability.

This version also includes an updated glossary of terms. NASPO did not believe that it was beneficial to maintain its own dictionary because the National Institute for Governmental Purchasing (NIGP) already does so. Specifically, NIGP publishes its [Public Procurement Dictionary of Terms](#), which is available both as an appendix to this book and separately through its website at: www.nigp.org.

EMPHASIS ON LEADERSHIP

The last edition of this book, published in 1997, described the changing role of the state and local procurement officer from a traditional “gatekeeping” role to one of providing strategic services to user agencies. The text here reiterates that point with more urgency in recognition that a central procurement officer cannot offer his or her expertise at the critical decision-making point without being a part of executive-level decisions.

The reader will find the case for that point primarily in Chapter 2 (*Procurement Leadership and Organization*). But it is also a theme in chapters such as Chapter 4 (*Strategies and Plans*).

This book refers to the person managing the central procurement office as the Chief Procurement Officer. This is the term given to a state or local government’s procurement executive by the American Bar Association in its

[Model Procurement Code for State and Local Governments](#), which is discussed later in this text. The NIGP Dictionary uses the same term, defining it as “the person holding the position as head of the purchasing office in the agency or jurisdiction.” Given those two benchmarks, NASPO has chosen to use the term as well.

E-PROCUREMENT

Greater use of electronic means for conducting the various steps in the procurement process continues to be a trend in state and local procurement and this book describes a couple of good examples – the State of Florida’s MyFloridaMarketPlace and the Commonwealth of Virginia’s eVA system. Those two states, and the State of North Carolina, are at the forefront of the e-procurement movement and the state officers managing those e-procurement systems confer with each other regularly.

E-procurement breaks down into components: purchasing, spend data collection and analysis, sourcing (that is, conducting the actual competition for a contract), vendor invoicing, and vendor payment. Many state and local jurisdictions are using at least one of those components.

The Florida system uses all of those components through its system. There are 95,000 vendors registered through the system and, as of December 2007, the state had spent \$4.4 billion for purchases through it.

Chapters 7 (*Competition: Solicitations and Methods*) and 9 (*Bid and Proposal Evaluation and Award*) discuss in more detail how these e-procurement systems incorporate the principles of public procurement using a non-paper process. Unless a jurisdiction’s law explicitly contemplates that the process is a paper one, a procurement office should not need additional authority in that law to use electronic means.

CHANGES IN STATE AND LOCAL PUBLIC PROCUREMENT OVER THE LAST DECADE

To put this text into some context, it is important to briefly summarize changes in the role of the state and local procurement officer over the last decade. It is also noteworthy that some of the same problems that existed ten years ago, impeding the procurement officer from providing an optimum level of service, still are around today.

A “Look Back” Ten or So Years

A decade or so ago, the visibility of projects such as the federal government’s National Performance Review led by then-Vice-President Al Gore in 1993, along with the “process improvement” movement at the state and local government level, changed the role of the procurement officer. Among other things, procurement was expected to be more outcome-based and service orientated, with measurements in place to track success or failure.

State and local governments began to scrutinize their procurement systems and processes to determine whether they helped or hindered the functioning of government itself. Specific questions were being asked such as whether there were ways to improve the system to assist the line government employee to perform his or her job better and faster. Another common inquiry was whether it was easier for vendors to supply needed services and commodities without an abundance of paperwork and time-consuming processes that increased the costs of competing for government business.

The potential to automate some or all of the system raised expectations that quicker, faster service was achievable. The procurement officer was expected to be a leader in the charge to streamline the procurement process and eliminate reviews, approvals, and procedures that were perceived as adding delay and cost without any commensurate benefit.

Those demands for change occurred at the same time that government’s reliance on purchased services and commodities increased, the services and commodities sought were less routine, and the role that public procurement played within the executive branch became more and more strategic to the success of essential government programs.

At the center of the web of relationships between key contractors and the government agencies and departments they support was the procurement officer. He or she was expected to provide expertise to agencies and departments as they determined their needs, to conduct a procurement process to select a contractor in a manner that generally satisfied both the client agency and competing vendors, and to manage the resulting contract strictly but congenially.

The growing strategic nature of public procurement paralleled a similar growth in the importance of procurement within the private sector. The Center for Advanced Purchasing Studies, associated with Arizona State University, conducts, as it describes in its mission statement, “leading-edge research to support the evolution of strategic purchasing/supply management.” Its research confirmed ten years ago, and confirms today, that many of the same forces that were and are changing public procurement were and are altering private procurement as well.

Today’s Impediments

The challenge ten years ago was for the public procurement officer to become all things to all people, both inside and outside government. It is the same today.

He or she is still responsible for the accountability of the procurement process, while the competing and complex demands of client government agencies dictate that he or she be a flexible and creative problem solver, exercising

whatever discretion the procurement laws permit. Caution and the temptation to trigger all possible safeguards must be balanced with a more client-friendly process that is flexible and cuts through red tape.

The push to exercise discretion more freely is complicated by the fact that state and local government procurements receive much more media and legislative scrutiny than the same type of procurements do at the federal government level. For most state and local governments, a \$300,000 purchase is noteworthy, a dollar figure that hardly raises an eyebrow at the federal level. The procurement officer and the process become lightning rods for criticism when the media, the legislature and even the client government agency perceive that something went wrong.

That criticism often is unfair and demonstrates a lack of understanding about the procurement process. For instance, the media may tout the failure to award to the “low bidder” and hint at something being awry because vendors are allowed during the process to change prices. However, it may be that the procurement officer used the competitive sealed proposal process authorized by law, permitting award other than on the basis of price alone and allowing vendors to submit changes to their prices under certain circumstances during the competition itself. In short, the stakes become high both personally and professionally for the procurement officer who dares to conduct the process in a manner other than the way it has always been conducted.

An additional impediment to the development and maintenance of a sound, modern procurement system is the failure of executive government officers to recognize that good public procurement requires strong leadership, which in turn mandates placement of a central procurement authority at an executive level within the governmental structure. Procurement officers cannot be key players in the

planning, acquisition, and management of strategic services and commodities if executive officers view procurement as a clerical function, with commensurately low pay and minimal authority and training. NASPO makes that statement not out of self interest. Rather, it stems from the perspective of its members that the line procurement officer, often misnamed a “buyer” but more accurately described as a procurement specialist or public procurement professional, should be recognized for the important job he or she performs.

Finally, the procurement system cannot change in a vacuum. A good example of this maxim is the procurement of technology. The budgeting process in most states requires an agency to obtain legislative authorization or funding for large technology systems procurements. That, in turn, delays that procurement and, as a practical matter, mandates that the agency design that system sufficiently before seeking those dollars so that it may justify the cost to the legislative body.

When the agency actually receives the funds, often more than one year later, the design is outdated. In the interest of expediency, the agency may nonetheless forward the outdated design to the procurement office, hoping to update it in piecemeal fashion while the procurement process proceeds. That is a recipe for disaster and, if things go wrong, it is easy to blame the procurement process as the primary culprit when in fact failure likely occurred due to problems over which the procurement officer had no control.

NASPO and its members are excited to be part of the call for and agents of change. It urges all those who participate in the state and local procurement process, particularly government executives, to ensure that the reasons for change are reasonable, and that procurement officers are provided with the support and resources necessary to make those changes.

HISTORY AND ORGANIZATION OF THIS TEXT

Although NASPO was founded in the 1940's, it didn't achieve its long-held goal of publishing a text on the public procurement profession at the state and local level until the 1970's when the Law Enforcement Assistance Administration of the United States Department of Justice provided funding for a study of state and local procurement. The result was that NASPO, through its then-parent organization, the Council of State Governments, published the First Edition of this text called [State and Local Government Purchasing](#) in 1975.

This book became a companion to NASPO's survey of state purchasing practices, which the organization began conducting in 1949. The second survey was entitled [Purchasing by the States II](#) and was published in 1954-55. The third version came 10 years later. Subsequent broader surveys became part of each edition of this book. NASPO separated the publication of the book and the survey in 1997. As noted earlier in this chapter, NASPO now provides the survey in a CD format and it is available through NASPO's website (www.naspo.org).

In studying this text, the reader needs to remember that state and local governments are not carbon copies of each other. They act as natural laboratories for differing approaches to public procurement and other public services.

So, the reader ought to keep that in mind when analyzing survey results or reading about trends. A substantial majority may not constitute a consensus. Every procurement program has its strengths and weaknesses attributable to governing law, operating rules, quality of management, political tradition, and availability of resources. This book is a road map with effective procurement as the destination rather than a detailed blueprint that limits ingenuity and innovation.

Scope of the Text

The word "procurement" as used in this text means the "cradle to grave" of buying something – from when the need is identified to buy a certain thing to the time for it to be disposed of at the end of its useful life. Each of the chapters of this book covers the role that the public procurement officer ought to play at each point of that process.

But one topic that this text does not address in depth is socioeconomic procurement programs, except those relating to the procurement of recycled and environmentally sound products. Socioeconomic programs such as small, minority or women-owned business programs generally aim to achieve some social goal through the procurement process.

NASPO believes strongly that the public procurement professional must ensure that the process remains open and neutral. However, if a legislature or city council mandates that a socioeconomic goal ought to be implemented through the procurement process, the procurement officer will take that responsibility seriously, just as he or she does for all others relating to his or her profession.

Organization of this Text

This book is divided into 20 chapters, each addressing a component of or issues pertaining to the procurement process. Other than the chapters that are overviews or issue-oriented, most chapters begin with a list of recommended practices and statutory and regulatory provisions, entitled "Essential Elements." They are intended to serve as benchmarks against which current law, rules and practices may be measured, with a goal of promoting excellence in public procurement.

Guiding Fundamentals of Procurement

In this publication, NASPO seeks to paint a clear picture of the fundamentals of public procurement: competition, impartiality, openness, effective use of public funds, and innovation and flexibility. Those fundamentals call for a public procurement program where public business is open to competition; where vendors are treated fairly; where contracts are administered impartially; where value, quality and economy are basic and equally important aims; and where the process is open for public scrutiny.

Successful outcomes rest on the sound design and effective implementation of those fundamentals to achieve procurement excellence. Sound design derives from a comprehensive law accompanied by an easy-to-use set of rules and guidelines. Effective implementation requires sufficient resources—an adequate budget, competent personnel, and resourceful management—situated at a high level within the jurisdiction’s organizational structure along with positive executive and legislative government support.

Some “bullets” describing the fundamentals that the system design should embrace are set forth below:

- Assurance of consistency of procedures and decision-making
- Assurance of consistency of goals, objectives and policies
- Measurement of the performance of the procurement system in light of its goals and objectives
- Recognition of procurement as a profession
- Recognition that procurement is a strategic function in government
- Centralized leadership of all aspects of the procurement process
- Recognition that procurement begins with planning user agency contracting needs

- Assurance of the day-to-day adherence to the spirit of rules and principles of public procurement, including a balance between accountability and innovation and flexibility
- Timing to meet user agency requirements, and to benefit from advantageous markets and technologies
- Unity of the management of assets through interagency transfer or cost-effective disposition
- Maintenance of an environment of openness and fairness
- Balance among the need for fiscal accountability, the needs of user agencies, and opportunities for vendors
- Leadership to advocate all of the above through a central procurement authority

SOME CRITICAL ISSUES

This chapter has already discussed the leadership issues that procurement officers face when they are several layers below executive management. There are other issues that continue to challenge the procurement professional and some of them are addressed briefly here.

Growth of Unfunded Mandates

In testimony given on February 26, 2008, the Governor of the State of Arizona, Janet Napolitano, told members of the United States Senate’s Finance Committee in Washington, D.C. that they should break the federal government’s habit of pushing its responsibilities off onto states, especially when there is no money appropriated to help states handle the load. Governor Napolitano, who was the immediate past Chair of the National Governors Association, was invited to address the committee about the economic conditions facing the states.

The Governor decried the increasing pattern of cost-shifting to states. She noted that, unlike

the federal government, all but one state – 49 of the 50 – have balanced budget requirements and cannot engage in deficit spending. Among her recommendations was for Congress to:

- Provide funding to implement the REAL ID Act, which stands now as an unfunded mandate to the states;
- Restore funding to the State Homeland Security Grant Program, which has been cut dramatically in the last few years; and
- Fully fund the National Guard’s equipment budget.

Governor Napolitano’s concerns have been echoed by a myriad of organizations of other state and local public officers, including the National Conference of State Legislatures (NCSL) and the National Association of Counties (NACo), both of which track unfunded mandates.

For the procurement officer, many of these mandates mean a detour from providing services for user agencies to reprioritizing tasks to meet federal requirements. In some cases, the mandates include a specific directive of the type of item that a state must purchase.

Here are some examples of how the federal government has legislated programs with mandates that affect the state procurement processes:

- Help America Vote Act. The Help America Vote Act (HAVA) was signed into law by President Bush on October 29, 2002. HAVA requires that each state develop a single, uniform, centralized, interactive, computerized statewide voter registration list defined, maintained, and administered at the state level. It also mandates the replacement of punch card voting systems.
- REAL ID Act. On May 11, 2005, President Bush signed into law the REAL ID Act of 2005, which was attached to the Emergency Supplemental Appropriation for Defense, the Global War on Terror, and Tsunami Relief, 2005. Title II of REAL ID—

“Improved Security for Driver’s License and Personal Identification Cards”—repeals the provisions of a December 2004 law that established a cooperative state/federal process to create federal standards for driver’s licenses and instead directly imposes prescriptive federal driver’s license standards. On December 13, 2007, the Department of Homeland Security (DHS) released new grant guidelines and application kits related to REAL ID implementation.

- Tax Increase Prevention and Reconciliation Act of 2005. On May 17, 2006, the U.S. Congress passed the Tax Increase Prevention and Reconciliation Act of 2005. This Act contained a government withholding provision that will compel all state and local governments to withhold three percent of almost all payments made to vendors and contractors. These governments then would be required to remit that amount to the federal government for federal income tax purposes. On October 10, 2007, the U.S. House of Representatives passed H.R. 3056, The Tax Collection Responsibility Act of 2007, Section 3 of which delays implementation of the withholding tax until January 1, 2011. Many corporate and government groups, including the U.S. Chamber of Commerce, the National Association of State Budget Officers, the National Conference of State Legislators, the National League of Cities, and the National Governors Association have urged Congress to repeal the provision, citing issues including:
 - an anticipated 3% increase in the price of goods and services;
 - private companies are not required to withhold three percent on payments which could place state and local governments at a disadvantage;
 - lack of consultation with state and local governments; and
 - the shifting of the burden of collection at a prohibitive cost from the federal government to state and local government.

Current NASPO President Jeff Holden (SD) wrote letters dated February 15, 2008 supporting U.S. Senate and House legislation that proposed to repeal the tax. Letters were sent to Senate Committee on Finance Chairman Max Baucus and Ranking Member Charles Grassley in support of Senate Bill 777, while additional letters were sent to the House Committee on Ways and Means Chairman Charles Rangel and Ranking Member James McCrery and sponsor Representative Kendrick Meek in support of House Bill 1023. Both of these bills were designed to repeal the imposition of the withholding tax on certain payments made to vendors by government entities. In addition, NASPO will prepare comment to be sent to the Secretary of Treasury related to the 3% withholding tax and its implications.

Socio-economic Policies

The text of this chapter has already described the commitment of the procurement professional to maintaining the openness of the competitive process. Socioeconomic programs that legislatures and city councils adopt to achieve some social goal through public procurement run counter to that commitment. Types of policies that fall within this category are environmental and sustainability mandates, minority and gender-based set-asides and preferences, local-vendor preferences, and prohibitions against doing business with vendors that have capital investments in countries considered to have violated human rights.

One that is new and that is now surfacing regularly relates to the hiring of undocumented immigrants. For instance, the State of Tennessee, implementing Tennessee Code Annotated Section 12-4-124 requires that each contractor attest in writing that it will not knowingly utilize the services of “illegal immigrants” in the performance of any contract and will not knowingly use the services of any subcontractor who does so.

Socioeconomic procurement mandates require a whole set of responsibilities that deflect from the key tasks that are part of providing strategic services. For instance, procurement officers must devote time and dollars to maintaining a means of verifying that business or products qualify for a socioeconomic benefit such as a preference or a set-aside.

NASPO understands that, in many instances, the goals of these programs are laudable. The reader needs to understand that NASPO’s opposition to them stems from the principles that are part of a procurement professional’s “creed,” and not from opposition to the goals themselves.

Free Trade Agreements

The North American Free Trade Agreement (NAFTA) and the World Trade Organization’s Government Procurement Agreement (WTO/GPA) generated through the Uruguay Round of the General Agreement on Tariffs and Trade in 1995 continue to internationalize the state and local government procurement market. The current Agreement took effect on January 1, 1996 and applied to “sub-governments,” which, for the United States, means state governments.

Since the agreement took effect, the governors of 37 states have agreed to abide by the WTO/GPA’s terms, which among other things preclude the application of in-state or “Buy American” preferences against the vendors of the signatory countries. The advent of the WTO/GPA has increased the burden on the central procurement offices in those 37 states, which must implement its requirements by, for instance, annually publishing those procurements expected to fall within the agreement’s dollar levels and publishing quarterly those contract awards to which the agreement is applicable.

The World Trade Organization's website (http://www.wto.org/english/tratop_e/gproc_e/gproc_e.htm) describes the Agreement's goals and requirements. There are other trade agreements with which some states have agreed to comply. Appendix A to this book lists the states that are participating in these agreements.

Workforce Issues

For the first time in U.S. history, there are a greater number of older citizens than younger ones. The public sector labor force will feel the impact of aging population more than the private sector. A subset of that is that the public sector continues to outpace private sector in aging workforce statistics.

That is happening at the same time that the role of the procurement officers continues to become more complicated. Their jobs become more strategic on a daily basis as the needs of their public agency clients become more complex and expectations increase. With economic and budgetary challenges facing state and local governments, procurement officers are expected to do more with less funding, including measuring and managing their own performance and that of contractors. Use of technology to increase service levels remains an important goal for procurement officers but achieving it may be difficult with current budget issues.

This chapter has already noted the pressures on states and local governments from unfunded federal mandates. It has also explained the social and environmental considerations that continue to be engrafted onto the procurement process.

With the workforce retiring, the professionals that a procurement office needs to hire to replace them must have certain skill sets. They need to have excellent communication skills. Specifically, they must be a good writer, nego-

tiator, presenter, outreach marketer, and customer service representative.

They must also be adaptable. Shifting social, legislative, budgetary, political, and policy winds dictate that a procurement officer be flexible. These professionals also must have good analytical skills to be able to problem-solve, interpret changing laws, think critically, and conduct and evaluate research.

Procurement officers with optimum skills for today's needs must have technology expertise. They should also have well-honed project management capabilities. And they need to be able to work in teams, and be political with a little "p."

To prepare for the departure of staff, the manager of a procurement office needs to make sure that he or she knows the potential extent of the problem by examining employees' ages and years of service. The manager should identify any trends, and identify whether others in the office can replace those departing, including any training that may be necessary. Those "talent reviews" ought to occur on a regular basis not only to create a succession plan but to reward top performers with the most challenging work and broad decision-making authority.

The result of taking those steps is greater employee retention. Other non-monetary incentives are things such as a 4-day work week/9-day work schedule, professional development, job rotation, telecommuting and virtual offices, on-site fitness center, business casual dress, participatory decision-making, and signature authority.

Monetary incentives are also important although not necessarily the single determinant for an employee who is trying to decide to stay in a public job. It is stating the obvious to say that they are not as readily available in the public sector as they are in the private sector. The manager of a procurement office ought to see

if the public entity permits periodic bonus pay, and whether promotional opportunities may be made available within the procurement office. Child care assistance and part-time work full-time benefits are also good retention incentives.

Most of those incentives aimed at retaining employees are strategies for attracting new hires as well. It is a challenge for the manager of a public procurement office to compete with the pay offered by private companies, and sometimes from other public entities. The message that needs to be delivered to potential new hires is that there are lifestyle and public policy benefits to a public job that business entities can't provide.

Some public procurement managers are working directly with colleges and universities near them to develop a public procurement curriculum at those institutions. Those managers offer summer internships in their offices for students enrolled in those programs and hire them when they graduate. The philosophy of that hiring approach is that those students come with core skills, such as writing, communication and critical thinking, and may be taught the actual procurement skills while on the job.

The single most important strategy for the manager of a procurement office to stop the outflow of expertise from retirees is to have a knowledge transfer/talent management plan in place. It should focus on staff development through, among other things, the transfer of both explicit and tacit knowledge captured before retirees leave. It may include bringing back recent retirees on a short term contract to train new staff.

THE MODEL PROCUREMENT CODE FOR STATE AND LOCAL GOVERNMENTS

Before proceeding to the other chapters in this book, it is important to address a noteworthy

event in the history of state and local public procurement - the publication in 1979 of the American Bar Association's [Model Procurement Code for State and Local Governments](#) (Code). Publication of the Model Procurement Code followed issuance of the First Edition of [State and Local Government Purchasing](#), discussed earlier in this chapter. The Model Procurement Code did not implement all of the recommendations of the First Edition.

The American Bar Association revised the Model Procurement Code and its implementing regulations in 2000. It separately published a [Model Code for Public Infrastructure Procurement](#) in 2007, which extracted those portions of the 2000 Code that relate to the procurement of construction.

The development of the Model Procurement Code along with its implementing regulations, and the American Bar Association's [Model Procurement Ordinance for Local Governments](#) (Model Ordinance) remain major events, affecting both the present and future conduct of state and local government procurement. The following states adopted large portions of the Model Procurement Code as part of their public procurement laws: Kentucky (1979), Arkansas (1979), Louisiana (1980), Utah (1980), Maryland (1981), South Carolina (1981), Colorado (1982), Indiana (1982), Virginia (1983), Montana (1983), Territory of Guam (1983), New Mexico (1984), Arizona (1984), Alaska (1988), Rhode Island (1989), Hawaii (1994), and Pennsylvania (1998).

The Navajo Nation, the country's largest Native-American community, adopted a version of the Model Procurement Code in the mid-1990s. Additionally, the State of South Carolina in 2008 adopted the 2000 Model Procurement Code's provisions relating to the procurement of construction through alternative project delivery methods.

Both NIGP and NASPO support the idea of a model procurement code, and agree there is much to commend in the product of the American Bar Association. The American Bar Association designated the Model Procurement Code as a “model code” and not as a “uniform code” so that states might recast parts of its provisions to fit their needs. Some procurement officers who participated in the Code’s development for NASPO and NIGP believed that parts of it did not adequately reflect the state and local experience.

But there is much to recommend the Model Procurement Code, including its coverage of the entire procurement process, from the structure of the procurement organization to source selection methods to ethics. By addressing all aspects of the procurement process in one place within a state’s laws, it is easier for both procurement officers and vendors to know where to look. It also offers a great array of source selection methods, including the use of those methods for the selection of contractors for construction projects using approaches such as construction manager at risk.