

## PROCEDURES FOR REQUESTING A BRAND NAME CONTRACT

These are the general procedures for requesting a Brand Name Contract issued by the Division of Administration, Office of State Procurement (OSP). Other procedures might apply to specific commodities. Please contact the Office of State Procurement to ensure that you have the latest procedures for your specific commodity.

Brand Name contracts are usually developed because item(s) cannot be competitively bid and meet the need of the agencies, item(s) cannot be objectively evaluated using a competitive specification, or expertise is not available to develop a competitive specification.

- A. The Prospective Contractor is to submit the following when requesting establishment of a Brand Name contract:
1. Letterhead request for the establishment of a Brand Name Contract with all pertinent information included from the Manufacturer or the authorized representative.
  2. Detailed specifications of the item(s) requested by the departments to be placed on contract, including packaging, model numbers, product literature and MSDS (when applicable). Items requested should be separated into like commodity categories such as Janitorial Chemicals; Water Treatment Chemicals; Laboratory Reagents; Catheters; Office Equipment; etc.
  3. A minimum of three (3) letters from three (3) separate departments is necessary to designate their intent to purchase the items if placed on contract. Acceptable letters to be from authorized Louisiana departments in either of the following categories:
    - a. State Agency
    - b. Quasi-Public Agency
    - c. Political Subdivision

At a minimum, one (1) of the letters should be from a State Agency.

Letters must include items that the department intends to purchase, correct packaging (where applicable), and the anticipated annual usage per item. **Letters must be signed by a department representative authorized to obligate funds for the department and must certify their department's full intent to purchase from the contract once established.** Failure to submit accurate and complete information will cause the request to be delayed.

In order to expedite the request, it is best to submit all of the above information as one (1) complete package at the same time. The request for a Brand Name contract is subject to approval after all information is received in proper order. Feasibility questionnaires may be needed to clarify information.

- B. When approval is granted, a solicitation will be prepared by the Office of State Procurement including those items in specific packaging as requested in the letter from the department.
- C. Vendors must submit with the bid response the most recent, published, manufacturer's printed price list or a signed and notarized typed listing of manufacturer's prices covering all items requested for the Brand Name contract.

- D. All vendors seeking to establish a Brand Name contract must be registered in the LaGov Vendor Portal. Registration is intuitive at the following link: [https://lagoverpvendor.doa.louisiana.gov/irj/portal/anonymous?quest\\_user=self\\_reg](https://lagoverpvendor.doa.louisiana.gov/irj/portal/anonymous?quest_user=self_reg)

Help scripts are available on the Office of State Procurement website under Vendor Resources at: <https://www.doa.la.gov/oa/osp/vendor-resources/>

Newly registered vendors must submit a completed W-9 form. The form is available on the Office of State Procurement website at: <https://www.irs.gov/pub/irs-pdf/fw9.pdf>

- E. All vendors seeking to establish a Brand Name contract must be registered and in good standing with the Louisiana Secretary of State Office.
- F. Each brand name contract will be reviewed annually by the Office of State Procurement, approximately four (4) months prior to the expiration date of the contract. Brand Name Contracts are expected to meet the usage requirements as indicated below for the previous twelve (12) month period:

<b>COMMODITY</b>	<b>ANNUAL USAGE</b>
Agricultural Equipment	\$100,000
Air Purifier Systems	\$50,000
Digital Court Reporting Equip.	\$50,000
Floor Maintenance Machines	\$50,000
Industrial Equipment	\$250,000
Janitorial Chemicals	\$50,000
Lawn Equipment	\$50,000
License Plate Sheeting	\$50,000
Mailing Equipment	\$50,000
Mobile Radios	\$50,000
Networking Equipment	\$50,000
Outboard Motors	\$50,000
Portable Radios	\$50,000
Surveillance Equipment	\$50,000
Water Treatment Chemicals	\$50,000

This usage amount may be waived in whole or in part due to extenuating circumstances in the State's best interest. Contract purchases from State Agencies, Quasi-Public Agencies and/or Political Subdivisions will be considered. Prime contractors are required to submit detailed contract usage reports quarterly to the State Procurement Analyst (SPA) for the contract reflecting governmental sales, inclusive of sales by any authorized distributors.

The specific usage report content scope and format requirements are available on the Office of State Procurement website under Vendor Resources/Vendor Forms: <https://www.doa.la.gov/oa/osp/vendor-resources/>. In addition, the person's name who compiled the report and their contact information shall be provided. The Office of State Procurement reserves the right to request copies of any purchase orders and/or invoices issued against the contract to substantiate vendor usage reports for audit purposes.

The usage report shall be submitted utilizing this format or an equivalent format that has been approved by the Office of State Procurement.

The due dates of each quarterly report are as follows:

<b>QUARTER</b>	<b>REPORTING PERIOD</b>	<b>DUE DATE</b>
First	July 1 through September 30	October 31
Second	October 1 through December 31	January 31
Third	January 1 through March 31	April 30
Fourth	April 1 through June 30	July 31

Initiation and submission of the quarterly reports to the State Procurement Analyst (SPA) is the responsibility of the Contractor without prompting or notification by the SPA. If these reports are not submitted in a timely manner evidencing adequate sales volumes, the Office of State Procurement shall have the right to terminate the contract, without consideration for reestablishment for a period of two (2) years. Also, individual items with no usage may be deleted unless copies of purchase orders from departments can substantiate usage.

- G. Each brand name contract holder will be responsible for paying an Administrative Fee or Rebate to the Office of State Procurement in exchange for the management and facilitation of the contract. The Administrative Fee or Rebate will be in accordance with the following Schedule of Fees:

<b>Schedule of Fees</b>	
<b>Category</b>	<b>Fee Percentage</b>
Regular statewide contracts (up to 66.5% cooperative usage)	1.00%
Primarily non-State usage contracts (66.6%+ cooperative usage)	2.00%

The administrative fee or rebate shall be submitted quarterly and shall be based on the total net (gross sales minus returns, credits and deductions) sales made to entities located in the State of Louisiana under the contract. Initiation and submission of the administrative fee or rebate to OSP is the responsibility of the Contractor without prompting or notification by the State Procurement Analyst (SPA). If these administrative fees or rebates are not submitted in a timely manner, OSP shall have the right to terminate the contract.

The check is to be made payable to: Louisiana DOA - Office of State Procurement. The check is to be mailed or delivered by courier service to the following address: Office of State Procurement, Attn: OSP Receivables Specialist, 1201 North 3<sup>rd</sup> Street, Claiborne Building - Suite 2-160, Baton Rouge, LA 70802. The calculation of the administrative fee or rebate shall begin immediately upon execution of the contract and payment shall be made in accordance with the following schedule:

<b>QUARTER</b>	<b>PAYMENT PERIOD</b>	<b>DUE DATE</b>
First	July 1 through September 30	October 31
Second	October 1 through December 31	January 31
Third	January 1 through March 31	April 30
Fourth	April 1 through June 30	July 31

**PROCEDURES FOR REQUESTING CHANGES  
TO AN EXISTING BRAND NAME CONTRACT**

- A. The following procedures should be followed when requesting the addition of item(s) to an existing Brand Name contract:
1. Letterhead request from the contract holder requesting the addition of the item(s) with all pertinent information included.
  2. Detailed specifications of the item(s) requested to be placed on contract are necessary, including model numbers, product name, product codes, packaging information, description and literature, and the price to the State of Louisiana.
  3. Contract holder must submit with the request for item(s) the most recent, published, manufacturer's printed price list or a signed and notarized typed listing of manufacturer's prices covering all items.
  4. A minimum of one (1) letter from a department is necessary to designate their intent to purchase the specific item(s) if placed on contract. Acceptable letters may be from a State Agency; Quasi-Public Agency; or Political Subdivision. Letters must include those items that the department intends to purchase, the correct packaging (where applicable), including the anticipated annual usage per item. **Letters must be signed by a department representative authorized to obligate funds for the department and must certify their department's full intent to purchase the item(s) once the item has been added to the contract.** Failure to submit accurate and complete information will cause the request to be delayed. In order to expedite the request, it is best to submit all of the above at the same time. The request for the addition of item(s) is subject to approval after all information is received and in proper order.
- B. Additions to Brand Name contracts will be allowed up to four (4) times within a twelve (12) month period, other than amendments made at the time of renewal.
- C. Distributor vendor changes, price reductions and item deletions may be made at any time during the contract period. The contract holder must submit a written request for these changes.
- D. Price increases will be considered only when provided for in the State's contract terms and conditions and must be tied to a recognized index.

**Waivers**

Only the Director of the Office of State Procurement can approve waivers to procedures. All requests for exceptions must be submitted in writing