



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES

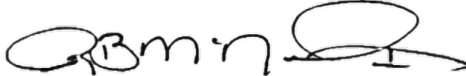
OFFICE OF THE SECRETARY

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Date: June 13, 2024

Subject: Rescission of Bureau of Procurement Policy Directives 2018-1 and 2018-2

To: Deputy Secretaries for Administration
Procurement Directors
Procurement Policy Council
OGC Transactions Practice Group

From: 
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Secretary of General Services

cc: Brian Esposito, Deputy Secretary for Procurement
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Section 511 and Section 512 of the Commonwealth Procurement Code (“Code”) establish competitive sealed bidding as the default method of source selection. Competitive sealed bidding, more commonly referred to as the Invitation for Bid (“IFB”) process, results in the award of a contract (or contracts) to the lowest responsive and responsible bidder. While other methods are authorized by the Code, justification is needed to utilize those other methods. For example, the competitive sealed proposal method, commonly referred to as request for proposals (“RFP”), or Section 513(a) of the Code, requires a written justification as to why the IFB process is either not practicable or advantageous to the Commonwealth.

In February 2018, the Department of General Services (“DGS”) issued Bureau of Procurement Policy Directives 2018-1 and 2018-2, which established the RFP process as the default method of procurement for the Executive and Independent Agencies for procurements exceeding \$50,000. Upon issuance of Bureau of Procurement Policy Directive 2020-1, as amended by Policy Directive 2023-1, which implemented the goalsetting program of the Bureau of Diversity, Inclusion and Small Business Opportunities (“BDISBO”), the threshold has increased to \$250,000.

In December 2023, the Department of General Services issued Bureau of Procurement Policy Directive 2023-1, which directed agencies to utilize an RFP or RFQ process to conduct competitive procurements for supplies and services of \$250,000 and over unless a BOP-125 Request to Use Competitive Sealed Bidding (IFB) Method

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of Procurement for Supplies and Services of \$250,000 and over is approved by the Chief Procurement Officer. This revised Policy Directive 2023-1 superseded BOP Policy Directive 2018-1 and BOP Policy Directive 2018-2. A legal review of Policy Directives 2018-1, 2018-2, and 2023-1 and the plain language of Sections 511 and 512 of the Procurement Code has determined that Policy Directives 2018-1 and 2018-2 and the corresponding language in 2023-1 are inconsistent with Sections 511 and 512. Where the law is clear, it cannot be overruled by policy. Policy Directives 2018-1 and 2018-2 and corresponding language in 2023-1 must be rescinded as contract to law.

Accordingly, Bureau of Procurement Policy Directives 2018-1 and 2018-2 and corresponding language in 2023-1 are hereby rescinded. Appropriate updates to the Handbook will be made as needed.