

# Commercial Off the Shelf Procurements

August 11, 2023



# What is COTS?

And why do I care?

# Small Purchase Procedures

- ▶ Section 11-35-1550
- ▶ Three Written Quotes - Paragraph 2(b)
- ▶ Purchases between \$10K and \$25K (COTS & Construction \$100K)





## Commercially available off-the-shelf products - Section 1410 (2)

- ▶ Supplies, other than printing, or information resources – that is a commercial product, that is sold in substantial quantities in the commercial marketplace and is offered to the State without modification, in the same form in which they are sold in the commercial marketplace.







# Supplies

- ▶ 11-35-310 (33)
- ▶ All personal property including, but not limited to, equipment, materials, printing, and insurance
- ▶ COTS definitions exclude printing & insurance
- ▶ Left with Equipment and Materials as COTS
- ▶ Services are not included in COTS



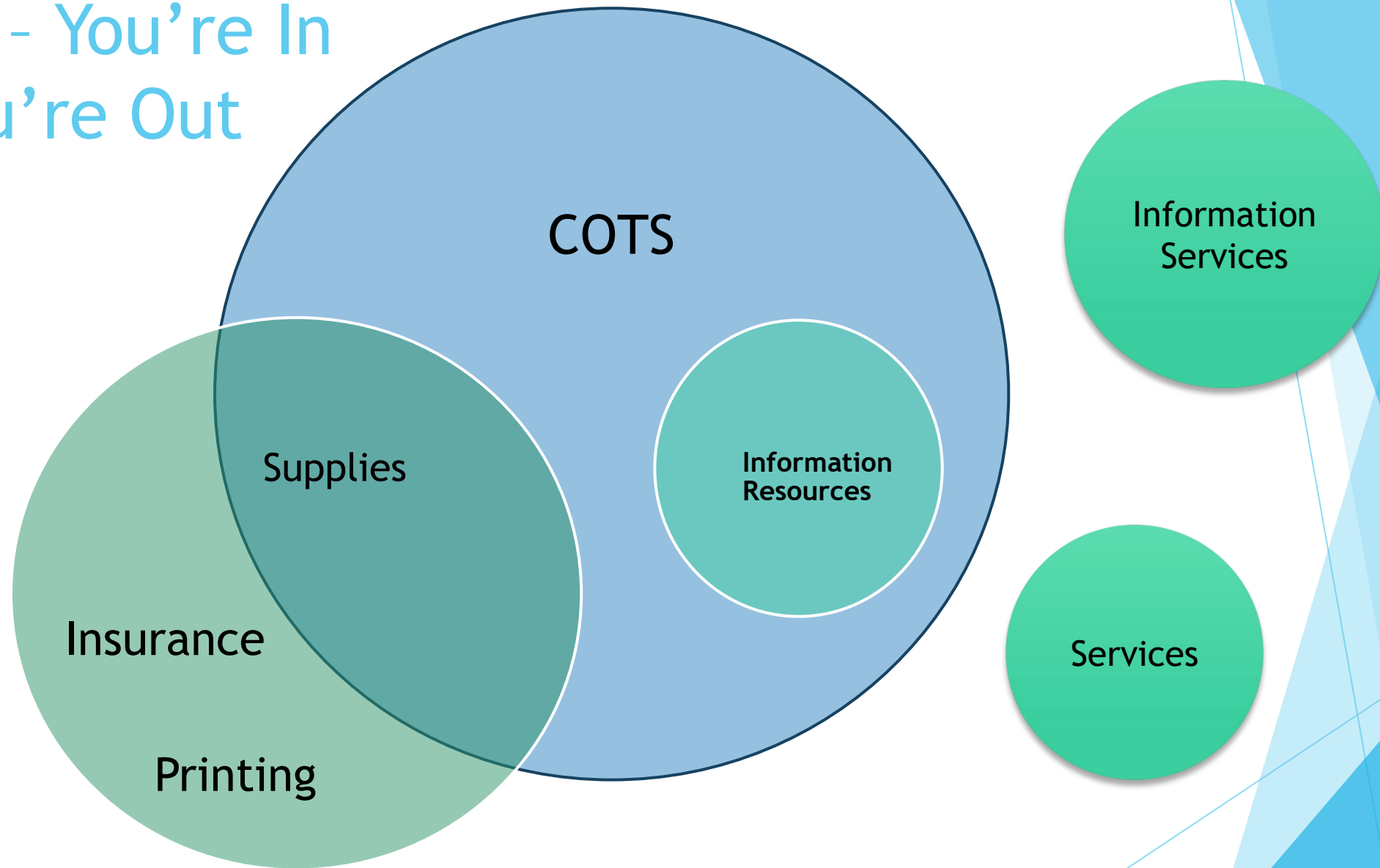


# Information Resources

- ▶ 11-35-310 (1) (a) (i)
- ▶ Computers
- ▶ ancillary equipment, including imaging peripherals,
- ▶ input, output, and storage devices and devices necessary for security and surveillance,
- ▶ peripheral equipment designed to be controlled by the central processing unit of a computer
- ▶ Databases, software, firmware, middleware, application and application development software; whether owned, leased, licensed, or accessed as a service
- ▶ routine maintenance and support
- ▶ COTS does not include Information Services – 11-35-310 (1) (c)



# COTS - You're In or You're Out





## Commercially available off-the-shelf products - Section 1410 (2)

- ▶ Supplies, other than printing, or information resources – **that is a commercial product**, that is sold in substantial quantities in the commercial marketplace and is offered to the State without modification, in the same form in which they are sold in the commercial marketplace.





# Commercial Products - Section 1410 (1)

- Supplies, other than printing, or information resources:
  - Used by and sold/leased/licensed to the general public
  - Allows limited modifications which would be available to the general public
  - Combinations of products available to the general public





PUBLIC  
MARKET

## Commercial Products - Section 1410 (1)

- ▶ Used by and sold/leased/licensed to the general public
- ▶ Means sold to non-governmental entities for non-governmental purposes





## Commercial Products - Section 1410 (1)

- Allows limited modifications
- Customary modifications are standard options available to the general public
- Minor modifications for government use





# Commercial Products - Section 1410 (1)

- Combinations of COTS products available to the general public
- Kits







## Commercially available off-the-shelf products - Section 1410 (2)

- ▶ Supplies, other than printing, or information resources – that is a commercial product, that is sold in substantial quantities in the commercial marketplace and is offered to the State without modification, in the same form in which they are sold in the commercial marketplace.







# COTS does not include

- ▶ Agricultural Products
- ▶ Petroleum Products
- ▶ Items customarily sold in bulk







# Examples of COTS





- ▶ Band Uniforms
- ▶ Lock Sets
- ▶ Boots
- ▶ Building Power Washing
- ▶ Polo Shirts with agency logo
- ▶ Charter Bus Transportation
- ▶ Promotional Items
- ▶ Billboard
- ▶ Remote Access Virtual Private Network (VPN) solution & SaaS
- ▶ Building Signage


- ▶ Uniform Rental Service
- ▶ 3-D Printer
- ▶ Pest Control
- ▶ Musical Instruments
- ▶ Security Cameras
- ▶ Website Development
- ▶ Digital Radiography Equipment
- ▶ X-ray Manikin
- ▶ Temporary HVAC equipment rental
- ▶ Light Fixtures





# What do I do?

- ▶ Section 11-35-1550
- ▶ Three Written Quotes - Paragraph 2(b)
- ▶ Purchases between \$10K and \$25K (COTS & Construction \$100K)
  - Solicit minimum of three quotes
  - Document & attach to PR
  - Award



# COTS Procedures Relevant Code Sections



SECTION 2040 -  
INAPPLICABLE LAWS



SECTION 2050 -  
UNENFORCEABLE  
CONTRACT TERMS



SECTION 4210 - PROTESTS

