



Chief Procurement Office Notice

To: Agency Procurement Staff
University Procurement Staff
State Purchasing Officers

From: Ellen H. Daley, CPO for General Services
Bridget McHatton, CPO for Public Institutions of Higher Education
Ken Morris, CPO for the Capital Development Board

Date: 12/16/2024

Subject: Request for Cure

CC: Procurement Policy Board
Commission on Equity and Inclusion

The Chief Procurement Officers for the Capital Development Board, General Services, and Higher Education (collectively the “CPOs”) issue this joint notice to be effective January 1, 2025.

Effective January 1, 2025, Section 50-57 of the Procurement Code provides that a Chief Procurement Officer (CPO) may cure a violation or deficiency in a procurement when she or he determines it is in the best interest of the State.

Agencies and State Purchasing Officers (SPO) shall submit a completed *Request for Cure* form (issued with this notice) when requesting approval from the CPO to cure a violation or deficiency of statute, rule, regulation, CPO Notice, or practice promulgated by the CPO. Ensuring that procurements are conducted lawfully, competitively, transparently, and fairly is the goal of every agency/university and the statutory responsibility of SPOs and CPOs. As few procurements fall short of these standards and even fewer will justify this cure, the CPOs anticipate that these requests and authorizations will be minimal in number. If the violation or deficiency is discovered after the agency/university executes the contract, then the cure provided by Section 50-57 is no longer available and the contract is void unless ratified pursuant to Section 50-60 of the Procurement Code.

Please consider the following guidelines when completing the *Request for Cure* form.

1. Determine if a cure by the CPO is necessary to resolve the harm caused by the violation or deficiency. In other words, without the CPO’s cure, the solicitation must be cancelled, or a potential contractor must be determined non-responsive or not responsible. The agency and SPO shall consider whether the violation or deficiency is curable without the CPO’s intervention, or whether the situation can be resolved through an amendment or addendum.



2. Review whether a cure by the CPO is appropriate to resolve the harm caused by the violation or deficiency. Evaluate how each stakeholder (e.g. vendor, agency/university, taxpayer, vendor that did not participate) may be harmed if the cure is authorized or is not authorized. Harm could include lost time, lost revenue, inflated costs, legal disputes, or receiving the wrong item, among other things.
3. In section 2 on the *Request for Cure* form, provide a detailed explanation justifying that the benefit of curing the violation or deficiency outweighs the identified harm to stakeholders.
4. In section 3 on the *Request for Cure* form, include a time frame to complete each action. The time frame may be the number of calendar days to complete each action or the date when the action will be completed. If the CPO authorizes a cure, then the authorization may be contingent upon an agreed upon time frame.

If you have questions about this notice, please contact your State Purchasing Officer.

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