



Navigating Procurement Pain Points Through Law, Policy, and Practice

Hosted by Partners for Public Good's Model Procurement Code Revision Project

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Peer Roundtable | Thu, February 26, 2026

Meet our PPG Moderators



Colin Erhardt
Director | PPG



Micaela Fischer
Assistant Director | PPG



Emma Ritz
Associate | PPG



In the chat, please share
your name and government!

How can you engage in this session?



Please use the
“Raise Hand”
function on Zoom



Look out for
**discussions and
resources**
in the Zoom chat



Join in the
**conversation via
chat** and connect with
a peer!

Agenda

Join us for a post-event discussion on the impact of current laws and regulations on infrastructure projects!

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1 **The Legal Hierarchy: Procurement Laws, Rules, and Guidance**

2 **Tracing Procurement Pain Points to Root Causes: Laws, Rules, and Guidance**

3 **Taking Action: The Model Procurement Code Revision Project**

4 **Closing & Next Steps**

Partners for Public Good leads various initiatives that harness procurement to drive public impact

Partners
for Public Good
PEN ADJACENT INITIATIVES

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Model Procurement Code	Reimagining national public procurement laws to meet modern challenges.
Procurement Transformation	Embedding staff directly in local governments or via ongoing advisory support to transform their procurement systems.
Infrastructure Implementation Support	Lending hands-on procurement project delivery support to help governments advance infrastructure projects.
Public Sector Technology	Supporting digital transformation, capacity building, and AI piloting for operational functions.

Our Focus



Sharing learnings from embedded project work with 200+ governments across core portfolios

Procurement... is for the public good.

As soon as we step out on the street, the impact of public procurement is everywhere

Procurement is the engine that powers communities daily, building the infrastructure...

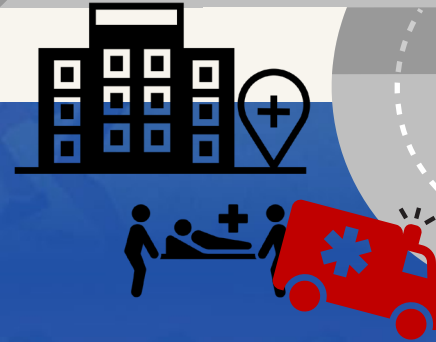


...and depends on **dedicated public service servants** who believe in its transformative power!



**EVERY
PUBLIC
DOLLAR**
tells a
STORY

...and **delivering critical services and supports** that help communities thrive...



The Big Idea: Procurement laws and policies define what is possible. Our ability to shape procurement starts with understanding the rules—so *we can turn constraints into opportunities!*

The Legal Hierarchy:
**Procurement Laws,
Rules, and Guidance**

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Legal structures and authorities vary widely across the US



“There is a great diversity in state-local relations between, as well as within, states. This means that to speak of local government in the United States is to speak of more than fifty different legal and political situations.”



Put a thumbs up in the chat if this quote resonates with you!

Why Public Procurement Law Feels Confusing

Different laws for different levels of government

Exceptions are everywhere

Subtle differences in laws, rules, and guidance

For the Chefs:

The structure of procurement law is like chili - while there are some basic principles everyone follows, each cook has their own secret ingredients!



Principals of the Legal Hierarchy (with several exceptions)



Example: Under 2 CFR § 200.317 (the federal law governing how states use federal awards), states are required to follow their own state laws for procurements.



Is your procurement process primarily governed by state law, local law, or a combination of laws, rules, or guidance? Please share in the chat.

If you want to change procurement laws, you need to ***diagnose*** which part of the legal hierarchy is causing pain.



Constitutions, Charters: Address issues that are foundational to the government's structure and its authority.



Laws, Ordinances: Broad mandates, usually enacted by governing body with executive agreement.



Rules, Regulations: Agency-issued, legally enforceable details that implement laws through a formal public process and cannot conflict with higher authority.



Manuals, Guides: Internal instructions that provide guidance and explain how staff should carry out laws and rules.

***Broader in Scope,
Harder to Change***



***Detailed and Specific,
Easier to Change***

PEN Pulse Poll



**Based on your
procurement
experience, at which
level of the legal
hierarchy have you
primarily focused your
efforts for change?**

Where **state-level** procurement rules might live

State Law for Executive Agencies

Legislature passes, Governor signs

Executive Orders

Governor issues, but they may expire, be rescinded, or superseded after the gov's term

State Administrative Rules

Public rulemaking or other ministerial process

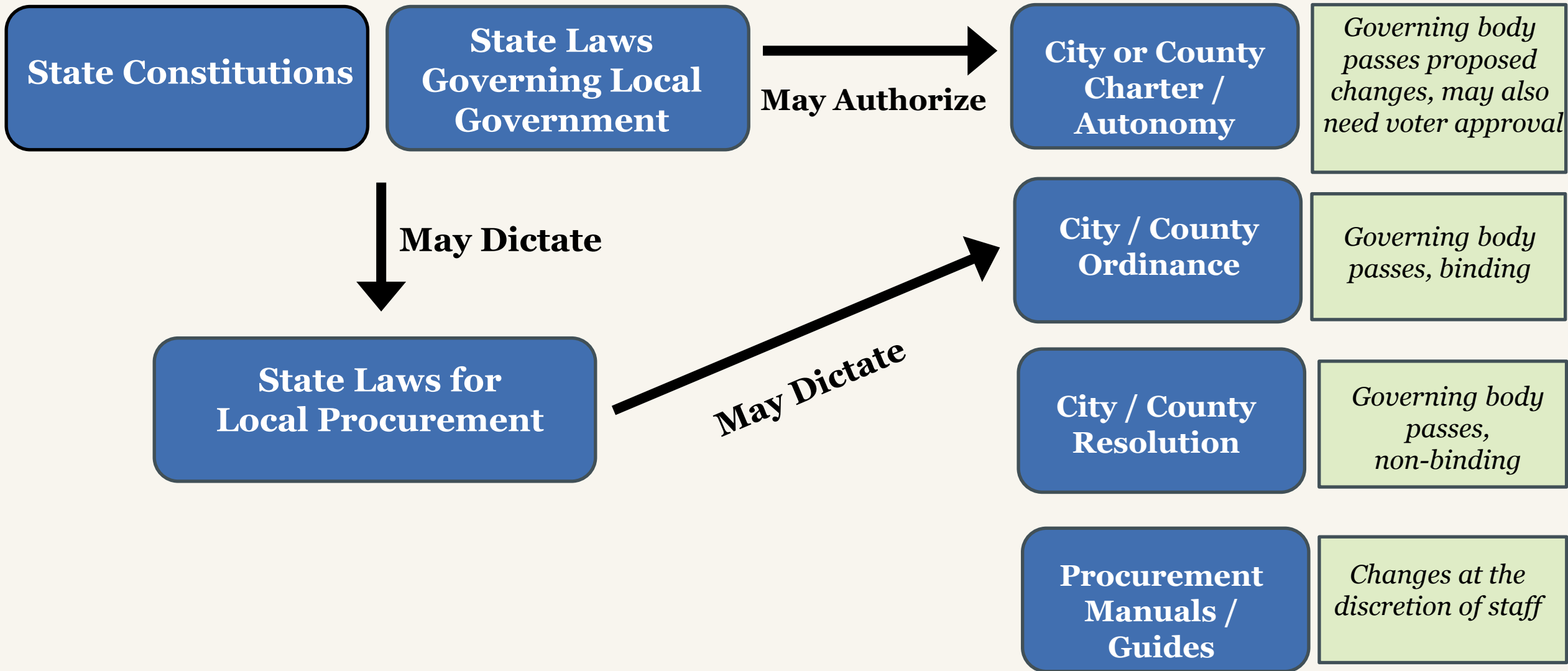
State Caselaw

Results of legal disputes and legal questions

Procurement manuals/guides

Changes at the discretion of staff

Where **local-level** procurement rules might live



A Theoretical Example: Cloud City in Sky State

Sky State Law Authorizing “Home Rule” Central City to form a Charter

Cloud City Charter

Directs city council to develop a procurement code within one year of charter adoption.

Cloud City Procurement Ordinance

The city adopts the Sky State Procurement Code as the city code.

Per its charter, the city may adopt rules city-specific, different from state law.

Ordinance Departure: Local Business Preference

Up to 6% preference for resident businesses who also use resident subcontractors

Procurement Manual

Contains RFP and ITB templates delineating where local preference factors must be disclosed along with any other evaluation factors.

State Court case finds that locality preference points must be explicitly listed in solicitations

*Tracing Procurement Pain
Points to Root Causes:*
Laws, Rules, and Guidance

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Meet Taylor Nichols



- **General Counsel, Alabama Department of Finance**
 - Assistant Attorney General
 - Chief Counsel to the State Board of Adjustment
 - Legal advisor to the State's bond financing authorities
- **Former Deputy Attorney General for the Office of Information Technology (OIT)**
- **Former Deputy Chief of Staff to Lieutenant Governor Kay Ivey**

Big picture procurement law reform: **Alabama**

Pain Points in Pre-2021 State Law

- ITBs were the only method for awarding goods and non-professional services
- RFPs were the only method for awarding professional services
- Entirely separate process for professional services
 - Exempt from bid law
 - RFPs required
 - Legislative Contract Review Committee
- Many workarounds emerged over the years

Alabama Law Institute (ALI)

ALI's purpose is:

“to clarify and simplify the laws of Alabama, to revise laws that are out-of-date, and to fill in gaps in the law where there exists legal confusion.”

- Division of the Legislature
- 2019: ALI committee formed to update Alabama's bid law

Big picture procurement law reform: **Alabama**

Model Procurement Code in Alabama

- Moved many requirements from the statute to the administrative rules (regulations)
 - Bid threshold
 - Public records release
 - Protest procedures
- All services procured under one law
 - Agencies which were resistant/hesitant now see benefits

Ongoing challenges

- Construction/public works procurement remains separate, and is defined broadly
- In the process of adopting MPC, local jurisdictions pulled out at the last minute, leaving two separate procurement laws; this now leads to additional confusion
- Higher volume of public records requests due to centralizations

Future

- Updating public works law using MPC concepts
- Monitoring MPC updates
- Keeping up with peers via NASPO Law Institute

Administrative reforms to improve contracting timelines: **Riverside, CA**

Challenge: The city's procurement and contracting process was plagued by bottlenecks, duplicative efforts, and confusion over responsibilities, resulting in longer cycle times.

Approach:

- Conducted staff interviews and process mapping sessions to define the ideal state
- Created new Contract Management Team
- Updated administrative manual to clarify steps and duties

Key Outcomes:

- Updated the city's Administrative Policies
- Cycle times and confusion/mistakes within the contracting process are anticipated to decrease

Best Practices

- Different problems require different changes at ***different levels***
- Clearly ***assign responsibilities*** (in policy, not statute, for flexibility)
- Go beyond updating documents—***actively roll out changes***
- ***Train impacted staff*** on new processes and roles
- Provide ***quick-reference guides*** for easy implementation

Taking Action:
**The Model Procurement
Code Revision Project**

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The Model Procurement Code: A 50-Year Foundation



First issued in 1979
revised in 2000

Adopted or adapted widely nationwide

Evergreen Goals of Public Procurement

- Fairness and equal treatment
- Competition and value
- Integrity and public confidence

**Still influences state & local
procurement law**

The Model Procurement Code Revision project



What is it for?

- City Ordinances and Rules
- State Laws and Regulations



What we aim to do....

- Most comprehensive review since 1979
- National, multi-year effort
- Open, transparent process
- Revision, not replacement

How the MPC Revision Project Is Organized

Steering Committee

- ABA Public Contract Law Section, NASPO, Partners for Public Good
- Academic and Practitioner Advisors
- Reporters

Drafting Committees

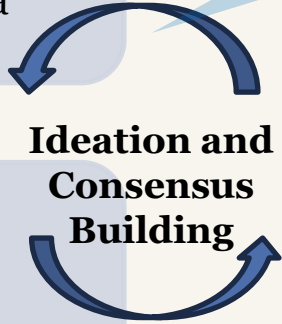
- Chair or Co-Chairs
- 15 to 40 Volunteers
- Focused on an MPC Article or Topic Area

Drafting Subcommittees

- Chair or Co-Chairs
- 5-8 Members of Full Committee
- Allows simultaneous consideration of multiple sections of Article or Topic Area at once

Current MPC Articles & Topic Areas

- Ethics (Article 12)**
- Infrastructure (Article 5)**
- Specifications (Article 4)**
- Information Technology**



Reporters Synthesize and Harmonize

Procurement rules are changing fast—and **your local knowledge matters!**

Stay on for a **30-minute Post-event Discussion!**

- ✓ Connect with fellow governments and share additional insights on this topic immediately after this session.

Share recent or **proposed legal changes with us!**

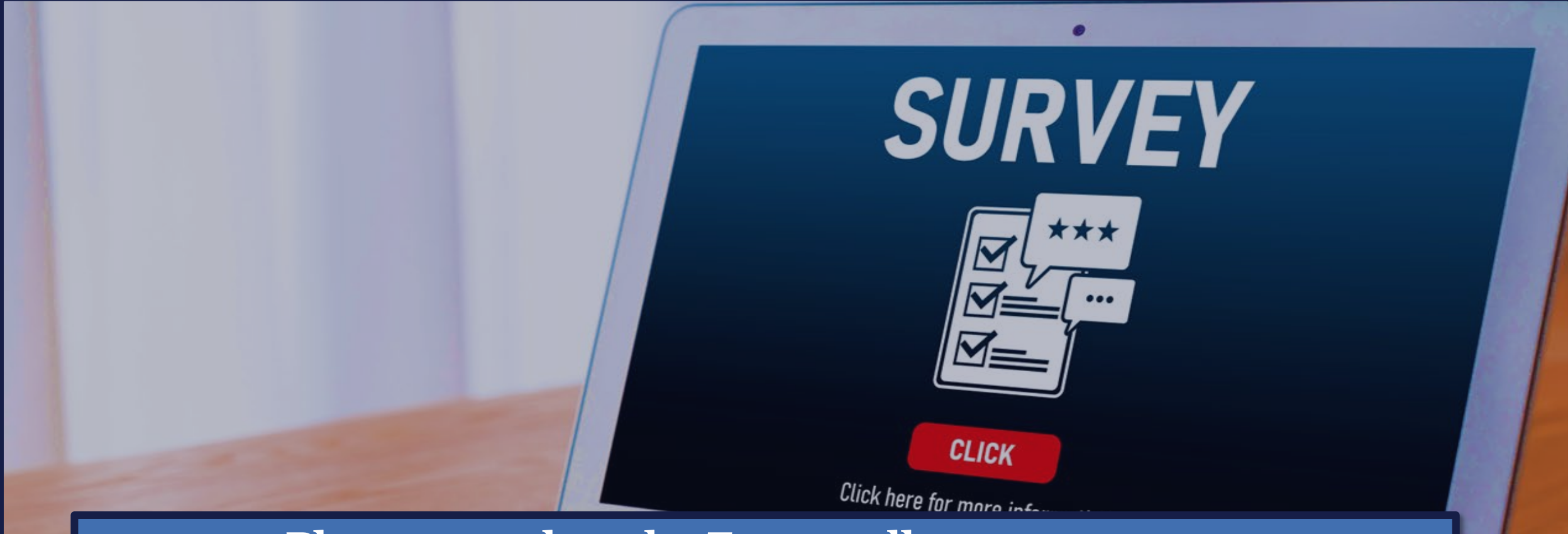
- ✓ Share recent or upcoming changes to procurement laws, policies, or ordinances that might inform the MPC revision effort.
- ✓ Email Micaela.Fischer@partnersforpublicgood.org

Closing and Next Steps

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Your Feedback Matters: Event Experience Survey



**Please complete the Zoom poll on your screen.
Your feedback is anonymous!**

Procurement Excellence Network: Become a Member!

The screenshot shows the Procurement Excellence Network website. At the top left is the logo 'PROCUREMENT EXCELLENCE NETWORK'. To the right are navigation links: 'About', 'Resources', 'Events', 'FAQ', 'Contact', and 'Search'. A circular button with a 'MEMBER SIGN IN' icon is in the top right. The main headline reads 'When procurement works, communities thrive' with a 'Become a Member' button below it. A horizontal strip of three city skyline images is shown. Below this is the text 'Embark on a Procurement Excellence Journey with PEN'. Three icons represent different features: a circle for 'Community of Peers', a starburst for 'Model Templates & Tools', and a double-line icon for 'Free Coaching'. Each feature has a brief description and a link to the corresponding resource.

PROCUREMENT EXCELLENCE NETWORK

About Resources Events FAQ Contact Search

MEMBER SIGN IN

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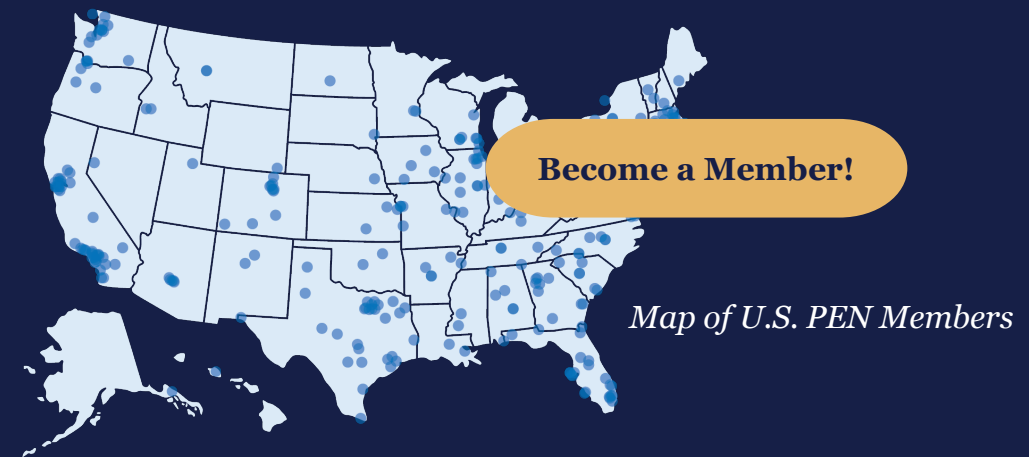
Community of Peers
Connect with 2,400+ innovators at the local, state, and federal level to replicate best practices
Member Directory →

Model Templates & Tools
Access exclusive resources such as process maps, evaluation forms, and more
Resource Library →

Free Coaching
Receive support from experienced advisors to help guide you through a procurement challenge or reform
Request Coaching →

The Procurement Excellence Network has connected **2,900+ government staff from 1000 unique jurisdictions** to procurement resources, best practices, and community support.

- ✓ Attend monthly **virtual webinars**
- ✓ Access over **80+ resources**
- ✓ Connect with peers in our **Member Directory!**
- ✓ **Community Conversations** Dashboard





Help Shape the Future of PEN – **We are Hiring!**

PEN Associate Applications close on **March 9th!**

Who You Are

- A strong *project manager* who turns ideas into action
- *Analytical* and *solutions*-oriented
- Clear, compelling *communicator*
- *Collaborative* and adaptable
- *Motivated* by improving state & local government impact

What You'll Do

- **Lead** implementation of key initiatives and keep strategic projects on track
- **Launch** and support pilots for enterprise tools
- **Strengthen** data systems, dashboards, and impact measurement
- **Translate** insights into clear takeaways for staff, funders, and partners
- **Support** government engagement, training, and thought leadership

*All PPG job listings are located on www.partnersforpublicgood.org

Join us for our next PEN event!

Vendor Lock-In: How to Spot it & Mitigate it!

Join us for a discussion exploring signals when contracts are drifting toward a potential vendor lock-in – *and strategies to mitigate it.*

This session will feature a case study on the City of Boston's experience implementing a bold strategy to disrupt a long-standing vendor lock-in, inviting more vendor competition and innovation!

Thursday March 26th | 2-3:00 PM ET



Register



Post-Event Discussion

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Thu, February 26, 2026

Legal shifts underway? Share what's new, proposed, or being implemented in your government or agency!

Are there any laws or policy changes that impact your jurisdiction's procurement compliance or process?

Share your stories about reform or changes to:

- Solicitation Processes
- Ethics Rules
- Construction Procurement laws
- *Or other topics...*