# State of Louisiana
# Office of State Procurement

# REQUEST FOR PROPOSAL (RFP) MANUAL

**Paul A. Holmes, Interim Director**
**Office of State Procurement**
**Revised October 2014**

## TABLE OF CONTENTS

Purpose.....1

Authority/Use.....2

Approval Process.....2

Meeting Participation.....3

Evaluation Criteria.....3

Evaluation Committee Selection.....4

Agency Project leader.....5

Requisition Submittal and State Procurement RFP Review.....5

Confidential Information, Trade Secrets, Proprietary Information.....7

Advertisement and Release of the RFP.....9

Pre-proposal Conference.....10

Period of Inquiry.....11

Addenda.....11

Specification Protest.....11

Modification or Withdrawal of Proposal.....11

Proposal Opening.....11

Steps of Evaluation Process.....12

Eliminating Proposals from Further Consideration.....18

Financial Evaluation Model.....18

Award Recommendation .....19

Award.....19

Award Notifications.....19

Debriefings.....20

Public Records Request .....21

Contract Negotiations .....22

Bid Bonds and Performance Bonds .....22

Contract Initiation.....22

Cancellation of RFP or Rejection of Proposals .....23

Contract Changes.....23

Acceptance of Deliverables .....24

Termination of Contract.....24

Contents of the File.....25

Protest of an Award .....25

Monitoring and Reporting .....25

Deficiency/Complaints .....26

Renewal.....26

Exhibit 1– Act 692 (Information)

Exhibit 2– RFP directive of State Purchasing Director dated 2/18/98 (Information)

Exhibit 3– Agency Request for RFP (Example)

Exhibit 4– RFP Format Boilerplate (Required)

Exhibit 4A– Federal Clauses used when federal funds are involved (Required if Applicable)

Exhibit 4B– Cooperative Purchase (Optional)

Exhibit 4C– Insurance Requirements (If Required)

Exhibit 4D– Generic Contract (Example of Required Document)

Exhibit 5– RFP Review Questions for SPO and Evaluation Committee (Information)

Exhibit 6– Evaluation Committee Member Instructions (Required)

Exhibit 7– Letter to Evaluation Committee member concurring with no conflict of interest and confidentiality (Example of Required Document)

Exhibit 8A – Financial Evaluation Model (Example used if Applicable)

Exhibit 8B – Financial Evaluation Model (Example used if Applicable)

Exhibit 9 – Advertisement and Notice to Proposers (Required)

Exhibit 10 – Addendum sent after pre-proposal conference to all that received proposals (Example of Optional Document recommended)

Exhibit 11 - Respondent's Letter sent after proposal opening to all that submitted proposals (Example of Optional Document recommended)

Exhibit 12 – Clarification letter after proposal opening before competitive range is established (Example)

Exhibit 13 - Letter to Schedule Oral Presentations (Optional)

Exhibit 14 - Questions to Check Proposers References (Example)

Exhibit 15A - Committee Recommendation letter from Agency Project Leader to Agency Management (Example of Required Document)

Exhibit 15B - Award recommendation letter from agency management to SPO (Example of Required Document)

Exhibit 15C - SPO Recommendation letter to Assistant Director (Example of Required Document)

Exhibit 16 - Intent to Award Letter (Required)

Exhibit 17 - Notice of Regret Letter (Required)

Exhibit 18 - Debriefing Topics (Example)

Exhibit 19 - Public Records Request Letter to Vendor (Example)

Exhibit 20 - Letter to Requesting Vendor for Public Records (Example)

Exhibit 21A - Contract Performance Evaluation (Example of Required Document)

Exhibit 21B - Contract Performance Evaluation (Example of Required Document)

Exhibit 22 - Steps of Evaluation Process (Information)

Exhibit 23 - Consensus Scoring Form (Example)

Exhibit 24 - Generic Contract Amendment (Example of Required Document)

Exhibit 25 - Letter to Agency with Signed Contract (Example of Required Document)

Exhibit 26 - Letter to Agency to request Contract Performance Evaluation (Example of Required Document)

Attachment I - RFP Order of Events (Information)

Attachment II - RFP Buyer Checklist (Information)

Attachment III - Act 692 RFP Requirements (Required)

Attachment IV - Checklist for Agency Project Leader (Information)

**RFP PROCEDURES**
**FOR PROCUREMENTS ALLOWED**
**PER R.S. 39:1593.C**

## Purpose

The purpose of this document is to provide a workable procedure for the use of the procurement method known as the "Request for Proposals (RFP)". This document constitutes a guideline for the procurement of supplies, services, or major repairs, including but not limited to high technology acquisitions, or complex services, or contracting with a Group Purchasing Organization (GPO), in accordance with the Louisiana Procurement Code (LA R. S. 39, chapter 17). The exhibits are examples and may not be appropriate for the procurement since each RFP will have its own requirements.

Through legislative revision of the Code, the old methods of procurement have been modernized and modified to allow and encourage more flexibility. However, nothing stated in this procedure shall confer, or be construed to confer, any authority for any purpose or reason, contrary to any State or Federal Law, regulation, executive order, or other legal requirement. These documents should not be used in a court of law. Only the actual RFP solicitation and documents associated with the specific file, as well as procurement statutes, and rules and regulations shall serve that purpose.

**The Office of State Procurement (OSP) reserves the right to waive or modify any procedural requirement stated herein when, if in its judgment, the interest of the State of Louisiana may better be served.**

**This procedure may be amended or rescinded, in whole or in part, by the Office of State Procurement at any time.**

**IT IS THE RESPONSIBILITY OF THE REQUESTING AGENCY DESIRING TO USE THIS METHOD OF SOLICITATION TO ENSURE THAT THE LATEST VERSION OF THESE PROCEDURES ARE IN THEIR POSSESSION. The procedures are available by calling 225-342-8033 and are posted on our website at**
http://www.doa.louisiana.gov/osp/agencycenter/RFP/RFP-Index.htm

RFP solicitations are available in electronic form at the LaPAC website http://wwwprd1.doa.louisiana.gov/OSP/LaPAC/pubMain.cfm using various search criteria. It is available in PDF format or in printed form by submitting a written request to State Procurement.

## Authority/Use

The RFP process as allowed per R. S. 39:1593.C is used for the procurement of supplies, services, or major repairs, including but not limited to hi-tech acquisitions or complex services, or when contracting with a Group Purchasing Organization. It is used when cost is not the only selection criteria to be used, when soliciting solutions to a defined operational or functional need when objective bid specifications cannot be used, and/or to evaluate several solutions to remedy a problem. The RFP defines requirements and/or existing, legal, or limiting parameters; asks suppliers for proposed solutions and implementation plans; defines and quantifies evaluation criteria; outlines terms and conditions; and permits an agency to assess each offeror's strengths and weaknesses in areas such as but not limited to prior experience with similar contracts, managerial experience with similar projects, feasibility of the approach to satisfying the state's need, financial stability, etc. in addition to cost. (Director's RFP directive of 2/18/98 is Exhibit 2.)

## Approval Process

Each request for use of the RFP solicitation format must be approved by the Commissioner of Administration. All requests must be sent to the Director of State Procurement for determination and forwarding to the Commissioner of Administration. (See OSP Memo 06-01 at http://www.doa.louisiana.gov/osp/agencycenter/memos/2006/OSP06-01.pdf.) Anyone wanting to use the RFP format should submit a letter, signed by the agency head or his designee, justifying their request (Exhibit 3 is an example). The letter should include reason(s) why the agency believes the RFP solicitation format will meet the agency's needs, and evaluation factors other than cost that should be used to determine the best vendor. A draft RFP of the acquisition or service is to be attached. If the request is for a multi-year contract, justification should be provided at this time and can be included in the letter of justification for using the RFP format. (See Purchasing Rules and Regulations Chapter 19 for Multi-Year Contract procedures.)

It is recommended that agencies contact the SPO (State Purchasing Officer, also known as the Contracting Officer) assigned to the RFP to review the basics of the RFP process and obtain the current RFP documents from State Procurement's website. The following documents should help the agency start the process:

RFP Manual
RFP Justification form – Exhibit 3
RFP Boilerplate – Exhibit 4
RFP Review Questions – Exhibit 5
RFP Evaluation Committee Member Instructions – Exhibit 6
Example Letter to Evaluation Committee Members concurring with "no conflict of interest" and "confidentiality" – Exhibit 7
Example of Financial Evaluation Models (if applicable) – Exhibit 8A and 8B Checklist for the Agency Project Leader – Attachment IV

The SPO receiving the RFP request will review the letter/justification and the draft SOW and forward to their supervisor with their recommendation as to suitability for the procurement through the RFP process. The supervisor will review and forward to the director. A cover letter is prepared to accompany the agency's request, and is sent to the Commissioner of Administration for approval.

After the request has been approved for the RFP procurement process, the agency is notified to forward the requisition and RFP package including boilerplate and scope of work in Word format as an attachment. Email is recommended and preferred (joe.doe@la.gov).

**Meeting Participation**

The SPO, as the contract administrator, has an obligation to attend whatever meetings required to adequately assist the agency in identifying and addressing potential issues, and complying with the law, during the RFP development and/or evaluation process. This could mean attending meetings with the agency as they develop the RFP specifications and terms and conditions to ensure that what is developed meets their needs and is in the best interest of the state. It also means attending meetings with the evaluation team as they discuss their individual review findings and are determining their consensus scoring of the RFP proposals. It always means attendance by the SPO of any meetings between the agency and the vendor once proposals have opened.

**Evaluation Criteria**

The agency must determine the evaluation criteria and should recommend the point factor for each, and address how the pricing model (if applicable) will be applied. Broad discretion is given when selecting evaluation criteria as long as they are relevant to the effort. It is strongly recommended that RFP procurements be solution based (i.e. define the problem and allow vendors to submit a solution) and that the agency carefully consider before including any mandatory requirements. Each criteria used shall be defined in the RFP with enough information for the proposer to understand what or how the award will be determined.

The most common evaluation criteria are:

- Quality of Proposal
    - Responsiveness to solicitation requirements, terms, conditions, readability, neatness, clarity, etc.
    - Logical, reasonable and professional

- Technical
    - Proposer's approach to performing the contract or meeting the requirements of the RFP.

- Understanding the project
- Methodology Used for the Project
- Implementation/orientation/start-up procedures and efforts
- Transition with the new contractor
- How soon can service/work begin
- Cost or price - how much will the effort cost - pricing must represent at least 50% of total evaluation criteria point factors. If cost is greater than 50%, SPO must discuss with the agency and OSP management. When cost is weighted heavier than 50%, it usually lends itself more toward an ITB rather than an RFP.
- Business or Management - evaluates proposer's approach to managing the effort
    - Management Plan for the Project
    - Financial strength and stability
    - Has relevant experience, technical qualifications, skills and qualified key personnel assigned to the project
    - Existing or prior customer satisfaction
    - Quality assurance plan
    - Proposer's facilities
    - Training, reports and documentation
    - Maintenance
    - Expansion and Upgrade capability
    - Problem resolution process
- Past Performance - evaluates proposer's efforts on similar projects
    - Has satisfactory record of integrity, judgment and performance
    - Relevant experience similar in size, scope, and complexity

Other possible criteria

- Environmental objectives (if applicable)
- Cultural Sensitivity (if applicable)

**<u>Evaluation Committee Selection</u>**

It is recommended that the evaluation committee be selected prior to drafting the proposal to allow their input in defining the needs and evaluation criteria. The agency selects the evaluation committee members, whose members have expertise in various areas pertinent to the RFP project. It is not necessary for the SPO to be a member of the committee; however, the degree of OSP participation in the evaluation should be discussed at this time. The committee recommended size is 3-5 members, but could be more for some projects. The RFP project leader generally serves as the chairperson. State Procurement may serve as a co-chairperson and if the RFP is for a statewide contract, State Procurement may serve as the chairperson and as contract administrator. If the committee is not established prior to submitting the RFP to State Procurement, it must be established prior to the proposal opening.

Prospective committee members are contacted by the Agency Project Leader to confirm their ability and willingness to serve. OSP provides instructions and provides each member a copy of the RFP Evaluation Committee Instructions at a meeting or insures that copies were previously received (Exhibit 6). The committee is advised of their responsibilities, importance of and mandate for confidentiality and no conflict of interest, and the requirement for adhering to the RFP calendar of events. Committee members are required to sign a letter concurring to no conflict of interest and confidentiality (Exhibit 7). Evaluation committee member names will be made available to interested parties if requested after the "Intent to Award" letter is sent. However, member identity may be apparent if members attend pre-proposal conferences or presentations.

**Agency Project Leader**

Guidelines for the agency project leader are included as a checklist at the end of this manual (Attachment IV).

**Requisition Submittal and State Procurement RFP Review**

The agency will submit an encumbered or unencumbered requisition indicating estimated RFP total value to State Procurement. The agency should submit a listing of recommended vendors with the requisition.

If the draft of the RFP was not submitted with the original request, it will be submitted at this time. The SPO will review the RFP for clarity and if necessary, work with the project leader to redraft the RFP including terms and conditions. Usual specification requirements should be considered that are applicable to the type of purchase such as insurance, training, site visits, licenses, certifications, etc. The SPO will consult with the agency and add special provisions, insurance/bonding requirements, terms and conditions if applicable. Exhibit 4 is the basic format used for an RFP. The SPO will assign the RFP number, establish the "calendar of events" and schedule the preproposal conference, if required, with the agency's assistance. (See page 2 of Exhibit 4 for recommended calendar of events scheduling.)

Careful consideration should be given prior to requesting bid and performance bonds since it is a cost factor for the potential proposers. Consider the type of purchase, the vendor market, and other factors applicable to the procurement before making the determination to request bonds. If a proposal or performance bond will be required, the amount of the bond shall be stated in the RFP as a percentage or total amount of proposal.

The RFP must be in compliance with Act 692 (Exhibit 1) amending R. S. 39:1593.C. OSP and the agency are to ensure that the proposal clearly

-states the outcome desired from the procurement, if applicable
-indicates the relative importance of price and other evaluation factors

-states the criteria to be used in evaluating the proposals, and
-states the time frames within which the work must be completed
-notifies all offerers of the possibility that award may be made on the basis of the initial offers

Minimum requirements of any contract pursuant to this proposal are to include:
-a description of the scope of work to be performed and/or objectives to be met
-the amount and time of payments to be made
-a description of the reports or other deliverables which are to be received, when applicable
-date of reports or other deliverables to be received, when applicable
-responsibility for payments of taxes, when applicable
-circumstances under which the contract can be terminated either with or without cause
-remedies for default
-a statement giving the legislative auditor the authority to audit records of the individual(s) or firm(s)

Other considerations:
-If an RFP requires the agency to reimburse the vendors for travel and/or other reimbursable expenses, language is to be included to effect the following:

-Travel and other reimbursable expenses constitute part of the total maximum payable under the contract, **or**
-No more than ($_____) of the total maximum amount payable under this contract shall be paid as reimbursable expenses, **and**
-Travel expenses shall be reimbursed in accordance with Division of Administration Policy and procedure Memorandum 49 (*The State General Travel Regulations)*

The agency will have already determined the evaluation criteria during the approval process with the point value assigned to each factor. The SPO will review the evaluation criteria definitions for clarity and ascertain that each is measurable.

Use of "contractor" is suggested in defining the scope and technical specifications and "proposer" in defining special instructions.

If the RFP is primarily for goods rather than services, the preference clause for items produced, manufactured or grown in Louisiana is to be included in the RFP. Goods and services must be separate items in order to apply the preference.

Multi-year contracts must be justified and approved prior to releasing the RFP as required per Chapter 19 Multi-year Contracts of the Rules and Regulations.

If the contract will utilize Federal Funds, additional Federal clauses are mandatory and are to be attached to the RFP. See Exhibit 4A.

After the RFP has been finalized, a copy (and any subsequent addenda that might be issued) shall be given to all committee members.

## Confidential Information, Trade Secrets, and Proprietary Information

The state is responsible for protecting confidential information.

Proposals submitted in response to RFPs may contain trade secrets and/or privileged or confidential commercial (processes and techniques) or financial information (cost breakdown, profit, and indirect cost rates) which the proposer (or his subcontractor) does not want used or disclosed for any purpose other than evaluation of the proposal.

The State of Louisiana assumes no liability for disclosure or use of unmarked data and may use or disclose such data for any purpose.

However, the State reserves the right to make any proposal, including proprietary information contained therein, available to OSP personnel, the Office of the Governor, or other state agencies or organizations for the sole purpose of assisting the State in its evaluation of the proposal. The State shall require said individuals to protect the confidentiality of any specifically identified proprietary information or privileged business information obtained as a result of their participation in these evaluations. Each committee member and any other person that attends oral presentations or is involved in the evaluation is required to sign a statement of "no conflict of interest and confidentiality". See Exhibit 7 for example letter.

Section 1.6 of the RFP boilerplate reads as follows:

> The designation of certain information as trade secrets and/or privileged or confidential proprietary information shall only apply to the technical portion of your proposal. Your cost proposal will not be considered confidential under any circumstance. Any proposal copyrighted or marked as confidential or proprietary in its entirety may be rejected without further consideration or recourse.
>
> For the purposes of this procurement, the provisions of the Louisiana Public Records Act (La. R.S. 44.1 et. seq.) will be in effect. Pursuant to this Act, all proceedings, records, contracts, and other public documents relating to this

procurement shall be open to public inspection. Proposers are reminded that while trade secrets and other proprietary information they submit in conjunction with this procurement may not be subject to public disclosure, protections must be claimed by the proposer at the time of submission of its Technical Proposal. Proposers should refer to the Louisiana Public Records Act for further clarification.

The proposer must clearly designate the part of the proposal that contains a trade secret and/or privileged or confidential proprietary information as "confidential" in order to claim protection, if any, from disclosure. The proposer shall mark the cover sheet of the proposal with the following legend, specifying the specific section(s) of his proposal sought to be restricted in accordance with the conditions of the legend:

*"The data contained in pages _____of the proposal have been submitted in confidence and contain trade secrets and/or privileged or confidential information and such data shall only be disclosed for evaluation purposes, provided that if a contract is awarded to this Proposer as a result of or in connection with the submission of this proposal, the State of Louisiana shall have the right to use or disclose the data therein to the extent provided in the contract. This restriction does not limit the State of Louisiana's right to use or disclose data obtained from any source, including the proposer, without restrictions."*

Further, to protect such data, each page containing such data shall be specifically identified and marked "CONFIDENTIAL".

Proposers must be prepared to defend the reasons why the material should be held confidential. If a competing proposer or other person seeks review or copies of another proposer's confidential data, the state will notify the owner of the asserted data of the request. If the owner of the asserted data does not want the information disclosed, it must agree to indemnify the state and hold the state harmless against all actions or court proceedings that may ensue (including attorney's fees), which seek to order the state to disclose the information. If the owner of the asserted data refuses to indemnify and hold the state harmless, the state may disclose the information.

The State reserves the right to make any proposal, including proprietary information contained therein, available to OSP personnel, the Office of the Governor, or other state agencies or organizations for the sole purpose of assisting the State in its evaluation of the proposal. The State shall require said individuals to protect the confidentiality of any specifically identified proprietary information or privileged business information obtained as a result of their participation in these evaluations. If your proposal contains confidential information, you should also submit a redacted copy along with your proposal. If you do not submit the redacted copy, you will be required to submit this copy within 48 hours of notification from the Office of State Procurement. When submitting your redacted copy, you should clearly mark the

cover as such - “REDACTED COPY” - to avoid having this copy reviewed by an evaluation committee member. The redacted copy should also state which sections or information has been removed.”

Once it is determined that information is confidential or if a restraining order is issued, only the redacted copy is to be made available for public inspection. It may be necessary to alter a complete proposal if it is determined that some information is public and other information is to be held confidential. In the later case, the portions determined to be confidential are to be removed, sealed in an envelope marked confidential, maintained in the file, and unavailable for public inspection. The copy provided for public inspection should indicate the sections/pages that have been removed.

If a public records request is received, Exhibit 19 is the appropriate letter to send to the company whose proposal is sought to be reviewed. It is suggested that a separate folder be maintained in the RFP~~O~~ file that contains correspondence related to public records requests.

**Advertisement and Release of the RFP**

RFP's must be advertised in the official journal of the state at least 30 days before opening. All RFP’s must also be posted to LaPAC, the state’s centralized electronic site for posting bid opportunities. Either a notice or the entire RFP document may be posted. If a notice is posted, it must contain the name and address of the using agency, as well as the specific date, time, and place by which the proposals must be received. If the pre-proposal conference is mandatory, this information must be included in the advertisement/notice. See Exhibit 9.

Prior to releasing the RFP, obtain the Project Leader’s approval of the final RFP and confirmation of the calendar of events.

The solicitation number will be the RFP number. Do not mail any AGPS generated documents with the RFP. Mail only the final approved RFP developed from the standard boilerplate containing standard RFP terms and conditions, generic contract, and other appropriate exhibits or attachments. Although AGPS is utilized to produce document numbers and vendor sources, no AGPS generated solicitation is ever mailed.

Written notices or entire copies of the RFP are mailed to persons, firms, or corporations known to be in a position to furnish the required product or services and to those recommended by the agency at least 30 days before proposal opening (Exhibit 9). The SPO must maintain a list including addresses of all that request copies of the RFP. This list will become a part of the file.

The procurement office transmittal form is to be stamped or clearly marked in red with the language "RFP – DO NOT READ PRICES AT OPENING".

SPO's are to enter the RFP in AGPS with a "P" designator in the file number. The RFP solicitation is to be posted manually to LaPAC. Vendor lists are produced manually outside of AGPS, however vendors currently enrolled in AGPS in the commodity used for the RFP shall also be solicited. The final RFP in Word format should be electronically submitted to the Vendor Enrollment Section for manual posting to LAPAC.

All RFP's are posted and updated in the tracking system in the project category under project 1 at the subcategory level by the SPO.

If a vendor requests an electronic copy of the RFP and the entire document is available in Word format, it may be attached to an email and sent with a disclaimer such as:

> "The attached copy of the proposal for _____ is in MS Word format and is made available strictly for the convenience of responding to the RFP. The "official" RFP document in PDF format is available at the LaPAC website http://wwwprd1.doa.louisiana.gov/OSP/LaPAC/pubMain.cfm or in printed form, which may be obtained by providing a verbal or written request to the RFP Contracting Officer with the Office of State Procurement. The vendor is responsible for advising the Office of State Procurement of their interest in participating in the solicitation process, and obtaining the "official" RFP document, including future addenda (if any) from the Office of State Procurement".

**Pre-proposal Conference** (optional)

A pre-proposal conference may be held to provide an opportunity to review requirements, facilitate a clear understanding of requirements, and promote competition. The SPO will set the agenda and may present by power point or using examples of previous RFP's. The SPO should explain the intent of the pre-proposal conference, review the calendar of events and explain administrative procedures at the beginning of the conference. The project leader will facilitate after that with the SPO answering administrative questions.

It is highly recommended that, after the conference, an addendum be sent to all solicited vendors, including all vendors that attended the conference, listing the vendors' names, company names, phone numbers, addresses, and e-mail addresses (if known) that attended. This will keep communication open with the vendors. Other issues may also need to be addressed in the addendum. See Exhibit 10.

## Period of Inquiry

Only those communications which are in writing, signed by an authorized agent of the State, shall be considered as valid. Likewise, the State shall only consider communications from Proposers which are signed and in writing. Proposers are to be instructed in the RFP where to submit inquiries concerning the RFP.

The agency will respond to OSP with answers to all questions posed by potential proposers. State Procurement will issue an addendum with all questions and answers. This addendum will be posted to LaPAC and mailed to all solicited proposers and to any party that requested a copy of the RFP, including all vendors who attended the pre-proposal conference. The source of the inquiries should not be identified in the addendum.

## Addenda

If the need arises to alter the solicitation or proposal opening date, all solicited proposers and any party that requested a copy of the RFP are to be notified in writing via an addendum, created as a Word document (no AGPS documents used). All addenda shall be posted to LaPAC also.

## Specification Protest

Proposers have the right to protest in accordance with R. S. 39:1671 if they can substantiate that the specifications are unduly restrictive. The written protest must be received at least 2 days prior to the opening of proposals. If time does not allow for resolution of the protest, the proposal opening must be stopped and the proposals impounded.

## Modification or Withdrawal of Proposal

If the proposer needs to submit changes or addenda, it must be in writing, signed by an authorized representative of the proposer, cross-referenced clearly to the relevant proposal section, prior to the proposal opening, and should be submitted in a sealed envelope. If the proposer chooses to withdraw his proposal response, the withdrawal notice shall be in writing and received prior to proposal opening.

## Proposal Opening

Proposals are publicly opened at the Office of State Procurement on the scheduled date/time and only the names of the proposers are revealed to those present. Pricing is not revealed at this time. A pricing model, if applicable, is not made public until the proposal opening. (Pricing models are developed by the agency using historical data.)

The model is submitted in a sealed envelope and is opened along with the proposals and the information is provided to those present.

After proposals are opened, it is highly suggested that a letter be sent to all proposers listing the names of the companies that offered proposals. See Exhibit 11.

**Steps of Evaluation Process**

1. State Procurement will review all RFP's to determine if they are administratively acceptable (received on time, signatures, bonds, if applicable, etc.) before releasing to the evaluation committee. It is suggested that a check list of administrative mandatory requirements be developed by the SPO to check proposal compliance.

Proposals containing confidential information are reviewed to determine if proposal "confidential" designations are appropriate in accordance with Section 1.6 of the RFP boilerplate. In general, a proposal marked confidential in its entirety may be rejected without further consideration or recourse. Legal counsel may be necessary for other "confidential" determinations. See section on confidential information and public records request.

State Procurement will turn over copies of all RFP's to the evaluation committee Project Leader for evaluation. State Procurement will retain originals and redacted copies.

2. Prior to any review by the evaluation committee, they must receive instructions (see RFP Evaluation Committee Instructions (Exhibit 6). The committee should also be given copies of Steps of the Evaluation Process (Exhibit 22) and the Questions to check proposer's references (Exhibit 14) as well as any addenda that were issued.

3. Members of the Evaluation Committee may be given evaluation forms (generally provided by the agency project leader) and copies of the proposals. A copy of these forms must be provided to OSP prior to consensus scoring by the committee members.

4. Each committee member will initiate, conduct, and complete an independent evaluation of each offer. Every proposal received that is acceptable or reasonably susceptible of being made acceptable is to be evaluated equally and fairly. They are to be evaluated against RFP requirements.

5. Members meet in a closed session to discuss their individual review findings and to form consensus scoring of all proposals. OSP will attend as required to ensure adequate documentation of the file and to facilitate the efforts of the evaluation committee as necessary. The committee is encouraged to select someone to document meeting results including methodology of review, scoring, facilitate meetings, etc. During these meetings, members must do the following:

(a) identify strengths and weaknesses of each proposal reviewed
(b) review responsiveness to the RFP and associated risks with proposal, if any
(c) identify clarifications and deficiencies of each proposal, if any.

6. Clarifications: Clarifications take place prior to the establishment of the competitive range. The committee must mutually agree upon clarification requests. The committee must submit any clarification request to OSP who will obtain required information from the proposers and return those vendor responses to the committee. Verbal discussions/presentations to obtain clarifications may occur; but must be scheduled by OSP and comply with a formal agenda (more details on this activity can be provided, if required). Exhibit 12 is an example of a clarification letter.

Clarifications are:

1) generally of an administrative nature,
2) provided to resolve inadequate proposal content, or contradictory statements in a proposer's proposal.

Clarification responses should :

1) reflect an understanding of the state's needs for clarification
2) provide information that sufficiently clarifies the proposal;
3) not reveal a previous unknown deficiency

Deficiencies are any part of a proposer's proposal that, when compared to a pertinent standard, fails to meet the state's level of compliance.

7. Written or oral discussions/presentations: Written or oral discussions may be conducted with Proposers who submit proposals determined to be reasonably susceptible of being selected for award. Proposals may be accepted without such discussions and award made on the basis of the initial offers, so proposals should be complete and reflect the most favorable terms available from the Proposer(s).

Any commitments or representations made during these discussions, if conducted, may become formally recorded in the final contract.

The proposal evaluation committee reserves the right to require selected offerors to make an oral presentation/demonstration of their proposed offer **before** the competitive range is established.

Interviews or communications with offerors **prior** to the establishment of the competitive range are to provide clarification and ensure a mutual understanding of the offer. Exchanges must be tightly controlled/constrained. Ambiguities and past performance can be discussed. Offerors whose past performance is a determining factor preventing them from being placed in the competitive range can be given an opportunity to address past

performance if he had not been given an opportunity elsewhere to respond to past performance.

Communications with offerors prior to the establishment of the competitive range are usually limited to certain offerors but can include all of the offerors submitting proposals. Neither negotiations nor changes to vendor proposals will be allowed during these discussions. Proposals may be accepted without such discussions.

Discussions can be a written list of questions individualized to each proposal or may be oral. Exhibit 13 is a sample letter scheduling oral discussions/presentations.

It is suggested that written discussions include objective fact-related data such as performance, design and contractual commitments; cost information (prices cannot change); representations and certifications; and the signed offer sheet. Oral discussions should include subject data such as capabilities, plans and approaches, staffing resources, transition plans and sample tasks; and non-cost information.

Discussions shall not disclose any information derived from proposals submitted by competing proposers.

Discussions need not be conducted if:

-prices are fixed by law or regulation, except consideration shall be given to competitive terms and conditions
-time of delivery or performance will not permit discussions
-it can be clearly demonstrated and documented from the existence of adequate competition or accurate prior cost experience that for this particular service that the acceptance of an initial offer without discussion would result in fair and reasonable prices.
-The RFP must notify all offerers of the possibility that award may be made on the basis of the initial offers.

Oral discussions should be taped or recorded.

The evaluation committee must submit all requests for oral discussions to the OSP. Oral discussions are between the proposer and the evaluation committee. The evaluation committee chairperson and/or OSP shall lead the discussions and explain the ground rules – time allotments, rules on communications with committee, etc. Proposer's "key personnel" should participate in the discussions – not professionals. The committee shall identify the factors that will be discussed during the oral discussions. The committee may invite presentations if needed to better understand the proposal(s). Proposer's should be given instructions on what is to be presented and told to avoid sales presentations.

If scoring is to take place after oral discussions, the committee will meet between proposer discussions or after all proposers' discussions to caucus and reach consensus. If practicable, score immediately after all discussions are completed.

Preparation Instructions for Oral Presentations

When oral presentations will be used to evaluate and select the contractor, it should be indicated in the proposal. Prior instructions for oral presentations are to be provided and should include the following:

- Description of the topics that the offeror must address and the technical and management factors that must be covered;
- Statement concerning the total amount of time that will be available to make the presentation;
- Description of limitations on State-offeror interaction during, and, if possible after, the presentation;
- Statement that the presentation will constitute clarifications only;
- Statement whether the presentation will encompass price or cost and fee (prices cannot change);
- Description and characteristics of the presentation site;
- Rules governing the use of presentation media;
- The anticipated number of State attendees for handouts;
- Description of the format and content of presentation documentation, and their delivery;
- Statement whether the presentation will be recorded (e.g., videotaped or audio tape recorded)

8. If it is applicable to the RFP to check references on the proposer or firm, a sample of possible questions is included in Exhibit 14.

9. Scoring Concepts:

a) proposals are to be evaluated based on the RFP criteria
b) evaluation methodology must be consistent for all proposals

10. Identifying Strengths and Weaknesses. An example of an evaluation method designation follows:

Adjective Rating may be more compressed than the following example and might include as few as four adjective ratings with a scoring range of, e.g., 7-10.

| Adjective rating | Score |
|---|---|
| Outstanding | 10 |
| Superior | 9 |
| Excellent | 8 |

| | |
|---|---|
| Very Good | 7 |
| Good | 6 |
| Adequate | 5 |
| Weak | 4 |
| Poor | 3 |
| Very Poor | 2 |
| Inadequate | 1 |
| Not Adequate | 0 |

In developing a scoring system, a descriptive narrative of the strengths and weaknesses should support the evaluation findings and the score given.

The following criteria (Items 11 and 12) are also generally considered when evaluating and scoring proposals:

11. Evaluating Soundness of Approach: measures how reasonable a proposer's approach is to accomplishing the criteria being evaluated

Exceptional - Proposer's offer greatly exceeds standards and demonstrates exceptional understanding of the goals and objectives of the acquisition, and several major strengths exist. Only a few minor weaknesses exist.

Very Good - Proposer's offer exceeds standards and demonstrates a very good understanding of the goals and objectives of the acquisition. Strengths exceed weaknesses, and weaknesses are easily correctable.

Acceptable - Proposer's offer meets standards and demonstrates a good understanding of the goals and objectives of the acquisition. There may be strengths or weaknesses, or both. Weaknesses do not significantly detract from the proposer's offer and are correctable.

Marginal - Proposer's offer is below standard and demonstrates a poor understanding of the goals and objectives of the acquisition. Weaknesses exceed strengths and will be difficult to correct.

Unacceptable- Proposer's offer is deficient and demonstrates very little understanding of goals and objectives of the acquisition. Noted deficiencies are expected to be very difficult to correct or are not correctable.

12. Evaluating Risk: evaluates how risky a proposer's approach is in relation to cost and schedule. Risk Scale:

Serious - Expected to cause serious disruption of schedule or increase in cost. Will require a significant level of contractor emphasis and government monitoring to overcome difficulties

Moderate - Expected to cause moderate disruption of schedule or increase in cost. Will require average level of contractor emphasis and government monitoring to overcome difficulties.

Minor - Expected to cause minor disruption of schedule or increase in cost. Will require a low level of contractor emphasis and government monitoring to overcome difficulties.

Minimal - Expected to cause minimal disruption of schedule or increase in cost. Will require little or no contractor emphasis and government monitoring to overcome difficulties.

13. Evaluating Cost – evaluate in compliance with RFP. Evaluation may also include determination of reasonableness and completeness of cost as well as any other cost factors that might be applicable. Calculation example:

Base Cost Score (Maximum Value of 50 points)

A Proposer's Base Cost Score will be based on the cost information provided in Appendix ___ or Section ___ and computed as follows:

BCS = (LPC/PC x 50)

Where: BCS = Computed cost score for Proposer being evaluated
LPC = Lowest proposed cost of all Proposers
PC = Total Cost of Proposer being evaluated

14. Evaluator Consensus:
   a) prior to beginning evaluation, evaluators must develop an overall evaluation report that everyone can agree on
   b) Integrate results of individual evaluator review determinations both as to scoring and listing of strengths and weaknesses. See Exhibit 23 for example.
   c) document results for each proposal
   d) develop an award recommendation

15. Evaluations are not complete until the CO (contracting officer – OSP) is satisfied that:
   a) responses to clarifications and deficiencies have been received, reviewed, and completed
   b) all proposers were treated fairly and reasonably
   c) deficiencies have been disclosed and uncertainties and proposal mistakes or strengths and weaknesses have been identified.

It is important that the evaluation report reflect numerical (or other) scoring that is relational to the described strengths and weaknesses. For example:

Vendor A strength - very detailed implementation plan – score 25 of 25
Vendor B strength – detailed implementation plan – score 23 of 25

Lower scoring of Vendor B should be explained, i.e. very detailed but with details that are not relevant to mandatory requirements of RFP might explain lower score.

Proposals should be scored consistently. If an area of an offer is scored as a strength/weakness for one, the same area should be considered for other offers (if addressed by other offers).

The evaluation committee has broad discretion in establishing the competitive range. This discretion to include or exclude offerors from the competitive range permits agencies to include marginal proposals in the competitive range in order to broaden the competition. An agency's decision to include only one offeror in the competitive range will be subject to close scrutiny due to the elimination of competition.

Some factors to consider in establishing the competitive range:

Does next proposal contain significant deficiencies?
Is the top offer technically superior?
Does the RFP state award will be made to the offeror that is the most advantageous to the state of Louisiana considering price and other factors with the highest score?
Will consideration of some offers possibly change after oral presentations and/or clarifications?

## Eliminating Proposals from Further Consideration

When proposals are eliminated from "final or further" consideration for recommendation for award, a valid reason must be justified and documented in the file, i.e. "didn't meet minimum mandatory requirements" (list them), "wasn't considered reasonably susceptible of being recommended for award because of weaknesses in proposal" (list them). The agency must provide information sufficient to verify that further consideration is not required.

## Financial Evaluation Model

A financial evaluation model may be used in the evaluation of cost, if applicable. The financial evaluation model is developed by the agency using historical data. If used, it shall be opened at proposal opening time and made available to all proposers. See Exhibits 8A and 8B for examples.

## Award Recommendation

The agency project leader prepares and submits the committee's recommendation to agency management with the signature of all committee members. The agency project leader sends the committee recommendation to their agency management (Exhibit 15A), agency management forwards approved recommendation to the State Purchasing Officer (Exhibit 15B), and the SPO administratively reviews the proposals, recommendation and the score sheet(s) for mathematical accuracy. The SPO prepares a memorandum to the Assistant Director for approval as illustrated in Exhibit 15C.

**Note: The award recommendation should include the: 1) Methodology for Evaluation; 2) Cost Summary Tabulation; 3) Evaluation Point Assignment; and 4) Strengths and Significant weaknesses or areas of non-compliance to the RFP for each proposal reviewed.**

## Award

The award shall be made to the responsible offerer whose proposal is determined in writing by the agency to be the most responsive and advantageous to the state considering price and other evaluation factors set forth in the RFP.

The mandatory RFP requirements shall become contractual obligations if a contract ensues. Failure of the successful proposers to accept these obligations shall result in the rejection of the proposal.

If for any reason the selected offer and the agency fail to negotiate a mutually accepted contract, that proposal shall be rejected and the State may negotiate with the next most responsive proposer. An award shall be made only after the OSP, Division of Administration has approved the final contract form, and the proper purchasing authority has issued a purchase order.

The Director of State Procurement's approval is required before committing to an award.

## Award Notifications

Once OSP concurs with the recommendation report, OSP writes letter(s) of "Intent to Award" to the successful proposer(s) - Exhibit 16 and "Notice of Regret" to the unsuccessful proposer(s) – Exhibit 17. All letters are issued on the same day. These notifications are usually signed by the State Purchasing Officer if the Assistant Director has previously approved; however, there may be some circumstances that require the Director's signature. The 14 day protest period is allowed to elapse.

The “Notice of Regret” letters **shall** include at a **minimum** –

- The name of the successful proposer(s)
- Instructions for scheduling a debriefing
- Language regarding the right to protest the award/intent to award

The “Notice of Regret” letters **may** also include

- The number of proposers solicited
- The number of proposals received
- The total estimated cost of each proposal

**Award Debriefings**

Debriefings are scheduled at the request of any proposer and may be scheduled during the protest appeal time. Proposers may be debriefed by contacting the Office of State Procurement 72 hours in advance by phone or E-mail. Each proposer will be debriefed only once. Debriefings are held at State Procurement with the evaluation committee chairman present. Prior to the debriefing, the evaluation committee chairman will be sent (Email preferred) discussion topics and debriefing instructions. See Exhibit 18 for possible topics of discussion. Debriefings should be candid, informative and a learning tool for both parties. Ask proposers what we can do better next time, acknowledge strong points of their proposal whenever possible. Do not discuss the other proposals with the vendor being debriefed. Discussion must focus on the debriefing vendor's proposal only.

Purpose of debriefings is to:

- Explain the rationale for the contract award decision
- Explain to unsuccessful proposers why they were not selected for award
- Instill confidence in proposers that they were treated fairly
- Assure proposers their proposals were evaluated in accordance with the solicitation and applicable laws and regulations
- Identify weaknesses in proposers’ proposals so they can prepare better proposals in the future
- Reduce misunderstandings and protests

Can be done orally (in person), in writing, or by other means, such as teleconference

**Debriefings**

- Provided to unsuccessful proposers
- At a minimum, the **debriefing must include**:
  - The state’s evaluation of significant weaknesses or deficiencies
  - The overall evaluated cost or price and technical rating, if any
  - The overall ranking of proposers, if a ranking was developed
  - A summary of the rationale for award
  - For acquisition of commercial end items, the make and model of the item to be delivered

- Reasonable responses to relevant questions about procedures, applicable regulations, and other applicable authorities being followed

- The debriefing **should not** disclose:
  - Trade secrets
  - Privileged or confidential manufacturing processes and techniques
  - Commercial or financial information that is confidential
  - Names of individuals providing past performance information
  - Detailed cost information about other proposals

What a **Debriefing is Not**

- It is not a point-by-point comparison of one proposer's proposal to another
- It is not a debate over the award decision or evaluation results
- It is not an opportunity for review of other proposals (this is a Public Record's request and will be allowed separate from the debriefing)

Documenting the Debriefing

- A summary is required for the contract file and should include questions and answers provided in the debriefing

Scheduling of Debriefings

- Debriefings may be scheduled by the participating proposers after the "Intent to Award" and "Notice of Regret" letters have been issued by contacting State Procurement 72 hours in advance. Note: There is a place for the SPO to indicate telephone and E-mail numbers in the RFP boilerplate or contact information can be included in the "Notice of Regret " letter.

Characteristics of a Quality Debriefing

- Precise and accurate
- Professional
- Helps the proposer improve future proposals
- Instills confidence in the process
- Candid and open
- Timely
- Well rehearsed to ensure it is precise and accurate
- Thoroughly documented

## Public Records Request

Proposals may be reviewed by any person after the "Intent to Award" letter has been issued by scheduling with the Office of State Procurement. We should respond as soon as possible and no later than 72 hours from request.

A public records request is handled separate from a debriefing after the "intent to award" letter is released. A public records request for copies must be in writing. We must respond within 72 hours. Such requests are forwarded to the SPO for review. If a redacted copy was submitted, then this redacted copy will be made available. If no redacted copy was submitted, the information marked "confidential" will be removed from the proposal, and it will be noted that the confidential information has been removed. These requests must be discussed with the supervisor to determine if sections marked confidential are allowed as such. If the person making the public records request challenges the fact that information has been withheld, the affected proposer(s) with information labeled "confidential" should be informed by letter of the state's public records act, the contents in his proposal that are marked confidential, and that it is our intent to make the information in his proposal available for disclosure. (See Exhibit 19 for example). Wait for the response before proceeding. If the vendor provides a written justification as to why certain information is confidential other than those things allowed, then the information should be withheld until a determination is made. Legal counsel may be required. After the determination, notify the public records requesting party in writing that the documents are available and indicate applicable charges (if copies are requested). Copies cannot be held pending receipt of copy fees. See Exhibit 20 for sample letter.

Vendor responses to RFP solicitations should not be revealed if the RFP will be cancelled with the intent to re-solicit. Proposals may be reviewed if the file is to be cancelled without re-solicitation.

## Contract Negotiations

OSP, agency project leader, and the successful vendor shall negotiate the final contract. Negotiations may begin once the intent to award letter has been issued with the understanding that the 14 day protest time must pass before any contract can be finalized. Negotiation may include revision of terms and conditions and non-mandatory requirements.

## Bid Bonds and Performance Bonds

After the group has negotiated and determined that a contract can be awarded and the protest time has lapsed, the performance bond is obtained from the successful propser (if applicable). Upon receipt of the performance bond, any cashier's or certified checks received as bid security will be returned to unsuccessful proposers (bid bonds remain in the file unless requested to be returned).

## Contract Initiation

All RFP awards shall be reduced to contracts. Generally, the contract will be between the contractor and the agency - not OSP. See Exhibit 4D for sample generic contract. The contractor and the agency execute and sign three (3) original contracts and submit to OSP

for statutory approval. After signatures are complete, the contract is in effect. An original contract is sent to the contractor and the agency. See Exhibit 25 for the cover letter to be used to send the contract to the agency. One original contract is maintained by OSP. The appropriate AGPS document is activated, if applicable. The Director is statutorily required to sign the purchase order if there is one.

The contract between the State agency and the contractor shall include

-the contract
-the RFP solicitation and any addenda
-the contractor's proposal

The contract shall, to the extent possible, be construed to give effect to all provisions contained therein; however, where provisions conflict, the order of precedence which shall govern is as follows: 1) the final contract; 2) the Request for Proposal (RFP) and addenda, if any; and 3) the contractor's proposal.

**Cancellation of RFP or Rejection of Proposals**

See Section 1.15 of RFP boilerplate.

The RFP may be canceled or all proposals may be rejected only if it is determined based on reasons provided in writing that such action is taken in the best interest of the state. All proposers must be notified in writing. Some of the reasons for cancellation are in Chapter 13 of the Rules and Regulations.

**Contract Changes**

If provisions in the RFP allow for contract amendments within the scope of the contract, the agency may request a change by providing a written explanation/justification. The agency letter must include the following, if applicable:

1) statement that the change was unforeseen and within the scope of the original contract
2) explain scope of change and proposed price for unforeseen change
3) reasons for accepting the contractor's quote for the change
4) advise if the change is based on cost proposed in the original contract
5) recommendation on fair pricing and acceptability to their agency

The SPO will review and provide a recommendation. No changes, enhancements, or modifications to any contract resulting from an RFP shall be made without the prior approval of OSP.

Changes to the contract include any change in a) compensation (There must be an identifiable method relative to the proposal price to consider the change. Review:

R.S.39:1661, R&R 531.D); b) beginning/ending date of contract; c) scope of work; and/or, d) contractor change through the Assignment of Contract process. Any such changes, once approved, will result in the issuance of the amendment to the contract. See Exhibit 24 for sample generic contract amendment.

**Acceptance of Deliverables**

Deliverables can be equipment, supplies, services, reports, etc. After acceptance of performance of the contract, the contractor will invoice the agency in accordance with the terms of the RFP. Payment will be processed in AGPS.

**Termination of Contract**

The following termination clauses are included in the RFP boilerplate.

The State may terminate this contract for cause based upon the failure of the contractor to comply with the terms and/or conditions of the Contract; or failure to fulfill its performance obligations pursuant to this agreement, provided that the State shall give the Contractor written notice specifying the Contractor's failure. If within thirty (30) days after receipt of such notice, the Contractor shall not have corrected such failure or, in the case of failure which cannot be corrected in 30 days, begun in good faith to correct such failure and thereafter proceeded diligently to complete such correction, then the State may, at its option, place the Contractor in default and the Contract shall terminate on the date specified in such notice.

The Contractor may exercise any rights available to it under Louisiana Law to terminate for cause upon the failure of the State to comply with the terms and conditions of this contract; provided that the contractor shall give the State written notice specifying the State's failure and a reasonable opportunity for the State to cure the defect.

The State may terminate any contract entered into as a result of this RFP at any time by giving thirty (30) days written notice to the contractor of such termination or negotiating with the Contractor an effective date. The Contractor shall be entitled to payment for deliverables in progress, to the extent work has been performed satisfactorily.

The continuance of this contract is contingent upon the appropriation of funds to fulfill the requirements of the contract by the legislature. If the legislature fails to appropriate sufficient monies to provide for the continuation of the contract, or if such appropriation is reduced by the veto of the Governor or by any means provided in the appropriations act or Title 39 of the Louisiana Revised Statutes of 1950 to prevent the total appropriation for the year from exceeding revenues for that year, or for any other lawful purpose, the effect of such reduction is to provide insufficient monies for the continuation of the contract, the contract shall terminate on the date of the beginning of the first fiscal year for which funds are not appropriated.

## Contents of the File

At a minimum, the file is to contain the following:

-Procurement Office Transmittal
-RFP justification and approval for this method of solicitation
-Requisition with scope of work
-Copy of the RFP
-List of proposers solicited
-Copies of all correspondence (including emails) related to the file
-Copy of the advertisement
-Copy of all addenda, if applicable
-Proposal Offers (insure confidentiality of information, where applicable)
-Pricing model, if applicable
-Agency recommendation for award which includes methodology for evaluation, cost summary tabulation (reflecting consensus scoring of evaluation committee), evaluation point assignment, strengths and or significant weaknesses or non-compliances to RFP for each proposal
-Copies of letters of intent to award and regret letters
-Debriefing(s) comments
-Original of the final contract
-Purchase Order, if applicable
-Buyers RFP Checklist

## Protest of an Award

Proposers have the right to protest in accordance with R.S. 39:1671 if they are aggrieved in connection with the award. The protest must be in writing to the Director and received within fourteen days after the "notice of intent to award" is released.

## Monitoring and Reporting

The agency must monitor and may be required to report to OSP at any time during an outstanding contract. After completion of performance under a contract, the using agency shall evaluate contract performance and the utility of the final product. This evaluation shall be delivered to the director of state procurement within one hundred twenty days after completion of performance and shall be retained in the official contract file. (Exhibits 21A and 21B) Agencies are to advise OSP of all purchase orders issued to capture the actual charges against the contract. Amount of expenditures shall be reported on a fiscal year basis. See Exhibit 26 for sample letter to request contract performance evaluation from agency.

## Deficiency/Complaints

The same procedure applies as for ITB's utilizing a Deficiency/Complaint Form (Available on Office of State Procurement Website).

## Renewal

The agency should meet with OSP 3-4 months prior to expiration to make recommendation for/against renewal, if applicable to the file. Normal procedures are followed in the renewal process - review of the file, market survey, letter of acceptance, etc.