Requests for Proposals
In Maine State Government

A presentation for State Agencies
Where to start?

- At the end, preferably!
  - What do you want to accomplish?

- Establish response requirements
  - What should bidders include in their proposals?

- Create an evaluation/scoring system
  - Must be created in advance to ensure fairness

- Identify proper process requirements
  - Schedule of events - Release of RFP, Bidders’ Conference, Q & A Period, Proposals Due, etc.
Advertisement Components:

- Department/Division issuing RFP
- Brief description of desired service
- Contact person, with #, e-mail, etc.
- Bidders’ conference date, time, location
  - If you’re having one
- Proposal due date, time, and location
RFP Components:

- Department/division issuing RFP
- Detailed description of service
  - outcome-specific
- Contact person, with address/phone
- Dates, times, locations:
  - Bidders’ conference
  - Proposal Delivery Instructions
- Attach Contract Template
  - Terms and Conditions
RFP Components: Scope of Services...

- **Focus on measurable outcomes**
- **Define what end result is desired**
  - *not* who will do the work
  - *not* how the work is done
- **Avoid control and/or pricing mechanisms which denote an employer/employee relationship**
  - *Goal:* fixed prices tied to deliverables
- **If you intend to hold the vendor responsible for the product, you can’t be directing the work!**
  - The contractor controls the workers.
  - You either accept or reject the work product.
Evaluation Criteria:

- **Must be included in RFP, with weights**
- **Cost must be a minimum of 25%**
  - May be considerably more for some services
- **Other criteria may include, for example:**
  - Experience
  - Proposed Methodology
  - References
  - Work samples
  - ETC...
RFP Components: Notes on Cost evaluation

- **Cost evaluation is usually objective**
  - low bid gets full points assigned
  - scoring other bids:
    - divide lowest cost proposal by the cost of the proposal being rated, and multiply by full points assigned

- Sometimes, an objective evaluation of cost requires us to look at “bang for the buck” rather than proposed cost.
RFP Components:  
Notes on other evaluation criteria

- After meeting minimum requirements, what might distinguish one provider from another in quality?

- No points for minimum requirements!
  - If service providers must be licensed, don't offer points for licensed providers.
  - That implies that you'd consider non-licensed staff.

- While you must identify the percentage of the total points to be applied to each criterion, avoid minute breakdowns, which limit your flexibility.
RFP Components:
What about questions?

- **Suggestion:** Require Questions in Writing
  - easier for you; more consistent
  - include deadline for written questions in RFP

- **Contact Person:** Subject matter expert
  - provide name, e-mail address, FAX #
    - all are forms of written communication

- **Answer relevant questions**
  - no rule requires you to answer all questions
  - those you do answer must be sent in writing to all who requested the RFP
The Evaluation Process
The panel...

- Panel may include:
  - Department or other State staff
  - Subject matter experts
    - Professionals may be compensated

- Avoid conflicts of interest:
  - Direct financial or familial link to a bidder
  - Don’t be overzealous, though
    - Department staff will often have had prior experience with one or more bidders...their experience is relevant; considering it is not a conflict
The Evaluation Process

The approach...

- **Consensus model:**
  - Reviewers read and make notes individually, without assigning scores
  - Evaluation panel meets and discusses proposals
  - Scores are assigned which reflect group’s consensus
  - The proposal with the groups’ highest score is selected

- We encourage a consensus model
The Evaluation Process

- Team approach is best
  - Three members is plenty, more OK
  - All team members should participate in all evaluation meetings/interviews/demos

- Exceptions
  - Reference checks
  - Objective evaluation of Cost

- Final scores determine winner
- Keep individual records, including notes
Award Notification

- After proposals are evaluated and the top scorer(s) identified, award notification letters are sent to all who submitted bids.
- Receipt of award notification letters starts the appeal period, so it is important to get them out.
- Letters must include a statement that the award is conditional pending State Purchases Review Committee approval, and negotiation of a mutually acceptable contract. Letters should also notify bidders of their right to appeal. A template letter is available from the Division of Purchases.
- Letters should be brief and to the point. Avoid well-intentioned explanations.
About Public Information

- All proposals, scoring documents, etc. are considered public information at award notification
- “Public Information” must be made available on request...
  - Can be by appointment at your office at a mutually agreeable time
- Provide only what already exists
  - Don’t create new documents on request, even though all the information is part of the public record. (The inquirer can create his/her own document from the record.)
The Appeal Process
Requests for stays/hearings...

- Written requests to the Bureau of General Services, Division of Purchases

- Appeal requests within 15 days of award notification; must meet one of three criteria:
  - violation of law
  - irregularity creating a fundamental unfairness
  - arbitrary or capricious award

- Stay requests within 10 days of award notification; request for stay must demonstrate:
  - irreparable injury to petitioner if stay not granted
  - reasonable likelihood of success of appeal on its merits
  - no substantial harm to adverse parties or to the public
The Appeal Process
Will a hearing be granted? What can happen?

- Appeal request *will be granted*, unless:
  - the petitioner is not an aggrieved person
  - request is made more than 15 days after notification
  - request is capricious, frivolous or without merit

- Appeal Results - Two possible outcomes:
  - Validate the Department’s award decision
  - Invalidate the Department’s award decision
  - “All or nothing”: Panel cannot modify the award.
The Appeal Process

Tips for avoiding appeals...

- Stick to criteria established in the RFP when evaluating proposals
  - Each rater should make written notes
  - Notes need not be detailed, but should demonstrate that the established criteria were appropriately considered

- Guard against conflicts of interest, both in developing the RFP and in assigning evaluation team members

- Avoid explaining the award decision
  - Let the scoring documents speak for themselves
Additional Information
Attachments...

- Chapter 110: Rules for the Purchase of Services and Awards
- Chapter 120: Rules for Appeal of Contract and Grant Awards
- BP18: Agreement for Special Services
  - Limited to $5,000.00
- BP54 EO: Standard Agreement to Purchase Services
- State of Maine RFP Template
Names to Know in Purchases

- **Mark Lutte, Director**
  - Mark.Lutte@maine.gov

- **Kevin Scheirer, Operations Director**
  - Kevin.Scheirer@maine.gov

- **Chad Lewis, Director of Special Projects**
  - Chad.Lewis@maine.gov

- **Brenda Devoe, Secretary Associate**
  - Brenda.Devoe@maine.gov