
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.
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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
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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
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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...
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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.
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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.
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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
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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
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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
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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
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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.)
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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.
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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
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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
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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
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