An RFP is also called competitive negotiation. It is used when qualitative factors need to be considered or when required by law. RFPs are required for consulting contracts over $75,000/year and social services contracts over $250,000/year.

RFPs allow flexibility through engagement with companies during the written inquiries period, and in evaluation through clarifications, oral/written presentations, and BAFOs.

An RFP is not quick, inexpensive, or the only method to obtain services.
RFP Phases

Planning
- Define Need
- Market Research

Writing
- Develop Scope of Work
- Write RFP

Releasing
- Publish RFP
- Receive Proposals

Evaluating
- Evaluate Proposals
- Select Most Advantageous Proposal

Negotiating
- Negotiate Contract
- Execute Contract
Objectives

At the end of this course, learners will be able to:

- Use six key questions to specify the agency’s need
- Understand how to build and organize a RFP Scope of Work (SOW) to best meet the agency’s needs
- Transform goals and objectives and SOW into evaluation criteria
RFP Phases

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Defining need is the first steps in drafting an RFP. Make sure you document the defined need because you’ll need it throughout the RFP process.
Who needs the product or service? The internal / external stakeholders including State staff, private citizens, other states, federal governments, and local governments.

What end result does your agency need? What problem does the agency need resolved? The requirements in the RFP must explain the needs of the agency. This will be the main focus as you draft the RFP. Let the proposers tell you the best way to resolve the problem.

Where will the product or service be used? This can be the location where the contractor will perform work affects price (on-site vs dedicated facility vs remote work) or the location where the deliverables will be (e.g. digital marketing services or an in person conference).

When does your agency need the product or service? Timeframe for needs affects price. Shorter timeframes often cost more than longer timeframes.

Why does your agency need the product or service? Consider the business needs vs. desirables. You’ll need to completely understand why the product or service is needed.

How will the product or service be used? Is there to be collaboration across agencies or other contractors? Will citizens use the services? Remember that “how” does not mean dictating how the contractor is to do the work.
After defining need, you can continue preparing for your RFP.

The first step is to identify the evaluation committee which may be composed of internal agency staff, other agency staff, or even outside experts.

Then you’ll obtain input and feedback from subject matter experts and the evaluation committee on the defined need to ensure it is correct, complete, concise, and clear. Also obtain their input and feedback while drafting the specifications to help ensure the specifications are SMART (specific, measurable, achievable, realistic, and time-bound). Be aware that sometimes subject matter experts may be overly focused and will need to be guided back to seeing the big picture.

Don’t forget to talk to the end users, they know what the product or service should be in the end.

Then conduct market research.
An evaluation committee is usually comprised of 3-5 subject matter experts. The subject matter experts should all have various areas of expertise such as finance, operations, and administration. You want to ensure there is diversity of thought and avoid group think. Take into account how different personalities interact to avoid a committee member overtaking the meetings. Supervisor – subordinate relationships are highly discouraged as they give an appearance of impropriety.

It is useful for the evaluation committee members to have previous experience with the product or service requested in the RFP.

Evaluation committee members with interest in the subject matter of the RFP are also helpful to prevent the review and evaluation from feeling tedious.

The people selected for the evaluation committee must be available. Committees usually meet in person and all members must be present. The evaluation committee should not hold discussions or make decisions if any member is absent.

Competencies and proficiencies: the evaluation committee as a whole must be able to understand what they are evaluating. Each individual member isn’t expected to understand every aspect of the project. You wouldn’t request a non-technical team evaluate a proposal for an information technology system.

The evaluation committee members must be and remain ethical during the entire process. A conflict of interest and confidentiality statement or letter is signed prior to receipt of proposals. Any evaluation committee member who has a conflict of interest become known during the evaluation is required to disclose that conflict. Appearance matters, if there is a pre-existing relationship, consider the implications. Now that the need is defined and the evaluation committee is formed, it’s time to conduct market research.
Conducting market research will help you identify opportunities by seeing what others have done. It also helps mitigate risk as you have the chance to discover the issues that arose during the procurement and contract.

You can establish a list of potential proposers. There may be new entrants to the market and existing vendors may now be serving the region.

Market research helps in understand pricing. What was the total for other contracts and how was it priced? It also helps in determining how to control costs. Should cost be proposed by the number of users in the State or number of constituent users, amount of storage space required, etc. Market research can guide you on developing the cost worksheet and unit of measures. Should it be billed hourly? Daily? Set price per deliverable?

Market research allows you to ensure the specifications you will draft are in line with industry standards.

You can identify trends in the market, such as the growing use of mobile apps for services.

Market research will help to increase the likelihood of a successful outcome.
Review industry and national publications to learn about opportunities and risks, potential proposers, pricing, industry standards, and trends.

If the services are recurring, be sure to review everything from the last procurement: all the addenda, the contract, any amendments, and the performance evaluation. Ask the end users about what would make the contract better.

You can hold vendor meetings to discuss existing and emerging products and services as well as the overall industry. You’ll want to provide an understanding of your end goal without providing information that would give a vendor an unfair advantage.

If the services are new, or you know the market has changed, you can issue a Request for Information (RFI). Let the potential proposers provide you with information regarding the technical feasibility, market price, specifications, or if they would be interested in proposing.
Goals and objectives include three main categories: expected outcomes, desired capabilities, and efficiencies sought. The goals and objectives should be “SMART” – specific, measureable, achievable, realistic, and time-bound. Determining if the goals and objectives are achievable and realistic happens when defining need and conducting market research.

An example of an expected outcomes would be: Complete a study of red snapper in the gulf of Mexico. An example of a desired capabilities would be: Have the ability to track courses taken. An example of an efficiency sought would be: Process improvement.

After the goals and objectives are drafted, you’ll begin developing the specifications.
Developing Specifications

- Define what products or services are needed and what deliverables the Contractor will be required to provide
- Identify the essential characteristics
- Assure maximum reasonable competition
  - Use generic requirements vs brand specific or proprietary terminology
  - Eliminate mandatory requirements (e.g. shall, must) if they are not vital to the end function

Taking defined need, market research, and goals and objectives, you’ll start adding details to aid in drafting the scope of work.

You’ll define what products or services are needed, but not dictate how the contractor is to provide the products or services.

Use the defined need to identify the essential characteristics. Did you clearly describe the problem or need so that you can identify the essential characteristics to solve the problem?

To ensure maximum reasonable competition don’t use language that would restrict proposers. This is usually seen with specific marketing phases or terms or software names. You should always use generic requirements instead of brand specific requirements such as: “facial tissue” not “Kleenex”, “copying” not “Xeroxing”, and “webinar” not “GoToMeeting” or “Zoom”.

You’ll also want to eliminate any mandatory requirement (shall or must) that is not vital to the end function.
Developing Specifications

- Do not be overly prescriptive
  - Allow proposers to propose the best method
- Think about the resulting contract
- Write in a logical manner

Don’t be overly prescriptive in how the product or service is to be produced or undertaken. Don’t tell the proposer HOW the scope must be done, instead let the proposer tell you the BEST method to solve the problem or need outlined in the RFP. If you hired an interior designer, you wouldn’t tell the designer what exact colors to use and where to put the accessories. If you hired a landscape architect, you wouldn’t tell them where to plant the flowers and trees. You would ask the professionals to tell you the best way to accomplish your goals for the space.

When writing the SOW, think about the resulting contract and write the SOW in a way that ensures the expectations of the contract will be adequately described and easily understood.

Write in a logical manner - If task A must be completed before tasks B-D, and then task E must be completed. Then discuss task A, tasks B-D, and then task E. Don’t list task A, task E, and then tasks B-D.
Be consistent

- Use the same terms for the same items throughout the RFP
- Capitalize the first letter of specific, defined terms
- Spell out acronyms in the first use, add them to the acronym list, and define them when appropriate
- Write in present tense

Using the same terms throughout the RFP reduces confusion for the proposers and for your agency. Solution and system are two terms that are often used interchangeably, but to a proposer these terms represent very different things. A solution is the complete answer to a problem. A system is part of the solution, but rarely is a system the only component in a solution. Cost Schedule, cost sheet, and price schedule are often used interchangeably as well, but only one of the terms should be used throughout the RFP.

Capitalizing the first letter of specific, defined terms such as Proposer, Contractor, and State along with any terms that specific and defined in your RFP, but you don’t need to capitalize everything that is defined such as may, should, must, shall, will, or discussions. Don’t capitalize undefined terms unless it’s the first word of a sentence.

Make sure to spell out acronyms in the first use and add them to the acronym list. There are multiple phrases that use the same acronym. Such as PM. PM can stand for performance measure, project manager, and preventative maintenance. Hard-drive and high-definition are both shortened to “HD”. CAP can stand for corrective action plan or contract administration plan. In some cases, the acronyms will need to be defined as well.

Write in present tense. “The Contractor shall” or the “the Contractor should” not the “the Contractor will be required to”.
Try not to use terms that aren’t objective as disputes may occur. Some examples include: sufficient, adequate, timely, reasonable, substantial, and majority.

These terms are acceptable when they are clearly defined in your definitions section. For example: timely means within 24 hours; majority means over 50.00%.
How do we fix these RFP requirements so that they are not ambiguous?

#1 – define what routine means – possibly changes that include color, font, or image and text replacement, but not creation?

#2 – timely – each final report should have a specific due date – maybe 2 weeks after the end of the month or 30 days after the end of the quarter. If it is imperative that the report be delivered by a certain time, that should also be specified. Would 7 pm be acceptable – would anyone be in the office to receive the hard copy? Would 3 pm be better? Define digital formats as well.

#3 – remove the middle where it says “to have sufficient resources and staff” so it reads “The Contractor will be required to start its operations within fifteen calendar days of contract execution”.

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**Ambiguous phrases**

- Make routine design and copy changes to websites, including uploading new images, documents and photos
- Final reports shall be delivered in both hard copy and digital formats in a timely manner for all work completed
- The Contractor will be required to have sufficient resources and staff to start its operations within fifteen (15) calendar days of contract execution
Keep the language plain and simple – it should make sense to anyone reading the RFP and if you don’t understand it there is a good chance a proposer won’t either. If you are writing an RFP with a scope of work that is highly technical or complex, make sure the industry will understand the request and that the subject matter experts understand the RFP.

Remember that “Proposer” and “Contractor” do not mean the same thing! A proposer is the person or entity that is responding to the RFP. A contractor is the person or entity with whom a contract is executed. There are different requirements and expectations on the two parties. A proposer will probably not need to submit a disaster recovery plan, but a contractor will need to submit a disaster recovery plan.

The Scope of Work should not reference the Proposer. It will reference the Contractor.

Ask yourself, “What is the cheapest way to accomplish this?” “This” could be the scope of the RFP or the particular requirement. Make sure the “cheapest way” is sufficient to meet the agency’s needs; if it’s not, you’ll need to revise the requirement or ensure the evaluation methodology is appropriately structured for the agency to best meet their needs.

For example, if you request a computer, will a $100 budget laptop meet your needs? Probably not. You may need to include the minimum specifications required in a computer to meet your needs. You could also have evaluation criteria that says you will evaluate the proposal based on the computer proposed, and award more or less points based on the quality of the computer proposed.
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Not every RFP will have all of these sections. Sometimes they may be titled a little differently, for example: “company and personnel qualifications” may be “qualifications of staff”.

Some RFPs will have additional sections such as: “Programmatic Requirements”, “Operational Requirements”, or “Record Keeping Requirements”.

When writing the scope of work focus on performance and function, not just technical and design requirements. Technical and design requirements limit competition and increase cost. Proposers are experts, let them tell you how their offer will solve the problem.

The overall guiding principle is to balance requirements of agency with allowing as many proposers as appropriately possible to compete.
This scope of work section is introductory. It is the description of the agency’s needs and works in conjunction with the goals and objectives. It is written to ensure goals and objectives are met.

The work is explained at a high level and in general terms such as “The Contractor shall provide customer service to support ABC’s operations.” It won’t detail how the Contractor will provide the customer service, but may mention that customer service doesn’t include help desk support.

Remember to let the proposer tell you the best way to solve the problem.
Deliverables include reports, plans, software, systems, databases, training programs, and others. If your project has milestones, there should be payments associated with them. Invoices are not deliverables!

For our customer service SOW statement we just mentioned, deliverables might include: “The Contractor shall provide a training plan for all customer service representatives.”
Technical requirements vary depending on the product or service the agency is seeking. Some RFPs have minimal technical requirements, such as: “The Contractor is responsible for procuring and maintaining all hardware and software resources necessary to successfully perform the services called for in this RFP”. That statement in a RFP that is seeking an executive search company may mean the contractor just needs to have a device that is capable of connecting to the internet.

If the RFP is for products or services involving technology, there may a page or more of technical requirements regarding interfaces and capabilities that the contractor must have or be able to connect to.
The project requirements section will include the agency’s requirements as it relates to the how the project will structured and managed.

It should include the resources to be provided by the Contractor, such as equipment (computers, office supplies, etc.) and, if applicable, coordination with other contractors, compliance with state or federal regulations, or translation and interpretation.

It should also include the resources to be provided by the State, such as staff, work space, and equipment.

Information on project management responsibility, progress and time reporting including timelines, and issue management and control should be included in this section as well.
The Personnel Qualifications section should detail the required skill sets for successful contract performance. Skill sets may be required for individual defined positions, such as a Project Manager with 3 years’ of experience managing projects of the same type, or the skill set may be required of the company at an overall level, such as “all Contractor staff shall be proficient in Microsoft Office application.”

The qualifications listed should be only those actually needed to successfully meet the scope of work. As an example, an RFP requires a company to have 3 years’ of experience in a learning management system. Would companies such as Google or Facebook be able to build a great learning management system? They may not have 3 years’ of experience, but likely have staff who could build an excellent learning management system. The request for 3 years’ of experience could be included as a desirable requirement (should) instead. Remember that mandatory requirements (shall, must) should be limited to only those items which are vital to the end function.

A good alternative is to request the Proposer include information regarding their hiring strategies and how they hire the best employee for their company vs requesting resumes of staff who may be proposed, but not work on the actual project.
The locations and hours of operation may be very defined or very general depending on the product or service that is needed. If there is a need to be specific, be sure the standard operating hours (such as 8:00 am-5:00 pm) and days (such as Monday-Friday, excluding state holiday) are listed. Include this information for both the agency issuing the RFP and the Contractor.

The location requirements also vary depending on the product or service. If there are limitations on where the Contractor can complete the work, be sure to include that information. In some instances Contractors are required to work in the state office building or in a designated building the Contractor procures. The Contractor may be allowed to telework or may be required to work within the United States.

If the Contractor will be required to work overtime, be on-call, or travel, then include that information. If the schedule is known, or anticipated, include it in the RFP. If the Contractor will be required to travel, include language regarding how travel will be paid or reimbursed.
Reporting and communication requirements are often written into your deliverables section. However, if you have numerous different reports that will be required for a large project or anticipate a lot of communication with the Contractor, it might be a good idea to have a separate section.

For reports, be sure to identify the content (e.g. performance measures from the previous month), format, frequency (e.g. monthly), approval and correction process. Also identify to whom the report should be delivered and the process for any required corrections.
Provide a schedule of anticipated meetings with the contractor. Include the topic and the list the State and Contractor attendees as well as the format and location of the meeting (such as in person, conference call, or webinar) when known. If you know meetings will occur, but don’t have all the details yet, include any details you do know, such as the frequency of the meetings (monthly, quarterly).
Performance requirements go in Part 4 of the RFP boilerplate and template with the Performance Measures. However, these sections are directly related to the scope of work.

Performance Requirements include any expectation the agency has on how or when the Contractor will complete the work. Often there are requirements such as:

“The Contractor shall respond to emails and phone calls”
“The Contractor shall submit all ad hoc reports to the project lead”
“The Contractor shall provide usage reports to the State”
“The Contractor shall ensure all incoming calls are answered”

The performance requirements in the RFP will set the parameters for any SLAs, monetary penalties, or liquidated damages.
Performance Measures

- Describe the element of the Contractor’s work that will be measured
- Identify the baseline level of service
- Identify the compliance standard
- Describe the penalty

Performance measures go in Part 4 of the RFP boilerplate and template with the Performance Requirements. However, these sections are directly related to the scope of work.

Performance measure examples based on the example performance requirements:

- “The Contractor shall respond to 100% of emails and phone calls within 1 business day”
- “The Contractor shall submit all ad hoc reports to the project lead within 5 business days”
- “The Contractor shall provide 100% of usage reports to the State within 30 days of the end of the prior quarter”
- “The Contractor shall ensure 95% of incoming calls are answered within thirty seconds”

The baseline level of service is the measure that is included in each of the examples provided.

The compliance standard is typically a percentage depending on product or service, often we see 95% or 99%.

If the measure has a penalty, describe what it is and when it will be applied. If there are exceptions to when the penalty will applied, include those exceptions.
• Defined Need
• Goals and Objectives
• Scope of Work
• Performance Requirements & Measures

• Evaluation Criteria
What are evaluation criteria?

The National Institute of Governmental Purchasing (NIGP) defines evaluation criteria as: Qualitative factors that an evaluation committee will use to evaluate a proposal and select the most qualified proposer.

The evaluation criteria should be individually tailored to each RFP and developed while writing the RFP’s scope of work.

The evaluation criteria must be set and not changed once proposals have been received. Making changes opens accusations that changes were made to favor a particular proposal.

Required by Procurement Code to “indicate the criteria to be used in evaluating the proposals” – La. R.S. 39:1595
Why is it important to develop evaluation criteria? SOW defines the need, but not how to fulfill it. This can result in a wide variety of offered solutions. Evaluation criteria provide a structured method of selecting the most advantageous proposal.

Indicate to Proposers what they will be graded on. Part of this is point assignment; i.e. 25 points assigned to proposed staff and 50 points to approach and methodology indicates that approach and methodology is twice as important as proposed staff.

Indicate what parts of each category are important. Not by the number of points assigned, but by describing the individual facets of each component being evaluated so that the Proposer knows what to include in their proposal and is not surprised by the strengths and weaknesses.

All evaluation criteria must be relevant to the product or service requested in the RFP.
Evaluation Criteria Factors may include: company background and experience, approach and method used to achieve desired outcome, proposed staff, risk factors, references, and technical capability. Past performance can also be an evaluation criteria, but be careful not to give an incumbent contractor an advantage or disadvantage.

In the RFP template for Professional Contracts “Company Background and Experience”, “Approach and Methodology”, and “Proposed Staff Qualifications” are listed and “Technical Proposal” is listed in the Complex Services RFP boilerplate. In the Complex Services RFP boilerplate, the Technical Proposal section further breaks down the allocated points and includes evaluation criteria examples: Company Background and Experience, Service and Support Requirements, Approach and Methodology, Implementation/Orientation Plan, and Risk Factors.

These examples are NOT required criteria. The evaluation criteria used must be related to the goals and objectives and scope of work in the RFP. In addition, the evaluation criteria must be relevant to the information requested in the Proposal Elements (for CS) or Proposal Response Format (for PC) section of the RFP. A proposal cannot be evaluated on something that isn’t requested.
When developing the evaluation criteria it is important to ask: What do we need to know to pick the most advantageous proposal?

Evaluation committee involvement ensures a full and common understanding of the details to consider in relation to each criteria.

The criteria must be relevant to the proposal and should be developed with a focus on the end contract.
Let’s play a matching game – which evaluation criteria links to the agency goal?
Agency goal: Increase citizen usage of the System

Evaluation criteria:

A: Implementation schedule provides for “go-live” by January 1, 2020

B: Proposer describes past experience providing qualified staff

C: Proposer details marketing and outreach capabilities, showing prior instances of success

D: Proposer demonstrates use of training plan, including On-the-Job training
**Agency Goal #2**
To have a fully functioning System by January 1, 2020

**Evaluation Criteria**

| A: Implementation schedule provides for “go-live” by January 1, 2020 |
| B: Proposer describes past experience providing qualified staff |
| C: Proposer details marketing and outreach capabilities, showing prior instances of success |
| D: Proposer demonstrates use of training plan, including On-the-Job training |

Agency goal: To have a fully functioning system by January 1, 2020
Evaluation criteria: A. Implementation schedule provides for “go-live” by January 1, 2020
Agency goal: Provide customer services representatives that are trained to assist customers who have limited knowledge of agency programs

Evaluation criteria: D: Proposer demonstrates use of training plan, including on-the-job training
Agency goal: “Obtaining temporary staffing resources quickly and efficiently.”

Evaluation criteria: “B: Proposer describes past experience providing qualified staff” and “D: Proposer demonstrates use of training plan, including On-the-Job training”
Cost Evaluation

- The cost evaluation formula is:
  \[ BCS = \left( \frac{LPC}{PC} \right) \times FPP \]

- Where:
  - BCS = Computed cost score (points) for Proposer being evaluated
  - LPC = Lowest proposed cost of all Proposers
  - PC = Total cost of Proposer being evaluated
  - FPP = Financial (Cost) Proposal Points

The cost evaluation formula in both the complex services RFP boilerplate and professional services RFP template is where the computed cost score is equal to lowest proposed cost divided by the proposed cost of the proposal being evaluated, then multiplied by the number of reserved cost points.
A 1 year cost evaluation would occur when the contract is anticipated to be for one year and you are unsure if there will be renewals. A 3 year cost evaluation would occur for a 3 year contract – these are probably the most common cost evaluations.

A sealed cost model is used when different factors will be weighted differently and to prevent proposers from engineering their cost proposal to receive the most points.

Distributed cost proposal points involves diving the total number of cost points into different buckets for different cost factors.
We’ve covered defining need, goals and objectives, writing your scope of work, and developing evaluation criteria. To finish writing an RFP, complete Part 1 of the boilerplate or template, which includes background and purpose, and many other standard clauses that should not be revised. You’ll add any required attachments, including a sample contract, price schedule, electronic vendor payment, and insurance requirements. Then you’ll send your draft to OSP for approval to publish.

After you receive approval to publish, you’ll update the schedule of events and publish the RFP in LaGov.
DOA Professional Contracts Helpdesk: 
DOA-PCHelpdesk@la.gov

DOA Purchasing Helpdesk: 
DOA-OSPHelpdesk@la.gov

Main Phone Number: 
(225) 342-8010