Objectives

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

- Differentiate the various roles of the staff involved in the RFP process

- Apply best practices for vendor communications

- Explain the evaluation process and when presentations and/or BAFOs will be utilized
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
In Complex Services RFPs, the contact person for the RFP is handled by OSP. In Professional Services RFPs, the role is often called the RFP Coordinator. We’ll use the term “RFP Coordinator” to refer to both of these roles.

The RFP Coordinator is the only person authorized to communicate about the RFP during the blackout period. The RFP Coordinator is also the only person authorized to receive written questions and proposals.

At agencies, the role of the RFP Coordinator varies. The RFP Coordinator may have no additional tasks other than receiving written question and proposals, or they may be responsible for obtaining approvals, including executive management and legal; placing the newspaper advertisements; calculating the cost evaluation points; scheduling, documenting, and monitoring the evaluation committee meetings; creating the RFP file; and corresponding with OSP via LaGov or ProAct.
Evaluation committee members are selected by the agency that issues the RFP. Ideally the evaluation committee members are staff who are subject matter experts in the product or services requested in the RFP. The evaluation committee members should be identified during the initial RFP drafting and they should continue to be included in all the RFP phases. This will allow the evaluation committee members to have a thorough understanding of the RFP and all addenda issued.

The evaluation committee is responsible for reviewing the proposals received in relation to the RFP. It is recommended that final award recommendation is made by consensus of the evaluation committee and that strengths and weaknesses are documented. Once the evaluation committee has a recommendation, they send the recommendation to the head of the agency that issued the RFP.

The time necessary for the evaluation committee members to participate in an evaluation varies depending on the complexity of the RFP and the number of proposals received. At a minimum, the members should anticipate a full-time commitment that will last at least 1 week to potentially over a month.

Every evaluation committee member must sign a conflict of interest and confidentiality letter prior to receiving the proposals for review..
Responsibilities of the evaluation committee include understanding the requirements of the RFP and evaluation methodology. If you’ve included the evaluation committee members in all the RFP phases, then the members should have a strong understanding of all the requirements.

The members need to understand the technical scoring concepts, how evaluator consensus will be reached, what the adjective ratings are and how they are applied, and the overall evaluation criteria.

The evaluation committee is responsible for conducting an impartial evaluation. Bias cannot be shown toward any proposer.

The evaluation committee must refrain from comparing proposals. A proposal is evaluated in light of the material and the substantiating evidence presented to the State.

The members must maintain strict confidentiality. Information regarding the evaluation cannot be shared with anyone, not the significant other and not the best friend. Members cannot discuss the evaluation outside of the evaluation committee meetings. Members must also keep copies of the proposals secure while the copies are in their possession.

The evaluation committee members must review and understand the instructions given to them.
This is an example of the Evaluation Methodology which was used in an OSP issued Complex Services RFP. Scores are not limited to the points shown in the Adjective Rating table. The evaluation committee may assign any point value within the range.

If your agency wants to use this methodology you must thoroughly read the methodology and update it to align with your RFP, including the heading with RFP number and title, the technical proposal evaluation information, the adjective rating table and applicable points, the financial proposal evaluation information, and the Veteran and Hudson Initiative Evaluation points, if different from 12 points.
The RFP Coordinator does not serve on the Evaluation Committee and they do not evaluate proposals. If the RFP coordinator is assisting the evaluation committee, they must be mindful not to offer their view on proposals or proposer. The RFP Coordinator should keep the evaluation committee focused on the evaluation.

The Evaluation Committee drives the entire evaluation process. The committee decides on the strengths and weaknesses and determines the need for further clarifications, demonstrations, or BAFOs from the proposers.
Blackout Period

- A specified period of time during the RFP process where proposers, bidders, or their representatives are prohibited from communicating with any State employee or State contractor involved in any step of the procurement process about the RFP
  - Proposers or their representatives may contact the RFP Coordinator
- Helps ensure integrity in the procurement process
- Ensures all proposers have access to the same information at the same time
- Begins when the RFP is publicly advertised and ends when the contract is awarded
Any communications received should be forwarded to the RFP Coordinator and the receiver should not respond to the communication.

We have some examples of potential communications that may occur. Are these violations of the blackout period?

In the first example, the incumbent contractor calls the State’s program manager to discuss the status of the current contract. Is this a violation of the blackout period? It is not a violation of the blackout period. The incumbent contractor is allowed discuss the current contract with the agency.

Next, during the same conversation, the contractor mentions he saw the RFP posted online and asks if the Scope of Work is the same as the current contract. Does this violate the blackout period? This is a violation of the blackout period. The contractor should be referred to the RFP Coordinator with any questions relating to the RFP.

In our final example, a potential proposer send a specification protest to the agency head 2 weeks before the RFP opens. Is this a violation of the blackout period? This is not a violation of the blackout period. A protest to a solicitation submitted pursuant to Louisiana Revised Statute 39:1671 is exempt from the blackout period; however the protest must be submitted to the chief procurement officer.

The following communications are exempt from the Blackout Period:

- A protest to a solicitation submitted pursuant to Louisiana Revised Statute 39:1671
- Duly noticed site visits/conferences for proposers
- Oral presentations during the evaluation process
- Communications between staff of the procuring agency regarding procedural matters such as deadlines, but not substantive matters regarding the procurement or requirements of the RFP

Violation of the blackout period may result in proposal disqualification.
Written Questions and Answers

- Best practices
  - Get questions in writing
  - Carefully read each part of the question and answer all parts of the question
  - Refer back to the RFP whenever possible, citing relevant sections and pages
  - Make sure answers do not contradict the RFP and all answers are consistent
  - If the answer references a mandatory requirement, then use shall or must in the answer
  - Publish answers to all questions at the same time
  - Do not answer individual questions directly – respond with a link to the posted addendum
  - Redact potential proposer names and identifying information

If there are answers that change the specifications of the RFP, the addendum must include a “Change From”/“Change To” section documenting all changes made
The Proposal Opening is the same as the “Deadline for Receipt of Written Proposals”. At OSP, we conduct public bid openings multiple times a week. For a RFP, the RFP title is read out loud and the names of all proposers who responded are read out loud.

Proposals received before the deadline should be stored securely and not opened until after the deadline has passed. Remember that Proposers are allowed to withdraw a submitted proposal up to the date and time that the proposals are due.

If an unidentified box arrives, the box can be opened to see what it is. If it is a proposal, then the RFP it is for should be identified. Then the box should be resealed and a note added to the box that it was opened to see what it was for. Someone not involved in the RFP process, such as an administrative assistant, should be one to open the box.

Best practices for proposal receipt include: date/time stamping the proposal when they are received as this provides a record that the proposal was received before the deadline. It is acceptable to date/time stamp a piece of paper, such as a sticky note, and tape it to the box. It is also a best practice to create a list of proposals received.

Conducting public bid openings is a best practice and promotes transparency.
The RFP coordinator conducts the administrative requirements review which includes the requirements that are administrative in nature, such as: Was the proposal received before the deadline? Were the correct number of copies received? This includes copies of the technical, cost, and redacted proposals as well as any electronic copies. Were any required forms included? Such as the certification statement, licenses, or bonds.

All of these requirements should be easily answered as “met”/“not met” or “pass”/“fail”.
The evaluation committee conducts the mandatory requirements review which includes items such as meeting a requirement for years’ of experience or meeting specific federal requirements.

All of these requirements should be easily answered as “met”/“not met” or “pass”/“fail”, but if there is any question on whether or not a mandatory requirement is met, the proposal should be evaluated by the evaluation committee to determine compliance.

Every single RFP has administrative requirements, but not every RFP has mandatory requirements.
Vendors love to ask questions and you will probably receive multiple emails from vendors over the RFP process. Remember that all communications with vendors are conducted through the RFP Coordinator.

The RFP Coordinator must be very careful to not reveal any information that could be perceived by another party as giving one proposer an advantage over another.

Vendors will often ask for the names of the companies who submitted proposals. Once the RFP has opened, this is public information and should be provided.
How would you answer these common questions? Most of these questions can be answered as “The evaluation is on-going.”
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
Evaluation Meetings

- Best practices:
  - Have sign-in sheets for all meetings, including the Kick-off, evaluation meetings, and presentations
  - Use predetermined Evaluation Methodology
  - Tie strengths and weaknesses to the RFP and proposal content
  - Ensure strengths and weaknesses are easy to understand
  - Invite OSP to attend all evaluation meetings
Evaluation Meetings

- **Strengths:**
  - Exceed the RFP requirement
  - Meet or exceed a desirable specification

- **Weaknesses:**
  - Do not meet the RFP requirements
  - Do not answer the RFP requirements
  - Insufficient detail
Evaluation Meetings

- Strengths and Weaknesses explanations should be based on information contained in the proposal not speculation, and clarifications should be requested when needed.

- Tips for writing strengths and weaknesses:
  - Do directly relate to how the proposal addresses the need
  - Do not include pronouns
  - Do use adjectives and terminology relative to the RFP and the proposal
  - Do complete the review of each criteria before moving to the next
  - Do include the page number or section
Any notes are public records and must be maintained in accordance with agency policy – including all notes made by the evaluation committee members.

The evaluation committee must evaluate proposals based on the requested information in the RFP and not to other proposals.

The evaluation committee reviews the proposal according to the factors set forth in the RFP. Only evaluate what the proposers submitted. There may be instances where other factors are allowed to be evaluated, but these factors must be explicitly detailed in the evaluation section of the RFP.

If the RFP allows for evaluation of current/prior experience, the evaluation committee must consider the current or prior experience within reason.
In Title 34 of the administrative code, the agency is responsible for determining responsibility of the Proposer. There are 5 parts to the determination of responsibility.

The 1st is finding that the successful proposer has adequate financial resources for performance, or the ability to obtain such resources as required during performance.

The 2nd is finding that the successful proposer has the necessary experience, organization, technical qualifications, skills, and facilities, or has the ability to obtain them (including through probable subcontractor arrangements).

The 3rd is finding that the successful proposer is able to comply with the proposed or required time of delivery or performance schedule.

The 4th is finding that the successful proposer has a satisfactory record of integrity, judgment, and performance.

The 5th is finding that the successful proposer is otherwise qualified and eligible to receive an award under applicable laws and regulations.
There are multiple ways in which a Proposer can be found responsible.

Resources you can use include: publically posted financial statements, audited/unaudited financial statements, letters of credit from a financial institution; references from other states or agencies; previous experience with the agency or other state agency; list of debarred or suspended vendors; SAM.gov; and the technical proposal submitted including the work plan, if applicable.
When the evaluation committee decides oral presentations are needed, or when the RFP requires oral presentations, they are conducted with proposers determined to be reasonably susceptible for award.

During oral presentations modifications from the original proposal are not allowed and cost is not discussed.

Oral presentations should be requested when clarity or explanation is needed on one or more proposal areas; to view a demonstration of the Proposer’s system or solution; or to obtain more information which will increase the point difference between competitive proposals with similar scores.
Selected proposers are sent written notification to initiate an oral presentation. The notification must include the date, time, and location of the presentation, a list of specific items to be addressed, and any other information pertinent to the presentation including facility functionality and driving directions.

The evaluation committee will reconvene to evaluate the oral presentation. It is recommended they reconvene immediately following the presentation. The evaluation committee will adjust the original scores, if allowed, based on the original evaluation criteria in the RFP.

Strengths and weaknesses resulting from the oral presentation should be documented, especially if the technical scores are adjusted.
There is no specific method for determining which proposers are reasonably susceptible for award, but the agency must be able to justify the decision made.
What determines if a proposer is reasonably susceptible for award? Let’s review some examples.

There are 5 proposers with total scores of 78, 90, 70, 95 and 85. Who should be invited in for oral presentations based on being reasonably susceptible for award? The agency may choose invite in only the top 3, the top 4, or even all the proposers.

There is no right or wrong answer, but the agency must justify the decision.
When cost and Hudson/Veteran Initiative points are subtracted and the agency only considers the technical scores, there is a more drastic difference in points. It is unlikely in this scenario that proposer 3 would be considered reasonably susceptible for award.

Reasonably Susceptible for Award

- RFP #1: 5 proposers with the following total technical scores (cost and HVI points excluded):
  - Proposer 1: 57
  - Proposer 2: 66
  - Proposer 3: 33
  - Proposer 4: 70
  - Proposer 5: 65

- Do these scores change who is reasonably susceptible for award?
This is a real-life example from an RFP issued by OSP. How would you determine who is reasonably susceptible for award and why?

In this example, the proposers who received 50% of more of the technical points were invited in for presentations – Opal Egret, Ruby Alligator, and Diamond Rhino.
Presentations did change the technical scores and Ruby Alligator’s score increased by 12 points.

<table>
<thead>
<tr>
<th>Proposer</th>
<th>Technical Score Before Presentations (max 290)</th>
<th>Technical Score After Presentations (max 290)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bronze Tiger</td>
<td>115.00</td>
<td>115.00</td>
</tr>
<tr>
<td>Opal Egret</td>
<td>240.00</td>
<td>240.00</td>
</tr>
<tr>
<td>Emerald Snake</td>
<td>143.00</td>
<td>143.00</td>
</tr>
<tr>
<td>Ruby Alligator</td>
<td>265.00</td>
<td>276.00</td>
</tr>
<tr>
<td>Gold Otter</td>
<td>80.00</td>
<td>80.00</td>
</tr>
<tr>
<td>Diamond Rhino</td>
<td>200.00</td>
<td>200.00</td>
</tr>
<tr>
<td>Onyx Swan</td>
<td>85.00</td>
<td>85.00</td>
</tr>
</tbody>
</table>
Proposers are now required to achieve a minimum of 50% of the technical proposal points in order to proceed to further evaluation for cost and Hudson Veteran Initiative.
Assuming the Proposer has the minimum amount of technical score points to move forward, you then calculate scores for the Hudson/Veteran Initiative and Cost.

Requirements to be certified by LED:

- Business must be independently owned and operated; owners domiciled in Louisiana; officers must be citizens or legal residents of the United States; principal business office must be in Louisiana
- Business must have less than fifty (50) full-time employees
- Veteran business average annual gross receipts are not to exceed $10 million for construction, and $6 million for non-construction for each of the previous three tax years
- Hudson business average annual gross receipts are not to exceed $10 million for construction, and $5 million for non-construction for each of the previous three tax years
- Businesses seeking certification under the Veteran Initiatives may also be required to provide appropriate documentation from the US Department of Veterans Affairs or the Louisiana Department of Veteran Affairs.
First, the certifications for the proposed subcontractors must be validated. LED maintains a website where you can search by products and services or commodity code, business name, or certification number. You can even search by parish and owner name. If the subcontractor doesn’t show up on the active list, you may also need to use the “Search Certification History” link to confirm if the subcontractor was certified at the time of proposal opening.

OSP created a spreadsheet that will calculate the points to be assigned for the Hudson/Veteran Initiative. The section where agencies often have questions is the scope overlap/duplication section. Scope overlap, if any, is determined by the agency and is based on the detailed description of the subcontracted work to be performed.
In the 1st example of potential scope overlap, 2 proposed subcontractors, MPrint Advertising Specialties and Promo Ad Specialties have the same description of services – “promotional/incentive items: to be used to incent healthy behaviors, facilitate awareness at outreach events, and foster community and coordination amongst employees” Additionally, the proposer states they intend to only use one of the proposed subcontractors.

Is this scope overlap? Yes, it is because the proposer explicitly states only one subcontractor will be utilized.

In the 2nd example of potential scope overlap, Agilify is offering staff augmentation. The staff augmentation will include business analysts and technical analysts. Antares is offering IT consultants. The IT consultants will include testing analysts, technical writers, and business analysts.

Is this scope overlap? In this example, there may be some scope overlap with the business analysts. The total value of the scope overlap will depend on the subcontract values as well as the number of business analysts proposed and the agency’s determination of how many business analysts are needed.
Does a proposer receive points for the Hudson/Veteran Initiative when following statements only are included in their proposal?

For the first example, a proposer would not receive any points. For the second example, a proposer would receive points.
A proposer must include the subcontractor’s name, a detailed description of the work to be performed, and the anticipated dollar value of the subcontract for the entire contract term to be awarded any points.

Failure of the proposer to include those three items means the proposer will not receive any points the Hudson/Veteran Initiative.
Does a proposer receive points for the Hudson/Veteran Initiative when following statements only are included in their proposal?

For the first example, a proposer would not receive any points. For the second example, a proposer would receive points.
Using the Hudson/Veteran Initiative worksheet:

First complete steps 1-7
Step 1 is the RFP number and title (the RFP number is the RFx number assigned that appears in LaPac)
Step 2 is the total number of RFP evaluation points that are reserved for the Hudson/Veteran Initiative (this is equal to 12% of the total RFP evaluation points)
Step 3 is the Proposer name (there will be one worksheet for each Proposer)
Step 4 is a drop down to indicate if the Proposer is a certified small entrepreneurship through the Veterans Initiative.
Step 5 is a drop down to indicate if the Proposer is a certified small entrepreneurship through the Hudson Initiative.
Step 6 is a drop down to indicate if the Proposer is subcontracting with a certified small entrepreneurship.
Step 7 is the total estimated value of the contract which is based on the Proposer’s cost proposal for the entire contract term

If all of these fields are not filled out, the score will not be calculated correctly.
Step 8 is where the subcontractor information is entered. Use one row for each subcontractor and enter the subcontractor’s name, choose Hudson or Veteran from the drop down based on the subcontractor’s certification, enter a description of the work the subcontractor will do, and enter the value of the subcontract.

If a Proposer proposes more than 10 subcontractors, contact OSP for a revised worksheet.

In Step 9, enter the total value of scope overlap/duplication among subcontractors. This is decided by the agency. If it is zero dollars, proceed to the end of the worksheet. If it is greater than zero, then continue to Step 10.

Remember, if all fields are not filled out, the score may not calculate correctly
In Step 10, the drop down is selected to indicate if each subcontractor is affected by the overlap. Enter "yes" or "no".

Once the worksheet is completed, the points to be awarded are displayed at the bottom of the sheet.
We received a proposal from Extraordinary Services that includes 4 subcontractors. Their cost proposal has a 3-year total of $1,500,000.

The 4 proposed subcontractors are American Office Machines who will provide office furniture and equipment at an estimated value of $12,500; Communications Consulting Group who will provide translation services at an estimated value of $10,000; Lemonade Creative Marketing who will provide printed customer materials at a value of $5,000, and J&J Janitorial Services who will provide daily office cleaning at an estimated value of $50,000. The proposer says all of these subcontractors are Hudson certified.
The agency visits LED’s website to confirm the certifications of each subcontractor. The agency discovers J&J Janitorial Services is not certified, but the other subcontractors are certified SEs.

What if the Proposer lists the subcontractor as Hudson, but they are also Veteran certified? If this occurs, the subcontractor should be listed on the Hudson/Veteran Initiative worksheet with the category that would result in the most points. Veteran certified small entrepreneurshipships receive a larger percentage of points than Hudson certified small entrepreneurshipships. A proposed subcontractor cannot be allocated points for both certifications.
We’ve filled in steps 1-7 for Extraordinary Services

The RFP # and Title (The RFP number is the RFx number assigned that appears in LaPac)
The Total number of reserved points
The Proposer
We indicated that the proposer is not a Hudson or Veterans certified SE and that they are using certified subcontractors
The total estimated value of the contract
We completed steps 8-9 based on the information in the proposal and as verified on LED’s website.

Subcontractor information and scope overlap information. There is no scope overlap in this example.
Because we had no scope overlap, we scrolled to the bottom the worksheet to see the total points to be awarded.
The agency realized American Office Machines (row A) is a Veteran certified SE when they verified the certifications on LED’s website so American Office Machines receives a higher percentage of points.

- The revised points are .20 instead of .18

The agency realized American Office Machines is Veteran certified and adjusts the Hudson/Veteran drop down in step 8 to Veteran and the points earned is updated.
Cost Evaluation

- The cost score is calculated using the formula in the RFP:

\[ BCS = \left( \frac{LPC}{PC} \right) \times FPP \]

- 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 RFP Coordinator or other designated individual per the RFP calculates the score

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.

Either the RFP Coordinator, or other designated individual per the RFP (if so designated) will calculate the points.
A BAFO, best and final offer, may be requested when proposers appear to have misunderstood the scope of work or services; the cost submitted by all proposers is too high; or the scores of two or more proposer are very close after evaluation.

Initiating a BAFO is very similar to initiating an oral presentation. Written notification is sent to the selected proposers that includes a list of the specific items to be addressed, instructions and deadline for submittal, and the evaluation criteria and scoring methodology, if different from the RFP.

Best and Final Offers occur after the initial evaluations are completed, but before the submission of the award recommendation.
When evaluating BAFO responses, the BAFO cost, if requested, will replace the original cost and the technical proposal is re-evaluated (if requested). In the evaluation of the BAFO, either the same evaluation criteria and weights in the RFP are used or, if different from the RFP, the evaluation criteria and weights stated in the BAFO letter are used.

BAFOs can only be conducted if the RFP contains language reserving the right of the agency to conduct a BAFO. If this language is removed from the RFP for any reason, a BAFO cannot be conducted.

The State has no obligation to enter into a contract with the proposer or proposers with whom a BAFO is conducted.
The agency will submit the award recommendation packet to OSP for review and approval. Once approved, the agency will issue the Notice of Intent to Award letters to the successful Proposer(s) and regret letters to the unsuccessful Proposer(s).

The protest period begins upon issuance of the letters and lasts for 14 days. If a protest is received, a Stay of Award is issued and the State cannot proceed further with awarding of the contract unless the chief procurement officer makes a written determination that the awarding of a contract is necessary without delay to protect the substantial interests of the state.

If a protest is received, the chief procurement officer will make a decision in writing. A protest decision by the chief procurement officer can be appealed to the Commissioner of Administration if the protestant disagrees and the protestant can seek judicial review if there is disagreement with the commissioner’s decision.

Once the stay of award is lifted, the agency will move forward with contract negotiations.

If a protest is received, it can take 6 months, or longer, to completely resolve the protest.
DOA Professional Contracts Helpdesk:
DOA-PCHelpdesk@la.gov
DOA Purchasing Helpdesk:
DOA-OSPHelpdesk@la.gov
Main Phone Number:
(225) 342-8010