BU RFP Evaluation Committee Instructions

Request for Proposal (RFP) Overview

*Note:* To Comply with Act 57 and PASSHE Policy, a BU Procurement Option Form must be completed and submitted to the BU director of Procurement for determination whether the RFP process is appropriate. All proposed members of an RFP Evaluation Committee must read this RFP overview in its entirety, and must complete, date, and sign the Statement of Compliance form prior to the initiation of the RFP process. No RFP-specific discussion or documents will be shared with proposed evaluation team members until the Statement of Compliance form has been completed. To be a member of an evaluation committee, the proposed member of the committee cannot have a conflict of interest and must agree to the confidentiality statement in the Statement of Compliance form. An individual that has a conflict of interest and/or is unwilling or unable to agree to the confidentiality statement cannot serve on the RFP Evaluation Committee. A person who is not an employee of the Pennsylvania State System of Higher Education (PASSHE) may serve on the committee. All completed Statement of Compliance forms must be forwarded to the Procurement Services Office.

1. What is a Request for Proposal (RFP)?

A RFP is used when seeking a supplier’s solution for providing a commodity or service and when it is believed that giving suppliers the flexibility in proposing the solution will be to the organization’s advantage. In response to a supplier’s proposal, terms of performance will be negotiated with the supplier who was selected on the basis of the quality of their proposal. The RFP considers technical merit as well as cost, based on the weight of the criteria assigned. An RFP should not be confused with an Invitation for Bid (IFB), which considers cost only in making an award.

2. Why is this method being used for this procurement?

The procurement is over $20,100 and there is not a justification that only one supplier can provide the product or service; therefore, a competitive bidding process must be followed. The RFP is also beneficial in providing BU with information from the suppliers that can help make an informed decision.
3. What is the role of the Procurement Team?

The Procurement Team works with the business area experts to write a Request for Proposal that is technically complete and meets the needs of the requesting department. The Procurement Team participates in any preproposal conferences held regarding the proposal and fields supplier questions that are submitted during the solicitation period. Once the proposals are received, the Procurement Team will analyze the cost submittals to determine supplier scoring based on the points allotted for cost from the Evaluation Team. These points are later added in with the technical points to determine the overall score for the submittals.

4. Who is on the Procurement Team?

Procurement Services agents. Agents are assigned specific commodities and services.

5. What is the role of the Evaluation Team?

- To work with Evaluation Team members and the Procurement Team to develop an RFP for the commodity or service to be purchased. The Evaluation Team utilizing an RFP template determines the specifications and requirements for the completion of an RFP for distribution to suppliers. (RFP templates can be requested from Procurement Services and are available on the Procurement Services website.)
- To develop evaluation score sheets for the scoring of the RFP and determine the weights of the scores for the RFP evaluation criteria. (Only information covered in the RFP can be evaluated and scored.)
- To review the evaluation score sheets and determine the weight (number of points allotted) for each of the evaluation criteria.
- To screen all proposals to determine which of them meet mandatory requirements. The Procurement Services Office must be notified immediately of suppliers considered not to be responsive to the RFP.
- To provide answers to vendor questions to the Procurement Services Office. (Answers to vendor questions become part of the RFP.)
- To evaluate the remaining proposals and rank them in order of merit based on evaluation criteria as contained in the RFP and against the weighting criteria established.
- To recommend proposal selection. The proposals should not be disclosed or discussed with anyone, including other university employees, except with the Procurement Services Office, legal counsel, and/or a budget/finance officer. The recommended proposal selection should be in writing, depict the reasons for the selection, and be forwarded to the Procurement Services Office with copies of the tabulation sheets.

6. Who is on the Evaluation Team?

(List names of team members; normally departmental representatives that have knowledge or experience or who will be end users of the product or service to be procured.) An Evaluation Team member must have completed and signed the Statement of Compliance form. An Evaluation Team member cannot have a conflict of interest and must agree to the terms of confidentiality. The Procurement Services agent is not a part of the Evaluation Team.
RFP Timeline (Estimated)

1. RFP Committee member selection, Week 1
2. Meeting of committee, Week 1
3. Create first draft of RFP, Week 1–3
4. Review final draft of RFP with committee, Week 4
5. Place advertisement, Week 2 (advertise minimum of two weeks)
6. Issue RFP, Week 4–5
7. Preproposal conference, Week 6
8. Addendum issued, if necessary, Week 7
9. Receipt of proposals, Week 8 (prepare proposals, minimum of four weeks)
10. Proposals to committee, Week 8
11. Committee scores proposals, Week 9
12. Oral presentations, if necessary, Week 10–11
13. Negotiations, Week 12–14
14. Selection, Week 14
15. Issue contract, Week 15
16. Final contract, Week 20 (> $20,000 but < $500,000)
17. Final contract, Week 24 (> $500,000)*

*Note: Contracts with a value of greater than $500,000 require the Office of General Counsel approval in addition to the Office of Attorney General. Contracts between $20,000 and $500,000 only require the approval of the Office of Attorney General. Both offices require approximately thirty calendar days to process contracts.

RFP Evaluation Process

Important: During the entire solicitation process, suppliers and committee members must not make contact (verbally or in writing). Any questions asked by suppliers must be directed to the Procurement Department.

General

The goal of the Evaluation Committee is to determine the relative merits of all proposals received in response to an RFP in a fair and consistent manner. Each evaluator must become familiar with the entire contents of the RFP. At least three evaluators are recommended per solicitation. An odd number of evaluators are preferred. The Procurement Services Office will be the sole intermediate between committee members and suppliers.

The BU Procurement Services Office shall facilitate committee meetings and shall be available to answer procedural questions. The BU Procurement Services Office shall be neutral in the evaluation process. Departmental representatives may also assist in procedural issues as neutral team members.
Initial Review

The BU Procurement Services Office will first abstract the proposals, checking to make sure all proposals meet the proposal format as prescribed in the RFP. The BU Procurement Services Office will retain all originals of the proposals and distribute the necessary copies to the Evaluation Committee once abstracting is complete.

Open Records

Suppliers (as well as anyone else) are allowed to submit open records requests to see all of the proposal submittals, to include the unsuccessful bidders, as well as to request the evaluation matrix. The final matrix will show the Evaluation Team member names, locations, final scores, and some general comments. However, the notes the Evaluation Committee takes during evaluations are not available in an open records request. Responses to open record requests will be made after a contract has been awarded and fully executed and will be administered by the Open Records officer.

Non-Conflict of Interest

Prior to the RFP specifics being discussed or relevant documentation distributed, each member of the Evaluation Committee must sign a “No Conflict of Interest” form. The BU Procurement Services Office will provide this form, which must be signed before any proposed committee member may begin their role as a member of the Evaluation Committee for the RFP. All completed and signed forms must be returned to the BU Procurement Services Office.

Definitions

1. **Adverse Interest**: Against the interest of some other person or entity, usually so as to benefit one’s own interest.
2. **Conflict of Interest**: A situation in which regard for one duty leads to disregard of another, or might be reasonably be expected to do so. Conflicts of Interest may be actual or potential. A potential conflict arises where conflicting interests may develop but do not exist.

An Evaluation Team member that believes there to be a conflict of interest must disclose, recuse, and document the conflict. These three steps are required to assure that decisions are made without unethical influence. Disclose means to advise management of a relationship that may appear to be a conflict of interest. Recuse means to remove yourself from participation in a decision in order to avoid a conflict of interest. When you disclose the relationship to management, advise them that you want no involvement in the decision due to the potential for real or perceived personal gain. Document means to produce and retain written correspondence about your disclosure (Statement of Compliance). Ethical accusations often arise months or years after a decision is made. By then, it can be difficult to remember the steps taken to maintain the integrity of the decision-making process. Forgotten details only strengthen the appearance of impropriety. Good documentation can prove that a decision was reached ethically.
Confidentiality

Certain documents received as part of an RFP may be protected from public view. Each member of the RFP Evaluation Committee must sign a confidentiality statement, part of the Statement of Compliance form, which sets out responsibility to maintain the confidentiality of any RFP documents during and after the RFP evaluation process.

Do not share proposals, rankings, and evaluation materials with any parties outside of the Evaluation Team and Procurement Team.

Individual Scoring

Evaluation Committee members are provided with copies of each RFP to begin their individual review of the proposals.

1. **Review all proposals.** Take notes, make comments, or prepare questions for discussion. Do not necessarily score the proposals at this point.

2. **Determine status.** Determine whether each proposal is “responsive” or “non-responsive.” A “responsive” proposal conforms in all material respects to the RFP and all mandatory requirements have been met. A proposal may be deemed “non-responsive” if any of the required information is not provided, the submitted price is found to be excessive or inadequate as measured by criteria stated in the RFP, or the proposal is clearly not within the scope of the project described and required in the RFP. Extreme care should be used when making this decision because of the time and cost that a potential offeror has put into submitting a proposal. If a proposal is determined to be “non-responsive,” provide a written justification for this conclusion. If a proposal fails to address one or more RFP mandatory requirements or responds to them incompletely, it should not be evaluated. A supplier must be informed immediately of a non-responsive proposal. Reasons for the rejection of a proposal should be completely documented so the supplier can be debriefed, if necessary.

3. **Score proposals.** Evaluate the remaining proposals and rank them in order of merit, based on the evaluation criteria as contained in the RFP and against the weighting criteria established. Each committee member may initially or informally score proposals independently from the other members. Score proposals based on the criteria established in the RFP. Proposals must be evaluated solely on the stated criteria listed in the RFP. Prior experience with the product and/or offeror cannot be considered in scoring the proposals. To reduce subjectivity and to ensure each rater applies reasonably consistent judgment to each proposal with respect to all other proposals and raters, an Evaluation Criteria Form will be used.

4. **Evaluation Committee Meetings.** Once the proposals have been evaluated and scored by individual committee members, the entire committee may meet to discuss the proposals and arrive at the final scoring. The committee chairperson, or assigned designee, may take minutes of each meeting. These minutes may include the date, time, place of meeting, a list of the evaluation committee members in attendance, the substance of all matters discussed or decided, and, at the request of any evaluation committee member, a record by individual members of any votes taken. A quorum of the committee
must be present to take any official action. The full Evaluation Committee should discuss all aspects of the proposals so that there is a “unified understanding” of the criteria and corresponding responses. Any individual scores may be adjusted at this point based upon discussion. Point assignments will be determined prior to the receipt of proposals and will be made available in the Evaluation Criteria Form.

5. **Clarification.** If the Evaluation Committee is unsure of certain items or issues included in an RFP response, or needs clarification of a proposal, it may, at any time, request further clarification from the offeror(s) through the Procurement Services Office. The Procurement Services Office will distribute the clarification questions to the supplier(s). Responses will be returned to the Procurement Services Office, which will submit the responses to the Evaluation Committee. **Clarifications must not materially alter the supplier’s original proposal.**

6. **Terms and Conditions.** The following terms and conditions under Act 57, Title 62 of 1998 are not negotiable, and vendors requesting these changes to the standard terms and conditions must be deemed non-responsive and disqualified from the RFP process.
   a. **Jurisdiction of Law.** The jurisdiction of law is the Commonwealth of Pennsylvania. This is not negotiable.
   b. **Indemnity and Hold Harmless.** Removed from every Commonwealth contract because it compromises the greatest protection afforded the Commonwealth entities; sovereign immunity. Substitute language can be provided, however, if not accepted. This is not negotiable.
   c. **Attorney Fees, Court Costs, Entry of Judgment.** The university may not voluntarily pay the contractor’s court costs or legal fees nor may it allow a contractor to confess judgment on its behalf. This is not negotiable.
   d. **Arbitration.** Resolution of disputes by binding arbitration in contracts for goods and services are prohibited. The Board of Claims has exclusive jurisdiction. This is not negotiable.
   e. **Purchase of Insurance.** State System of Higher Education universities may not purchase insurance; this is not negotiable. Vehicle rentals are an exception. The Commonwealth is self-insured through the Bureau of Risk and Insurance Management.
   f. **Assignment.** No assignment without the prior written consent of the university. This is not negotiable.

7. **Interview** (optional). If interviews are deemed necessary, the Procurement Services Office will issue a request to the offeror(s) to attend the interview or to give a presentation. This is an opportunity for the supplier(s) to explain their proposal for clarification. The interview option must have been so stated in the RFP and must include appropriate scoring criteria. **Interviews must not allow material deviations from the RFP specifications or the supplier’s original proposal.**

8. **Cost Scoring.** The cost portions of the proposals are retained by the Procurement Services Office and sealed until the technical evaluation is completed. The Procurement Services Office will review the Evaluation Committee’s technical scoring and justification for compliance to the RFP. The Procurement Services Office will then open and provide the cost proposals to the Evaluation Committee for review and determination so that an “apple to apple” comparison can be made. Cost proposals are scored according
to the RFP evaluation criteria, and the cost score will be added to the technical score to determine the award.

9. **Best and Final Offer (BAFO).** Pre-awarded negotiations may be conducted with suppliers who receive high combined cost and technical ratings. Negotiations may also include suppliers with outstanding technical proposals, but whose costs are out of line with other proposals. Such negotiations should be initiated when clearly in BU’s best interest. They should be conducted in a manner that is fair to all involved suppliers. A request to the supplier asking the offeror to submit a “Best and Final Offer” may be issued if it is of additional possible benefit to the University (usually a need for clarification). Only the Procurement Services Office may send the BAFO at the request of the Evaluation Committee. **A BAFO cannot be requested once scores or cost information have been made public.** Once a “Best and Final Offer” is received, the Evaluation Committee will evaluate it in the same manner as the original proposal criteria.

10. **Recommendation and Award.** Upon completion of the evaluation, proposals will be ranked according to the total score assigned to each, in descending order. The supplier with the highest score is normally recommended for award. The Evaluation Committee recommendation, together with all working documentation, will be forwarded to the Procurement Services Office. The recommendation should include the reasons for selecting the supplier and the committee’s Evaluation Criteria forms. The Procurement Services Office will submit the recommendation to the supplier for approval after determining the supplier to be responsible. The Procurement Services Office makes a written recommendation as to whom the contract should be awarded. This written recommendation will contain scores, justification, and rationale for the decision, along with any other variables that may have been considered. Procurement Services will issue the required **Intent to Award** notice and, assuming no appeal, will issue a purchase order or contract, as appropriate. A copy of the fully executed purchase order or contract will be retained in the Procurement Services Office file.

11. **Notification of Selected and Non-selected Suppliers.** The Procurement Services Office will notify the selected supplier and non-selected suppliers of the award.

12. **Supplier Debriefing Guidelines.** If requested by non-selected suppliers, the Procurement Services Office will arrange a debriefing conference(s), as required. The Evaluation Committee will participate in the debriefing. Suppliers are debriefed individually.
   a. Information given during these conferences must be factual and precise. No supplier cares to lose a contract, and will want good justification when it does. This is particularly true when proposal preparations were an extremely costly process. Therefore, the supplier has a right to know where its proposal failed and why another was chosen.
   b. It is strongly recommended the debriefing be written beforehand and read to the supplier during the debriefing conference. The supplier should not be compared to another supplier, nor be given any cost information other than the position of the proposal in relation to all other proposals. It may be advisable to record all questions asked and responses given during the conference, particularly when the contract is one involving considerable effort and funds.
c. Debriefing notes should be treated as confidential information, not available for release to suppliers, and should be forwarded to the Procurement Services Office.

d. The other proposals shall not be disclosed to the non-selected suppliers. All proposals, except the proposal of the supplier who is being debriefed, shall remain confidential. Non-selected suppliers shall not be given any cost information other than the position of their prices in relation to other prices. No specific dollar amounts shall be discussed. Suppliers shall not be informed of their scores.