

CSP DOs & DON'Ts

PROCUREMENT DO's & DON'Ts For Competitive Sealed Proposals

TIME

- ▶ DO ALLOW ENOUGH TIME TO DO THE PROCUREMENT RIGHT
 - Time for offerors to prepare a good proposal
 - Time to answer questions & permit the answers to be incorporated in the offerors proposals
 - Time for start-up or transition
 - Time for revisions to the solicitation if inadequacies identified
- ▶ DON'T RIGIDLY ADHERE TO TIMEFRAMES IF DOING SO JEOPARDIZES OBTAINING A GOOD CONTRACTOR, CONTRACT, OR PRICE

ADVERTISING

- ▶ DO EXTENSIVE ADVERTISING
 - Contract Weekly
 - eMaryland Marketplace
 - Agency website
 - Office of Minority Affairs & Governor's Office of Business Advocacy and Small Business Assistance
 - Certified MBEs and possibly certified small businesses
 - Direct outreach to other prospective offerors

PRE-PROPOSAL CONFERENCE

- ▶ DO HOLD A PRE-PROPOSAL CONFERENCE
- ▶ DO ENCOURAGE QUESTIONS & COMMENTS FROM PROSPECTIVE OFFERORS
- ▶ DO PROVIDE SUBSTANTIVE INFORMATION & CLARIFICATIONS
- ▶ DO PROVIDE MINUTES OF THE CONFERENCE TO ALL VENDORS KNOWN TO HAVE RECEIVED THE SOLICITATION
- ▶ DON'T TREAT A PRE-BID CONFERENCE AS A WASTE OF TIME FOR YOU AND THE VENDORS.

QUESTIONS

- ▶ DO ANSWER WRITTEN QUESTIONS, RECEIVED BOTH BEFORE AND AFTER THE PRE-PROPOSAL CONFERENCE
- ▶ DO DISTRIBUTE ALL SUBSTANTIVE QUESTIONS AND ANSWERS TO ALL VENDORS KNOWN TO HAVE RECEIVED THE SOLICITATION, IF APPLICABLE.
- ▶ DO TREAT QUESTIONERS WITH RESPECT.
- ▶ DON'T ESTABLISH A RIGID CUTOFF DATE TO ASK QUESTIONS.
- ▶ DO EXTEND BID DUE DATE, IF NECESSARY.
 - Permit substantive questions to be asked and answered

CSP DOs & DON'Ts

CHANGES IN THE SOLICITATION

- ▶ DO MAKE CHANGES VIA A FORMAL AMENDMENT
 - Verbal statements at a Pre-Bid DO NOT change the solicitation
- ▶ DO REJECT ANY BIDS NOT RECEIVED TIMELY
 - unless otherwise directed by the Office of the Attorney General

OPENING PROPOSALS

- ▶ DON'T ACCEPT A PROPOSAL THAT IS DELIVERED AFTER THE REQUIRED DATE AND TIME, OR TO THE WRONG LOCATION
 - without the approval of the Office of the Attorney General
- ▶ DO OPEN ALL PROPOSALS IN PRESENCE OF AT LEAST 2 STATE EMPLOYEES
- ▶ DON'T DIVULGE THE NUMBER OF OFFERS RECEIVED, THE IDENTITY OF ANY OFFEROR OR THE CONTENTS OF ANY OFFER PRIOR TO THE RECOMMENDATION FOR AWARD

EVALUATING PROPOSALS

- ▶ DO VERIFY THAT THE SELECTED OFFEROR IS RESPONSIBLE
- ▶ DO VERIFY THAT MBE REQUIREMENTS ARE SATISFIED
- ▶ DO VERIFY THAT INSURANCE, BONDING & OTHER REQUIREMENTS ARE SATISFIED
- ▶ DON'T EVALUATE A PROPOSAL ON SOMETHING NOT STATED IN THE SOLICITATION
- ▶ DO SEEK CLARIFICATION ON A PROPOSAL IF NECESSARY: DON'T GUESS AT WHAT IS BEING OFFERED
- ▶ DON'T USE UNSUBSTANTIATED INFORMATION AS AN EVALUATION FACTOR
- ▶ DON'T GET CONFUSED—THE CONCEPT OF “RESPONSIVENESS” IS USED IN A PROPOSAL SITUATION ONLY FOR IDENTIFYING MBE SUBCONTRACTORS
- ▶ DO PROMPTLY NOTIFY ANY OFFEROR FOUND NOT TO BE REASONABLY SELECTED FOR AWARD
 - Do be brief. Summarize major reasons for elimination.
 - Do provide opportunity for timely debriefing. Debriefing may occur while evaluations continue.
- ▶ DON'T AUTOMATICALLY REJECT A PROPOSAL DUE TO OFFEROR'S EXCEPTION TO TERMS AND CONDITIONS
- ▶ DON'T NEGOTIATE THE CONTRACT AFTER AWARD-- ALL ISSUES MUST BE RESOLVED BEFORE AWARD

CSP DOs & DON'Ts

DISCUSSIONS WITH OFFERORS

- ▶ DO CONDUCT DISCUSSIONS WITH **ALL** OFFERORS REASONABLY SUSCEPTIBLE OF BEING SELECTED FOR AWARD
- ▶ DON'T THINK THAT DISCUSSIONS WITH OFFERORS ARE A WASTE OF TIME
- ▶ DON'T BE TOO HASTY IN ELIMINATING OFFERORS

NOTIFYING THE UNSUCCESSFUL OFFERORS

- ▶ DO PROVIDE THE REGISTER OF PROPOSALS
(-Names of all offerors submitting proposals)
- ▶ DO PROVIDE THE IDENTITY OF THE SUCCESSFUL OFFEROR
- ▶ DO PROVIDE THE TECHNICAL RANKINGS OF ALL OFFERORS NOT ELIMINATED
- ▶ DO PROVIDE THE PRICES OF ALL OFFERORS NOT ELIMINATED
- ▶ DO PROVIDE A VERY BRIEF SUMMARY TO **EACH INDIVIDUAL OFFEROR** OF THE REASON FOR ITS NON-SELECTION. These summaries should not be seen by any of the competing offerors.
- ▶ DO PROVIDE AN OPPORTUNITY FOR A TIMELY DEBRIEFING

AWARD

- ▶ DO OBTAIN NECESSARY APPROVALS FOR THE AWARD
- ▶ DO ADVERTISE THE AWARD IN EMARYLAND MARKETPLACE
- ▶ DON'T BEGIN CONTRACT ACTIVITIES UNTIL
 - all approvals obtained
 - agency signs contract and sends copy to contractor
 - Notice to Proceed is issued, if required
- ▶ DON'T AWARD IF
 - all prices are unaffordable, even after best & final offers
 - There is considerable doubt that any offeror can provide the services
 - The subject of the solicitation is no longer needed

SUBMITTING TO DBM & BPW

- ▶ DO SUBMIT CONTRACT ONLY WHEN UNSUCCESSFUL OFFERORS HAVE BEEN NOTIFIED OF THE INTENDED AWARD AND DEBRIEFINGS HAVE BEEN HELD IF REQUESTED
- ▶ DON'T SUBMIT IF A PROTEST HAS BEEN FILED AGAINST AWARD OF THE CONTRACT, UNLESS
 - there is a determination by agency, and agreement by DBM that a delay in awarding contract will result in harm to the agency or state