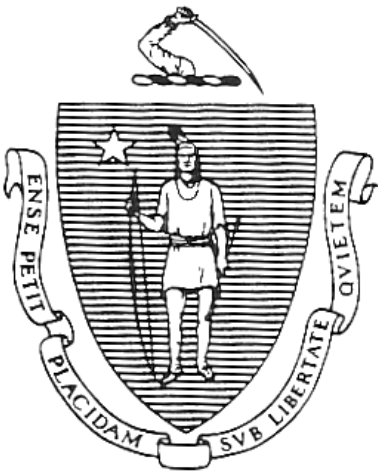


Practical Guide to Drafting Effective Invitations for Bids and Requests for Proposals for Supplies and Services



Commonwealth of
Massachusetts

Office of the Inspector
General

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Introduction

M.G.L. c. 30B of the Massachusetts General Laws, the Uniform Procurement Act, establishes uniform procedures for local governments to use when contracting for supplies, services, and real property. The Office of the Inspector General has a statutory mandate to enforce compliance with M.G.L. c. 30B. We focus much of our compliance effort on preventing problems through training and technical assistance to public officials. Our separate manual on M.G.L. c. 30B (*Municipal, County, District, and Local Authority Procurement Of Supplies, Services, and Real Property*) provides an overview of M.G.L. c. 30B and a step-by-step explanation of its procedures, reflects that focus.

The purpose of this Guide is to provide further assistance by offering practical help with writing and organizing good, clear invitations for bids (IFBs) and requests for proposals (RFPs) for supplies and services contracts. The preparation of a good IFB or RFP is both the most important and the most difficult step in the procurement process. Effort spent at the outset to develop an organized, well-developed IFB/RFP will maximize your chances of obtaining quality supplies or services at the lowest cost and minimize the possibility of a bid protest.

This Guide provides general tips, a model IFB, and instructions on how to modify that model to create an RFP. Wherever possible, useful sample language has been included. This model is not the only way to organize an IFB/RFP, but is provided as one suggested format.

General Tips

1. Use separate headings to organize the various elements of your IFB/RFP.
2. Be sure that information included in the different sections of your IFB/RFP is consistent. It is especially important to check special terms and conditions of a particular procurement against your jurisdiction's standard terms and conditions to ensure there are no conflicting provisions.
3. Make sure that your method for determining the lowest bid will identify only one low bid for each contract.
4. Make sure that the IFB/RFP for a multi-year contract states that the contractual obligation of the awarding authority in subsequent years is contingent upon the availability of appropriated funds.
5. Use precise terms and unambiguous wording. If the contractor must provide something, use the words "must" or "shall," not the words "should" or "may."
6. Avoid vague phrases. For example, for a landscaping contract, your bid specifications should state specifics such as "cut grass once weekly" or "cut grass whenever it exceeds 3 inches on average," not "cut grass as necessary."
7. Do not use overly technical language.
8. Pay attention to the timing of your contract awards. Issue your IFB/RFP when the potential for competition and lower prices is the greatest, and give vendors sufficient time to prepare bids or proposals.
9. Provide sufficiently detailed specifications to ensure that you will get what you want at a fair price, while omitting unnecessary details that unduly limit competition.
10. Play by your own rules when evaluating bids or proposals and when awarding contracts.

Model Invitation for Bids

Town of _____

Invitation for Bids

for

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Town of _____

Invitation for Bids

for

I. General Information and Bid Submission Requirements

This section should give bidders general information about the invitation for bids (IFB) process:

- where and when (time and date) bids must be delivered
- maximum time for bid acceptance

Example: The contract will be awarded within thirty (30) days after the bid opening. The time for award may be extended for up to 45 additional days by mutual agreement between the Town and the apparent lowest responsive and responsible bidder (or, for a contract requiring payment to the Town, the apparent highest responsive and responsible bidder.)¹

- how addenda, if necessary, will be issued

Example: If any changes are made to this IFB, an addendum will be issued. Addenda will be mailed or faxed to all bidders on record as having picked up the IFB.²

- information on how questions from prospective bidders will be handled

Example: Questions concerning this invitation for bids must be submitted in writing to: Jane Smith, 123 Main St., Anywhere, MA before 5:00 p.m. on Friday, December 17, 200_. Questions may be delivered, mailed, or faxed. Written responses will be mailed or faxed to all bidders on record as having picked up the IFB.

¹ If this provision is used in a request for proposals (RFP), the decision to extend is made by mutual agreement between the awarding authority and the responsive and responsible offeror offering the most advantageous proposal as determined by the chief procurement officer.

² If this provision is used in an IFB or RFP, you should make sure you obtain a contact name, address, and fax number from anyone who picks up your specifications.

- information on how bidders can modify or withdraw their bids, and how mistakes and minor informalities will be handled

Example: A bidder may correct, modify, or withdraw a bid by written notice received by the City prior to the time and date set for the bid opening. Bid modifications must be submitted in a sealed envelope clearly labeled "Modification No. ___." Each modification must be numbered in sequence, and must reference the original IFB.

After the bid opening, a bidder may not change any provision of the bid in a manner prejudicial to the interests of the City or fair competition. Minor informalities will be waived or the bidder will be allowed to correct them. If a mistake and the intended bid are clearly evident on the face of the bid document, the mistake will be corrected to reflect the intended correct bid, and the bidder will be notified in writing; the bidder may not withdraw the bid. A bidder may withdraw a bid if a mistake is clearly evident on the face of the bid document, but the intended correct bid is not similarly evident.

- time and place for pre-bid conference, if any
- notice regarding your jurisdiction's right to cancel or reject bids

Example: The District may cancel this IFB, or reject in whole or in part any and all bids, if the District determines that cancellation or rejection serves the best interests of the District.

- notice that bid prices must remain firm for a specified number of days after the bid opening

Example: All bid prices submitted in response to this IFB must remain firm for forty-five (45) days following the bid opening.

- notice concerning unexpected closures

Example: If, at the time of the scheduled bid opening, City Hall is closed due to uncontrolled events such as fire, snow, ice, wind, or building evacuation, the bid opening will be postponed until 2:00 p.m. on the next normal business day. Bids will be accepted until that date and time.

This section should also tell bidders all bid submission requirements, such as:

- number of copies of the bid required
- how bid envelope should be marked
- notice that bid must include a non-collusion form, tax compliance certificate, bid pricing sheet, and reference form
- requirement that bid be signed by authorized individual(s)

Example: A bid must be signed as follows: 1) if the bidder is an individual, by her/him personally; 2) if the bidder is a partnership, by the name of the partnership, followed by the signature of each general partner; and 3) if the bidder is a corporation, by the authorized officer, whose signature must be attested to by the Clerk/Secretary of the corporation and the corporate seal affixed.

- bonding requirements (performance or payment bonds), if any
- bid deposit, if any

II. Purchase Description/Scope of Services

This section should provide bidders with the essential physical and functional characteristics of the supply or a detailed description of the service you wish to purchase. You should also include any other necessary terms and conditions of the contract, such as delivery or performance dates and warranties.

In many cases, purchasing officials do not write the technical specifications for an IFB. When a requisitioning department or a consultant provides specifications, it is important that purchasing officials review the specifications to ensure that they both meet the purchaser's goals and comply with the law.

Remember that unnecessary exactness is expensive: the more restrictive the specifications, the less competition they will generate. However, imprecision can also be costly. Vague specifications often result in bids that are inflated to cover unknown costs. The challenge in writing good specifications is to find the appropriate balance --

to provide sufficient detail to ensure that you will get what you want at a fair price, while omitting unnecessary details that unduly limit competition.

When you are drafting this section of your IFB, you should think about including the following elements for either supply contracts or services contracts:

- **General description of the supply or services required:** A general product or service description.
- **Contract term length and renewal options:** All contracts must specify the exact contract term length and any renewal or extension options. The IFB must state that an option to renew or extend the contract is exercisable at the sole discretion of your jurisdiction.

Example: The contract will run from the date of the contract award until December 31, 2005.

Example: The contract term will be July 1, 2005 through June 30, 2008, with an option to renew for an additional year from July 1, 2008 through June 30, 2009. This option is exercisable solely at the Town's discretion.

- **Pricing and pricing formats:** It may make sense to require bidders to submit price information in a particular format, such as providing both unit or hourly rates and total prices. (See Section VI. Bid Pricing Sheet.) You must require that prices remain firm throughout the contract period, or specify how they will be adjusted. (See Section V. Rule for Award – Multi-Year Contracts.)

Example: All bidders must provide both a unit price and a total price for each item listed on the attached bid pricing sheet.

Example: All bidders must provide a separate hourly rate for each task listed on the attached bid pricing sheet.

Example: All bid prices must remain firm throughout the contract term.

For supply contracts, you should consider including the following additional elements:

- **Method of acquisition:** You must inform bidders if the method of acquisition is outright purchase, lease, lease-purchase, or other type of acquisition.
- **Actual or estimated quantities:** You must inform bidders of the actual or estimated quantities that you intend to purchase. When you know the actual number of items you need, simply state the amount in your IFB. If you are not sure what your actual

needs will be, you must provide bidders with an estimate. You can use past years' amounts, or averages over a period of years, to determine a reasonable figure. Your IFB should specify a maximum quantity large enough to meet your needs under reasonably foreseeable circumstances. In this manner, you can be assured that you will have the benefit of a competitive price should you need to purchase more than originally estimated. Your IFB should also state that you will only purchase the quantity actually needed.

Example: The Town estimates that it will need 3,000 cubic yards of road sand, up to a maximum of 4,000 cubic yards, from September 1, 2005 until May 1, 2006. The Town will purchase only the quantity of sand actually needed but may purchase up to 4,000 cubic yards under this contract.

- **Description of quality requirements:** You should state any minimum or maximum performance standards and operational, compatibility, or conversion requirements. For commercially available supplies, including equipment, you should use performance specifications rather than design specifications whenever possible.
- **Government or industry Standards:** If the item you are purchasing must comply with an established standard, it should be listed here.

Example: The apparatus must meet the requirements of the National Fire Protection Association (NFPA), as stated in current Pamphlet 1901 for Pumper Fire Apparatus.

Example: All office copy paper must meet American Society for Testing and Materials (ASTM) standard D 3460.

- **Sampling, inspection, or test criteria:** The use of samples or the demonstration of equipment can be a valuable tool in the procurement process. When you request sample equipment, bidders are required to submit a product sample that matches your descriptive specification. If the items will be tested, the test methods should be outlined in the IFB.

Example: All bidders must demonstrate the model of rider mower offered in their bids. The demonstration must show that the rider mower can be safely operated on the hilly areas that surround the school building. Each mower will be driven over a designated area on the school property in order to assess its safety and compliance with this requirement.

- **Service and warranty terms:** If you are requiring bidders to provide a warranty and/or service agreement in conjunction with bids for supplies, you should specify both the length and the scope of coverage required.

Example: All bid prices must include a two-year warranty for all parts and on-site labor. Service personnel must respond within 48 hours of notification, excluding weekends or holidays.

Example: All bid prices must include a three-year service agreement covering all parts listed in Attachment A and on-site labor. Service personnel must respond within 48 hours of notification, excluding weekends or holidays.

- **Delivery terms:** You should include where and when items should be delivered, and who bears the risk of loss while the items are en route.

Example: All computers must be delivered by October 1, 2005 to the appropriate site inside the building as designated by a school employee. All prices must be F.O.B. Whitman School, Boston, MA, freight prepaid.³

- **Training or ongoing technical support:** If you are buying equipment such as computers and you also want the vendor to provide training or ongoing technical support, your purchase description should define all requirements.

Example: All contract prices must include a minimum of six (6) hours of on-site training for school department staff.

Example: All contract prices must include telephone technical assistance 24 hours per day, seven days per week, at no additional cost, for a minimum of two(2) years from the date the computers are delivered.

For service contracts, you should consider including the following additional elements:

- **Contract type:** You should inform bidders whether this is a fixed-price contract (firm fixed-price or fixed-price with price adjustment) or cost reimbursement contract (time and materials or cost plus fixed fee.)
- **Detailed description of services:** You should provide bidders with a comprehensive description of the services required, sometimes referred to as a *statement of work*. Generally, you begin by developing a *task description* which details the tasks, the personnel, and the material resources required to perform the contract. After you have developed your task description, you define performance standards and identify objective measures to evaluate whether those standards are being met. One way to measure performance under a service contract is to identify an acceptable error rate or range of acceptable performance. For example, a school may require its school bus contractor to adhere to a time schedule. The school

³ In a sales price quotation, F.O.B. ("free on board") generally means that the seller assumes all responsibilities and costs up to the point of delivery, including insurance and transportation.

might establish an acceptable error rate based on the number of times buses can fail to arrive within 10 minutes of their scheduled times.

Some contracts require highly itemized task descriptions. These are appropriate when you want to ensure that specific activities are performed under the contract. For example, you may want to specify a list of tasks that must be performed every night by your janitorial service contractor, rather than leave the cleaning method to the vendor's discretion. However, for other contracts, you may be more interested in outcome, not how the contractor arrives at that outcome. For these contracts, your task description will be more result-oriented. For example, if you are hiring a consultant to do a written study, your focus will likely be on the finished product rather than the consultant's process.

Sample task descriptions

Example: All floors must be swept to remove visible dirt and debris; removal of gum, tar, and similar substances from the floor surface is required. Cleaner must be applied with a mop and scrubbed with an electrical polishing machine with scrub brush.

Example: The final report must include an inventory of all current hardware and software and the proposer's recommended upgrades.

Performance standards and measures:

Example: The food service company must serve appealing menu offerings. The contractor's average student participation rate may not fall below 75% in any school year.

Example: Service personnel must respond to all service calls within 48 hours of notification. The contractor may not fail to respond within this time limit more than four (4) times over the contract term.

- **Actual or estimated hours:** If you are requiring vendors to bid an hourly rate for a service contract, you must inform bidders of the actual or estimated hours the contract will require. In most cases, you will be providing an estimate. If you have bid the contract before, you can use past years' experience to determine a reasonable estimate.
- **Performance deadlines:** You should identify any time restrictions, such as deadlines for submission of a written report.

Example: The final report must be submitted to the City Council no later than January 30, 2006.

III. Quality Requirements

It is not necessary to repeat the requirements included in your purchase description or scope of services (Section II), but you should reference them as shown below. You should also include in this section your quality requirements relating to vendor qualifications. Make your requirements as stringent as necessary, but do not unduly limit competition. For example, when bidding a golf course operations and maintenance contract, you will probably require that vendors have experience operating a golf course, but it may not be necessary for vendors to have operated a municipal golf course. In that case, do not include municipal experience as part of your quality requirements. Your quality requirements should address those vendor qualifications that you consider essential to the contract.

The following are some sample quality requirements for supply contracts:

1. Bidders must provide all items described in **Section II: Purchase Description** and comply with all **Bid Submission Requirements** listed in **Section I**.
2. Bidders must have been in the business of selling the above-listed supplies for a minimum of three (3) years.
3. Bidders must have been a licensed retailer and servicer of the above-listed supplies for a minimum of three (3) years.

The following are some sample quality requirements for service contracts:

4. Bidders must provide all services described in **Section II: Scope of Services** and comply with all **Bid Submission Requirements** listed in **Section I**.
5. Bidders must have a minimum of two (2) years of satisfactory performance under at least five (5) different contracts similar in size to the proposed contract.
6. The proposed Project Manager must have completed at least three (3) studies of similar size and scope to this project.
7. The proposer must have at least five (5) years of experience operating and maintaining an 18-hole golf course.

IV. References

References are an important part of any bid solicitation. As the purchaser, you need to know if the vendor has the capability, integrity, and reliability to fulfill your contract. Information about vendors' past performance can help you make that determination. Unfortunately, obtaining an accurate picture of a vendor's past performance through the use of reference checks can be difficult. Too often, the references provided by vendors omit prior contracts that included performance shortfalls.

To avoid this problem, you might require that vendors submit a complete list of contracts they have performed that are similar in size and scope to your contract, including contact names and telephone numbers. You may choose to limit this list to contracts performed in the past year or in whatever time period makes sense for your contract. By asking for a complete list, rather than allowing the vendor to self-select three or four "good" references, you will get a more accurate picture of the vendors' past performance. You can then contact all the names on the list or select just three or four if the list is too long. Make sure that you treat all vendors equally by contacting the same number of references for all bidders. You should also include in your IFB a statement that poor references may be a basis for a determination that the vendor is not a responsible bidder.

When you check bidder references, it is important to ask the same objective questions about all bidders. Did the vendor satisfactorily perform the contract? Did the vendor perform on a timely basis? Would the contact person rehire the vendor? Tailor the reference check to get the information that is most important to you. For example, if one of your primary concerns is durability of the equipment after the first two contract years, then ask for references from all customers who have had the equipment two years or longer, and ask questions of these references about any service problems after the initial two years of the contract.

In sum, you should focus your attention on what distinguishes a "good" performer from a "poor" performer for the type of supply or service that will be performed on your

contract. Obtain references from those who will give you the most useful information, and ask questions designed to elicit that information.

Sample requests for references

Example: Bidders must submit a complete list of all jobs performed in the past two (2) years that are similar in size and scope to this project, with contact names and telephone numbers.

Example: Bidders must submit a complete list of all current customers who have had the proposed network installed and operational for at least two (2) years, with contact names and telephone numbers.

Financial References

You may want to ask for additional reference information in order to assess a vendor's financial viability. Awarding authorities often require vendors to submit audited financial statements or annual reports with their bids. However, these materials are only useful if you have the expertise to analyze them. If you lack such expertise, you should consider other means of assessing vendors' financial viability such as requiring the vendor to be bondable or obtaining information from a credit reporting agency.⁴

Sample requests for financial references

Example: Bidders must include a credit report from a credit reporting agency indicating the bidders' credit history for the last seven (7) years. The credit report must be dated no earlier than sixty days prior to the bid submission date.

Example: Bidders must include a business information report or business profile from a credit reporting agency dated no earlier than sixty days prior to the bid submission date.

Example: Bidders must include financial statements attested to by a certified public accountant (CPA). The CPA must attest that the financial statement is true and accurate to the best of his/her knowledge.

⁴ Sources include Equifax, Experian (formerly TRW), TransUnion, and Dun & Bradstreet.

REFERENCE FORM

Bidder: _____

IFB Title: _____

Bidder must provide references for:

[Fill in the appropriate requirements: for example, all contracts performed within the past two (2) years of similar size and scope to this contract; or all current contracts where the vendor's equipment has been operational for at least two (2) years; or other requirements that define an appropriate reference pool.]

Reference: _____ Contact:: _____
Address: _____ Phone: _____
_____ Fax: _____

Description and date(s) of supplies or services provided:

Reference: _____ Contact:: _____
Address: _____ Phone: _____
_____ Fax: _____

Description and date(s) of supplies or services provided:

Reference: _____ Contact:: _____
Address: _____ Phone: _____
_____ Fax: _____

Description and date(s) of supplies or services provided:

Attach additional sheets if necessary.

V. Rule for Award

When you procure supplies or services using an IFB, you award the contract to the responsive and responsible bidder who meets your quality requirements and offers you the lowest price. (Of course, when the contract requires payment from the vendor to the awarding authority, you award the contract to the responsive and responsible bidder who offers you the highest price.) This section should inform bidders how you will calculate the low/high bid on the contract.

Single Contract Award

When you are awarding a single contract from an IFB, the rule for award is simple.

Example: The contract will be awarded to the responsive and responsible bidder offering the lowest total price for all items.

Example: The contract will be awarded to the responsive and responsible bidder offering the lowest total price for all required services.

Example (with trade-in): The contract will be awarded to the responsive and responsible bidder offering the lowest total price for the copier, including any trade-in allowance.

Multiple Contract Awards

When you are awarding either multiple contracts or multi-year contracts, drafting a workable rule for award can be more complicated. You must ensure that the rule for award identifies one low bid rather than multiple low bids, and that prices can be meaningfully compared.

Some contracts, such as office supplies and janitorial supplies, are often awarded on an item-by-item or category basis. This method of bidding permits multiple contracts to be awarded from a single IFB. When you award multiple contracts, you must make sure that your stated method for determining the lowest bid will identify only one low bid per contract. If your IFB groups items by category -- such as one category for all cleaning soaps/detergents, another category for brooms, mops and other hardware -- you will award contracts to the low bidder in each category.

Example: Contracts will be awarded on an item-by-item basis to the responsive and responsible bidder(s) offering the lowest price for each item.

Example: Contracts will be awarded to the responsive and responsible bidder(s) offering the lowest total price for each category of items.

In the alternative, you may want to award only one contract for all items or categories of items if, after taking into consideration the administrative cost of managing multiple contracts, you determine that one contract will result in the lowest total cost.

Example: The Town will award the contract(s) to either:

(a) the responsive and responsible bidder(s) offering the lowest price(s) for each of the items specified,

or

(b) the responsive and responsible bidder offering the lowest total price for all items specified if the administrative cost of (a) renders (a) more expensive than (b). The administrative cost per contract is considered to be \$X.

When you are bidding a limited number of items, you may want to group bids to ensure that you get the best overall price. For example, if your jurisdiction is buying three vehicles – a bus, a van, and a car – you may want to give vendors the opportunity to bid on one or more vehicles and award the contract(s) on the basis of the best total price. A rule for award could be as follows:

Example: Vendors may bid on one, two, or three vehicles. The school department will award the contract(s) to those bidders whose bids, in combination, offer the department the lowest overall cost for the vehicles bid.

If you use this method for determining the low bid(s), make sure that the IFB also includes the following requirement:

A vendor bidding on multiple items must state in her/his bid whether the vendor is bidding on each vehicle separately, or if the vendor's bid is for a combination of vehicles only.

Multi-Year contracts

When you are awarding a multi-year contract, there are three possible methods for soliciting prices that can be meaningfully compared.

You may require bidders to submit prices that will remain constant for the entire contract term.

Example: All unit prices must remain constant for the entire three-year contract term. One contract will be awarded to the responsive and responsible bidder with the lowest total price for all three years of the contract.

You may require bidders to submit first-year prices that will be adjusted each succeeding year according to a set formula or published index that you specify in your IFB.

Example: One contract will be awarded to the responsive and responsible bidder offering the lowest total price for the first year of the contract. The contract price for years two and three will be adjusted on the contract anniversary date by the percentage increase, if any, during the preceding 12 month period beginning July 1, in the Consumer Price Index for all Urban Consumers-Boston SMSA, published by the Bureau of Labor Statistics.

You may permit bidders to submit different prices for each year of the contract. If you use this method, you should include a formula for calculating the present value of payments in order to realistically compare prices. The following is a sample rule for award for a three-year contract to operate a public beach concession stand, where the vendor will make single payments to the municipality on October 1 of each contract year:

Example: One contract will be awarded to the responsive and responsible bidder offering the highest total price for all three years of the contract. Each year's bid price will be recalculated by the awarding authority to determine the present value of the three payments. A discount factor equal to the prime rate, as stated in the *Wall Street Journal* on the bid due date, will be used to determine the present value of each bid.

VI. Bid Pricing Sheet

In most cases, an IFB should include a bid pricing sheet for vendors to complete. This form facilitates bid uniformity and makes it easier for you to compare bid prices. Sample bid pricing sheets are included in the appendix to this publication for two commonly bid contracts: school bus transportation service contracts and office supply contracts.

VII. Non-Collusion Form and Tax Compliance Form

Persons submitting a bid or proposal to provide supplies or services to your jurisdiction, or to purchase supplies from your jurisdiction, must submit a certification of non-collusion and tax compliance. It is a good idea to include these forms in your IFB. The certificate of non-collusion must be submitted with the bid.

CERTIFICATE OF NON-COLLUSION

The undersigned certifies under penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

Signature of individual submitting bid or proposal

Name of business

TAX COMPLIANCE CERTIFICATION

Pursuant to M.G.L. c. 62C, §49A, I certify under the penalties of perjury that, to the best of my knowledge and belief, I am in compliance with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

Signature of person submitting bid or proposal

Name of business

VIII. Additional Contract Terms and Conditions

- Standard terms and conditions required by your jurisdiction, such as insurance, indemnification provisions, and payment terms.
- Any supplemental terms and conditions. (You should make sure that none of these supplemental terms or conditions conflict with your jurisdiction's standard terms and conditions.)

Requests for Proposals

Most of the time, you will be using an invitation for bids (IFB), the simpler of the two methods of procuring supplies and services under M.G.L. c. 30B. However, when it is in your jurisdiction's best interest to do so and your jurisdiction has appointed a chief procurement officer, you may instead use the request for proposals (RFP) process. You should use proposals rather than bids when you have determined that there are attributes or qualifications beyond your quality requirements for which you might be willing to pay more money.

A model RFP can be created by making the following four changes to the model IFB:⁵

- **You MUST require separate price and non-price proposals.**
- **You MAY require a plan of services.**
- **You MUST include all comparative criteria you will use to evaluate the proposals.**
- **You MUST inform proposers that you will award the contract to the proposer offering the most advantageous proposal, taking into consideration all evaluation criteria as well as price.**

I. You MUST require separate price and non-price proposals.

In Section I: General Information and Bid Submission Requirements, you should include a requirement that proposers submit separate sealed price and non-price (technical) proposals. Also, if you are requiring a deposit based on a percentage of the price proposal, you should require that the deposit be submitted with the price proposal. This will ensure that the technical proposal evaluators will not see vendors' prices until all technical proposals have been evaluated.

⁵ This Guide deals only with the elements that must be included in a valid RFP. For step-by-step advice about using RFP's, you should consult the M.G.L. c. 30B procurement manual published by the Office of the Inspector General.

II. You MAY require a plan of services.

An awarding authority may require that proposers submit a plan for providing the required supplies or services. Generally, a plan of services is a description of how the proposer will deliver the supplies or services you have specified. If you do include such a requirement, your RFP must specify the information to be included in the plan. You should also specify a format and/or set limits on the length of the plan.

Example: Proposers must submit a staffing plan showing the name, title and/or position, and role of each individual who will substantially contribute to this project. For each individual, attach a current resume.

III. You MUST include all evaluation criteria you will use to evaluate the proposals, including comparative criteria.

Your evaluation criteria must include all standards by which acceptability will be determined as to quality, workmanship, results of inspections and tests, and suitability for a particular purpose, and must also include all other performance measures that will be utilized. In addition to the quality requirements presented in Section II, your evaluation criteria in an RFP include comparative criteria. The challenge to writing good comparative criteria is to articulate clear and objective measures that are closely related to the requirements of the contract. It is usually not necessary to use numerous comparative criteria to evaluate proposals. In many cases, two or three comparative criteria will suffice.

When you evaluate proposals, you must evaluate each proposal on each comparative criterion using the rating categories of “highly advantageous,” “advantageous,” “not advantageous,” and “unacceptable.” You should specify in your RFP the standards a proposer must meet to attain the ratings for each comparative criterion. The following are some sample comparative criteria for several types of contracts that are often procured through an RFP process.

Note: Many of these samples have been taken from RFPs reviewed by the Office of the Inspector General. Not all of these criteria will be appropriate for a given procurement. Keep in mind that it is often better to use quality requirements rather than comparative criteria for qualifications you deem important.

As shown in the following examples, it may not be necessary to use each of the four rating categories for each comparative criterion. You may establish whatever rating scheme makes sense for your procurement. However, you should be aware that in a recent, nonbinding Superior Court case,⁶ the Court agreed with the plaintiff's position that M.G.L. c. 30B requires all four ratings to be available to evaluators for each evaluation criterion. If you are concerned about this issue you can prevent it from arising in your procurement by using all four rating categories.

1. Professional Consultants

When awarding professional consulting contracts, you may want to weigh factors such as expertise, staffing plans, and methodology as well as price to determine the most advantageous proposal. The following comparative criteria might be useful in evaluating proposals for this type of contract.

a. Relevant experience of proposer and/or proposed project staff:

Highly Advantageous: The proposer has at least five (5) years of experience consulting with municipalities on projects of similar size and scope to this project.

Advantageous: The proposer has at least three (3) years of experience consulting with municipalities on projects of similar size and scope to this project.

Not Advantageous: The proposer has less than three (3) years of experience consulting with municipalities on projects of similar size and scope to this project.

b. Staffing plan and methodology:

Highly Advantageous: The plan of services proposes a detailed, logical, and highly efficient scheme for producing a complete report that addresses all of the required issues.

Advantageous: The plan of services proposes a credible scheme for producing a complete report that addresses all of the required issues.

Not Advantageous: The plan of services is not sufficiently detailed to fully evaluate, or the plan does not contain all the components necessary to produce a complete report that addresses all of the required issues.

⁶ (*E.L.M. Services, Inc. v. City of Melrose*)

c. Proposer's demonstrated ability to complete projects on a timely basis:

Highly Advantageous: All of the proposer's references indicate that the projects were completed on schedule or with minimal, insignificant delays.

Advantageous: Only one of the proposer's references indicates that the project was completed with substantial delays attributable to the proposer, and no current project or project completed in the last three years experienced substantial delays attributable to the proposer.

Not Advantageous: Two of the proposer's references indicate that the project was completed with substantial delays attributable to the proposer, and no current project or project completed in the last year experienced substantial delays attributable to the proposer.

Unacceptable: More than two of the proposer's references indicate that the project was completed with substantial delays attributable to the proposer.

d. Evaluation of the proposed plan:

Highly Advantageous: The proposal contains a clear and comprehensive plan that addresses all of the project objectives stated in the RFP.

Advantageous: The proposal contains a clear plan that addresses most of the project objectives stated in the RFP.

Not Advantageous: The proposal does not contain a clear plan that addresses most of the project objectives stated in the RFP.

e. Evaluation of an oral presentation or interview:

If you want proposers to give an oral presentation or attend an interview, you must develop criteria to evaluate the presenters/interviewees. Keep in mind that there is an inherent danger in the use of presentations as an evaluation tool. Proposers may earn high ratings due to salesmanship without offering the highest quality services. If you choose to require an oral presentation, you may want to require that the oral presentations be given by staff who will actually perform the work, rather than by marketing or public relations personnel. If you want to ask questions of the presenters or interviewees, make sure to ask the same questions of all proposers. Keep in mind that you must be able to articulate and defend the ratings you award to proposers for oral presentations or interviews.

You may want to evaluate trainers, or consultants who will need to interact with the public, using the following criteria:

Advantageous: The proposer's oral presentation was clear and well organized and demonstrated the proposer's ability to communicate effectively.

Not Advantageous: The proposer's oral presentation was unclear and disorganized and did not demonstrate the proposer's ability to communicate effectively.

f. Evaluation of a written product:

If you are hiring a consultant to produce a written report, you may want to evaluate a writing sample.

Advantageous: The writing sample is well-organized, clear, and concise, with few or no significant analytical, grammatical, or typographical errors.

Unacceptable: The writing sample is not well organized, clear and concise, or it contains numerous significant analytical, grammatical, or typographical errors.

2. Municipal golf course operations and maintenance contract

Many municipalities contract with private vendors to operate and maintain their municipal golf courses. The following comparative criteria may be useful in evaluating proposals for this type of contract.

a. Relevant experience of the proposers:

Highly Advantageous: The proposer has six (6) or more years of experience operating and maintaining at least one (1) 18-hole golf course.

Advantageous: The proposer has four (4) or more years of experience operating and maintaining at least one (1) 18-hole golf course.

Not Advantageous: The proposer has two (2) or more years of experience operating and maintaining at least one (1) 18-hole golf course.

or:

Highly Advantageous: The proposer has managed all aspects of golf course operations for four (4) or more 18-hole golf courses in New England.

Advantageous: The proposer has managed all aspects of golf course operations for two (2) or more 18-hole golf courses in New England.

Not Advantageous: The proposer has managed all aspects of golf course operations for no more than one (1) 18-hole golf course in New England.

“All aspects of golf course operations” includes course maintenance and conditioning, marketing, food and beverage and pro shop operations.

If the proposer’s relevant experience managing a restaurant facility or function hall is important to your jurisdiction, you may want to include comparative criteria relating to this concern:

Highly Advantageous: Proposer has successfully operated a function hall and restaurant at a golf course for five (5) years or more.

Advantageous: Proposer has successfully operated a function hall and restaurant at a golf course for three (3) years or more.

Not Advantageous: Proposer has successfully operated a function hall and restaurant at a golf course for one (1) year or more.

b. The proposed golf course superintendent's experience:

Highly Advantageous: The proposed golf course superintendent has five (5) or more years of experience as a golf course superintendent at a comparable 18-hole golf course.

Advantageous: The proposed golf course superintendent has three (3) or more years of experience as a golf course superintendent, OR five (5) or more years of experience at an assistant golf course superintendent level or higher, at a comparable 18-hole golf course.

Not Advantageous: The proposed golf course superintendent has less than three (3) years of experience as a golf course superintendent, OR less than five (5) years of experience at an assistant golf course superintendent level or higher, at a comparable 18-hole golf course.

and/or:

Highly Advantageous: The proposed golf course superintendent has a two- or four-year degree in turfgrass management from an accredited college or university.

Advantageous: The proposed golf course superintendent has a short course certificate in turfgrass management from an accredited college or university.

Not Advantageous: The proposed golf course superintendent has none of the above.

c. The proposed golf professional's experience:

Highly Advantageous: The proposed individual is a PGA-certified Class A golf professional.

Advantageous: The proposed individual is a PGA-certified, less than Class A, golf professional.

Not Advantageous: The proposed individual is not PGA-certified at any level.

d. The proposed plan to increase percentage of play by junior players, at no additional cost to the Town:

Highly Advantageous: The proposed plan sets forth at least three (3) specific programs or incentives that will be offered by the golf course management firm on a yearly basis. The programs or incentives must either have a demonstrated record of success or be reasonably calculated to achieve their goals.

Advantageous: The proposed plan sets forth at least one (1) specific program or incentive that will be offered on a yearly basis that either has a demonstrated record of success or is reasonably calculated to achieve its goal.

Not Advantageous: The proposed plan has no specific program or incentives or sets forth programs or incentives that are speculative.

e. The proposed plan to increase community awareness of the course as a community resource and to maintain good relations with the surrounding neighborhoods:

Advantageous: The proposed plan sets forth a proactive and detailed plan for increasing community awareness, and preventing neighborhood problems. The plan also contains a credible procedure for addressing neighborhood concerns and complaints.

Not Advantageous: The proposed plan lacks sufficient details, does not adequately address prevention of neighborhood problems, or fails to contain a credible procedure for addressing neighborhood concerns and complaints.

- f. **If the availability of the facility to community groups is important to your jurisdiction, you may want to include comparative criteria relating to this concern:**

Advantageous: The proposer will offer the function hall to City service clubs and non-profit organizations at a 50% discount.

Not Advantageous: The proposer will offer the function hall to City service clubs and non-profit organizations at market rates.

- g. **Evaluation of marketing experience:**

Highly Advantageous: The proposer has experience marketing at least three (3) new or existing 18-hole golf course facilities, including use of print, radio, and/or television media and active solicitation of corporate outings.

Advantageous: The proposer has experience marketing at least one (1) new or existing 18-hole golf course facility, including use of print, radio, and/or television media and active solicitation of corporate outings.

Not Advantageous: The proposer has no experience marketing a new or existing 18-hole golf course facility, including use of print, radio, and/or television media and active solicitation of corporate outings.

- h. **Evaluation of a marketing strategy:**

Advantageous: The proposer's marketing strategy presented in its written proposal and oral presentation was relevant and appropriate to the City's stated objectives for the facility.

Not Advantageous: The proposer's marketing strategy presented in its written proposal and oral presentation was not relevant or appropriate to the stated objectives for the facility.

3. **School Food Service**

School departments and districts often procure food service contracts through an RFP process. The following comparative criteria might be useful in evaluating proposals for this type of contract.

- a. **Relevant experience of the proposer:** Proposers must submit a one-page summary of all school food service contracts comparable in size to the proposed contract, with name and telephone number of each school contact person. "Comparable in size" is defined as within 25% of the Smartsville School enrollment.

Highly Advantageous: The proposer has five (5) or more years of experience providing food service to school departments or districts under contracts comparable in size to the proposed contract.

Advantageous: The proposer has three (3) or more years of experience providing food service to school departments or districts under contracts comparable in size to the proposed contract.

Not Advantageous: The proposer has less than three (3) years of experience providing food service to school departments or districts under contracts comparable in size to the proposed contract.

- b. Menu offerings:** Proposers must submit sample menus with documentation of use in existing school food service sites.

Advantageous: Varied menu offerings that rotate on a cycle that is fifteen (15) days or longer.

Not Advantageous: Repetitious menu offerings that rotate on a ten (10) day or shorter cycle.

- c. School/Community outreach:** Proposers must submit documentation of activities initiated by the proposer during the most recently completed school year that reflect collaborative efforts with parents, students, and school personnel to improve food services in existing sites. Activities may include, but are not limited to, surveys, meetings with established groups, or the formation of a food service advisory committee.

Highly Advantageous: Vendor was involved in such activities in at least three (3) school departments or districts, at least three (3) times during the most recently completed school year.

Advantageous: Vendor was involved in such activities in at least one (1) but fewer than three (3) school departments or districts, or at least once but fewer than (3) times during the most recently completed school year.

Not Advantageous: Vendor was not involved in such activities during the most recently completed school year.

- d. Site visit to vendor's existing school food service site:** The school will arrange an unannounced site visit to one of the vendor's existing sites.

Advantageous: Existing site is clean and well managed, and food service workers are observing proper health and safety standards.

Not Advantageous: Existing site is unclean and poorly managed, or food service workers are not observing proper health and safety standards.

e. Student participation rate at existing sites:

Highly Advantageous: The average participation rate at the vendor's current sites is between 75-80% or better.

Advantageous: The average participation rate at the vendor's current sites is between 70-74%.

Not Advantageous: The average participation rate at the vendor's current sites is below 70%.

4. Computer equipment and services contract:

Often, using an IFB is the best method of procuring computer hardware, software, and training packages. You can set up stringent required standards in the IFB to ensure that you will be satisfied with any responsive bid from a responsible bidder. However, there are times when using an RFP may be more appropriate, especially when the contract has a significant training and support component. The following comparative criteria might be useful in evaluating proposals for this type of contract.

a. Proposer's instructional staff:

Highly Advantageous: All of the proposed instructional staff have at least one (1) year of experience training users in this application.

Advantageous: Most of the proposed instructional staff have at least one (1) year of experience training users in this application.

Not Advantageous: Most of the proposed instructional staff have less than one (1) year of experience training users in this application.

and/or:

Advantageous: The ratio of instructional staff to users is less than 1:5.

Not Advantageous: The ratio of instructional staff to users is greater than or equal to 1:5.

b. Proposer's ability to provide support services:

Highly Advantageous: The proposer provides toll-free, 24-hour telephone support, 7 days per week, for all software applications.

Advantageous: The proposer provides toll-free telephone support Monday-Friday between the hours of 8:00 A.M. and 6:00 P.M. (EST) for all applications.

Not Advantageous: The proposer offers telephone support but not a toll-free number.

Unacceptable: The proposer offers no telephone support.

and/or:

Highly Advantageous: The proposer offers on-site training seminars, at no additional cost, at least once a year during the term of the contract.

Advantageous: The proposer offers on-site training seminars, at no additional cost, less than once a year during the term of the contract.

Not Advantageous: The proposer offers no on-site training seminars.

You may choose to have a panel of potential users participate in a training and subsequently evaluate the applications and its user manuals. If you do so, be sure that all proposers are given equal time.

Highly Advantageous: The application screens are clear and logical. Fields can be accessed easily and quickly. Multiple screens are logically sequenced and can be quickly accessed from other relevant screens; and users with minimal training and experience can quickly learn to navigate the program with training of one-half day or less.

Advantageous: The application screens are generally clear and set up logically. Fields can be accessed easily and quickly. Multiple screens are logically sequenced, but must be accessed by going through a series of screens; or users with minimal training and experience are likely to require more than a one-half day training workshop.

and/or:

Highly Advantageous: The user manuals or application help screens are clear, complete, and well organized, and written for the lowest level of user capability. In the panel members' opinion, users will rarely need to call the vendor for clarification.

Advantageous: The user manuals or application help screens are clear, complete, and well-organized, but not written for the lowest level of user capability. In the panel members' opinion, users will occasionally need to call the vendor for clarification.

Not Advantageous: The user manuals or application help screens are not clear, complete, or well-organized, and all features are not covered. In the panel members' opinion, users will frequently need to call the vendor for clarification.

5. Medicaid Billing and Collection Services:

A school may contract with a private vendor to recover funds from third-party payors, such as Medicaid and private insurance companies, for health-related services provided to schoolchildren. The following are some comparative criteria that might be appropriate for an RFP for these services.

a. Relevant experience of the proposer:

Highly Advantageous: The proposer has a minimum of five (5) years of experience as primary contractor in the provision and support of third-party revenue maximization services.

Advantageous: The proposer has a minimum of three (3) years of experience as primary contractor in the provision and support of third-party revenue maximization services.

Not Advantageous: The proposer has a minimum of one (1) year of experience as primary contractor in the provision and support of third-party revenue maximization services.

and:

Highly Advantageous: The proposer currently has at least five (5) school-based municipal Medicaid customers.

Advantageous: The proposer currently has at least three (3) school-based municipal Medicaid customers.

Not Advantageous: The proposer currently has at least one (1) school-based municipal Medicaid customer.

b. The proposed implementation plan:

Advantageous: The proposed implementation plan provides sufficient detail and documentation to demonstrate that the proposer has the necessary proficiency, experience, and resources to implement the scope of work set forth in this RFP.

Not Advantageous: The proposed implementation plan provides insufficient detail and documentation to demonstrate that the proposer has the necessary proficiency, experience, and resources to implement the scope of work set forth in this RFP.

IV. You MUST inform proposers that you will award the contact to the proposer offering the most advantageous proposal, taking into consideration all evaluation criteria as well as price.

As in an IFB, you must tell proposers how you will determine the lowest-priced proposal. However, when you use an RFP process, you are not required to award the contract to the lowest-priced proposal. Therefore, your rule for award must also inform proposers that the contract will be awarded to the proposer offering the most advantageous proposal, taking into consideration all evaluation criteria as well as price.

Example: The Town will determine the most advantageous proposal from a responsible and responsive proposer, taking into consideration price and all evaluation criteria set forth in the RFP.

Appendix

SCHOOL BUS TRANSPORTATION CONTRACT

SAMPLE BID FORM A

Three-Year Contract

Rule for Award:

All unit prices must remain constant for the entire three-year contract term. One contract for all regular route, kindergarten, late, field and athletic trip buses will be awarded to the responsive and responsible bidder with the lowest grand total price.

Regular Route Buses:

Estimated need: 15 buses for 180 days per year.*

Price per bus per day: _____ x 15 buses x 180 days = _____

Annual Cost

Three-Year Total: _____ (A)

Annual Cost x 3 years

Kindergarten Mid-day Buses:

Estimated need: 10 buses for 180 days per year.*

Price per bus per day: _____ x 10 buses x 180 days = _____

Annual Cost

Three-Year Total: _____ (B)

Annual Cost x 3 years

Late Buses:

Estimated need: 4 buses for 180 days per year.*

Price per bus per day: _____ x 4 buses x 180 days = _____

Annual Cost

Three-Year Total: _____ (C)

Annual Cost x 3 years

*In any given year during the contract term, the School may need to increase or decrease the number of regular route buses by a maximum of 5 buses, the kindergarten mid-day buses by a maximum of 3 buses, and the late buses by a maximum of 2 buses. Any increase/decrease will be at the unit prices specified on this bid form.

Field Trips & Athletic Events Buses:

Estimated need: Buses for 100 field or athletic event trips. These trips will require 2500 miles of travel as well as 350 hours of waiting time.**

Price per mile: _____ x 2500 miles = _____

Annual Cost

Three-Year Total: _____ (D)

Annual Cost x 3 years

Price per hour of waiting time: _____ x 350 hours = _____

Annual Cost

Three-Year Total: _____ (E)

Annual Cost x 3 years

THREE-YEAR GRAND TOTAL:

_____ (Total A through E)

**In any given year during the contract term, the number of miles may increase or decrease by a maximum of 500 miles, and the number of hours of waiting time may increase or decrease by a maximum of 100 hours. Any increase/decrease will be at the unit prices specified on this bid form.

SCHOOL BUS TRANSPORTATION CONTRACT

SAMPLE BID FORM B

Three-Year Contract

Rule for Award:

One contract for all regular route, kindergarten, late, field and athletic trip buses will be awarded to the responsive and responsible bidder with the lowest grand total price for the first year of the contract. The contract price for years two and three will be adjusted on the contract anniversary date by the percentage increase, if any, during the preceding 12-month period beginning July 1, in the Consumer Price Index for all Urban Consumers-Boston SMSA, published by the Bureau of Labor Statistics.

Regular Route Buses:

Estimated need: 15 buses for 180 days per year.*

Price per bus per day: _____ x 15 buses x 180 days = _____ (A)
Annual Cost

Kindergarten Mid-day Buses:

Estimated need: 10 buses for 180 days per year.*

Price per bus per day: _____ x 10 buses x 180 days = _____ (B)
Annual Cost

Late Buses:

Estimated need: 4 buses for 180 days per year.*

Price per bus per day: _____ x 4 buses x 180 days = _____ (C)
Annual Cost

*In any given year during the contract term, the School may need to increase or decrease the number of regular route buses by a maximum of 5 buses, the kindergarten mid-day buses by a maximum of 3 buses, and the late buses by a maximum of 2 buses. Any increase/decrease will be at the unit prices specified on this bid form.

Field Trips & Athletic Events Buses:

Estimated need: Buses for 100 field or athletic event trips. These trips will require 2,500 miles of travel as well as 350 hours of waiting time.**

Price per mile: _____ x 2500 miles = _____ (D)

Price per hour of waiting time: _____ x 350 hours = _____ (E)
Annual Cost
Annual Cost

FIRST-YEAR GRAND TOTAL:

(Total A through E)

**In any given year during the contract term, the number of miles may increase or decrease by a maximum of 500 miles, and the number of hours of waiting time may increase or decrease by a maximum of 100 hours. Any increase/decrease will be at the unit prices specified on this bid form.

TOWN OF BROOKLINE, MASSACHUSETTS – PURCHASING DEPARTMENT

Specifications and Bid Form

Ref: General School Supplies – School Committee

Bid Opening: [date/time]

ITEM	SPECIFICATIONS	ORDER UNIT	QUANTITY	UNIT PRICE	TOTAL PRICE	BRAND NAME & MODEL # IF OTHER THAN SPECIFIED
1	PAPER, GRAPH, white, quadrille, 8½ x 11", 20# ruled ¼" (500shts/pkg.).	PKG	211			
2	PAPER, ARITHMETIC, canary, 8½ x 11", 14# unruled (500shts/pkg.).	PKG	56			
3	PAPER, NEWSPRINT, white, 8½ x 11", 32# unruled (500shts/pkg.).	PKG	52			
4	PAPER, MANILA TAG, 9 x 12" 150#, light shade, smooth, hard surface, suitable for pen & ink, two sides. (100shts/pkg.).	PKG	107			
5	PAPER, SPELLING, white, 3½ x 8½" 16#, ruled 3/8" short way, good color, clear surface for ink & pencil, free from groundwood. (500shts/rm.).	RM	146			
6	PAPER, COMPOSITION, white, 8 x 10½", 16#, ruled 3/8" short way, suitable for pen & ink, free from groundwood. (500shts/rm.).	RM	404			
7	PAPER, PADDED CHART, top grade bond, padded at top, 24" x 32", 1" ruling w/o guideline, short way on one side, 2-hole punched for hanging, (70shts/pad), J.L. Hammett #67649 or equal.	PAD	365			

