What Defines a Successful Contract and the RFP Process
Panel

• Moderator: Deb Damore - Vermont

• Voight Shealy - South Carolina

• Dianne Lancaster - Oregon

• Kathy Reilly - Massachusetts
Solicitation Development

In any solicitation, states owe vendors

- A good faith offer to purchase
- A clear, concise scope of work
- Specifications that are not “unduly restrictive”
- Fair and impartial treatment of vendors
- Clear criteria for award
- Bidding schedules, specifications, and award criteria that are “in sync”
Tips on solicitation development

- Write clear, decisive statements of the work expected.
- Or, for “solutions-based procurements” at least, a clear statement of the problem to be solved
- Define the current agency environment relative to the project
- Identify specific state-owned resources available to offerors
- Perform an internal risk analysis and allocate risk as appropriate
- Avoid feel good, but meaningless terms such as:
  - Asking vendors to “assist” us with our problem
  - ASAP
  - In good working order
  - Meeting agency expectations
- Use “must” or “shall” only to identify critical requirements of the offers
- For brand-name or equal specifications, list the salient features that distinguish the product specified from unacceptable products
During the solicitation, vendors owe states

- The courtesy of reading the entire solicitation document
- Don’t wait - tell states as soon as you discover issues with the specifications
- Ask questions during the solicitation process; not in your proposal
- If you have issues with the terms and conditions seek modifications prior to submission
- Not discussing the solicitation with anyone other than the procurement officer
Preparation of Proposals and Responses

Vendors owe states

• A good faith offer to sell
• A clear, comprehensive offer
• A definitive price
• An unqualified offer
Tips on proposal development

• Follow instructions
• Adhere to critical deadlines
• Offer to meet the requirements of the RFP
• Focus on the: Scope of Work, Specifications, Information for Offerors to Submit, and Bidding Schedule/Price Proposal
• Organize your proposal as requested, specifically look to the, Information for Offerors to Submit section of the RFP for guidance
• Write clear definitive statements
• Use an overview of the proposed solution both for the substance and business portions of the response to focus the evaluators
• Be thorough, but concise
• Be careful that maintenance, support and license agreements don’t conflict with terms of the solicitation
• Do not expect evaluators to interpret your proposal. It’s your job to be clear; not theirs to interpret what you mean.
Tips on proposal development

Vendors never, ever

• Take exception to or re-write the requirements of the solicitation. If you wish, offer to meet the specifications and then offer alternative solutions
• Qualify your proposal
• Overlook or refuse to submit critical information requested
• Unless expressly requested, don’t mention your cost; we don’t care – What is my price?
• Make me wonder what your actual total price is
• Include canned product literature that may contradict the RFP’s requirements
• Alter my bidding schedule
Contract Negotiation

Key Questions for Suppliers & Agency Owners

Who is on the negotiation team and why?
- e.g. there needs to be a decision-maker with authority to commit the organization
- Other key team members?

How do they approach the negotiation?
- Collaboratively as a developing partnership between supplier and agency?
- Or defensively as a potential adversary – risk averse?

What is the outcome goal of the negotiation team?
- Is it the same as the proposal development team?
- Is it the same as the team who will carry out the contract services?
Contract Administration

Key Questions for Suppliers & Agency Owners

Who is on the contract fulfillment team and why?
  • Is it the same or a different team than the negotiation team?
  • Are there representatives who worked through the solicitation and contract negotiation phases?

How do they approach contract administration?
  • Collaboratively as a partnership?
  • Defensively as a potential adversary – risk averse

What is the outcome goal of the contract fulfillment team?
  • Is it the same as the earlier phases?
  • What is the strategy for achieving the desired outcome?
  • Is the outcome goal and strategy the same for both parties?
Contract Renewal/New Procurement

State Considerations
- Available renewal options?
- Performance
- market conditions
- new direction
- cooperative opportunities

Vendor Considerations
- Don’t assume renewal
- Know your Key Performance Indicators: have you performed as expected?
- What is your value proposition for renewal?
Thanks for Attending!