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CHAPTER 7. Competitive Proposal

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7.1 Policy

The competitive proposal method is used when the selection is based on price and other factors, such as qualifications, quality, experience, design, past performance, or work approach. It includes a Request for Proposals (RFP), publicizing the solicitation, and the submission of the proposals to the Authority in response to RFP. Depending on the particular requirements of the solicitation, technical considerations may be the more important criterion than price when evaluating the proposals and selecting the contractor. Discussions with the offerors may be conducted, but are not always necessary.

7.2 Source Selection Authority

The Contracting Officer is designated as the source selection authority, unless the General Manager appoints another individual for a particular procurement or group of procurements. The source selection authority or designee establishes the evaluation committee and approves the evaluation factors.

7.3 Solicitation of Proposals

7.3.1 *Solicitation of Proposals*

The solicitation of proposals, referred to as an RFP, is used when requirements are not well defined, discussion with proposers will be necessary, and/or selection is based on other factors as well as on price. The RFP shall clearly, accurately, and completely describe the requirements (specification or scope of work), evaluation factors, and instructions for preparing an offer. The RFP shall be publicized for 30 days, unless the Contracting Officer determines otherwise. The RFP or notice of availability of the RFP shall be mailed or otherwise furnished to an adequate number of prospective contractors to ensure full and open competition.

7.3.2 *Cancellation of Request for Proposal*

It may be in the Authority's best interest to cancel an RFP before or after the closing date for reasons such as inadequate or ambiguous specifications, revised specifications, goods or services being contracted for are no longer required, or the RFP does not provide for consideration of all of the Authority's evaluation factors.

7.3.3 *Pre-Proposal Conferences*

Pre-proposal conferences are generally used in complex acquisitions as a means of briefing prospective offerors and explaining complicated specifications and requirements. Although various aspects of the RFP and the requirements may be discussed, a statement during the pre-proposal conference by itself shall not change the RFP. All changes to the RFP shall be issued through an amendment.

7.3.4 *Amendment of Solicitations before Closing Date*

Amendments are issued in writing to formalize changes to the solicitation.

7.3.5 *Postponement of Proposal Receipt*

A proposal due date may be extended when the Contracting Officer determines that such extension is in the Authority's best interest. An amendment shall be issued to all parties receiving the solicitation.



7.4 Evaluation and Negotiation of Proposals

7.4.1 Receipt of Proposals

Upon receipt at the location specified in the solicitation, proposals shall be marked with the date and time of receipt and shall be transmitted to the designated Authority officials. Proposals shall be safeguarded from unauthorized disclosure from receipt, throughout the source selection process, and until award.

7.4.2 Late Proposals and Withdrawals

Proposal revisions received after the date and time designated in the RFP or subsequent amendments shall be considered late and shall not be opened or considered.

If it is determined that the proposal was delayed in the mail, in the communications system specified for transmission of proposal, or for cause beyond the control due to no fault or negligence of the offeror, the proposal shall be received by the procurement office.

7.4.3 Evaluation and Negotiation

7.4.3.1 Evaluation Factors

Selection factors reflecting key areas of importance shall be identified in the solicitation document and must be considered in the selection decision.

7.4.3.2 Proposal Evaluation

Proposal evaluation is an assessment of the proposal and the offeror's ability to perform the proposed contract successfully. Competitive proposals are evaluated and their relative qualities assessed solely on the factors specified in the solicitation. Evaluations may be conducted using any rating method or combination of methods. The relative strengths, deficiencies, significant weaknesses, and risks supporting proposal evaluation shall be documented in the contract file.

7.4.3.3 Competitive Range

The Contracting Officer shall establish a competitive range composed of the highly rated proposals. Discussions will be conducted only with offerors whose proposals are in the competitive range.

7.4.3.4 Pre-Negotiation Objectives

Pre-negotiation objectives shall be established prior to entering into negotiations with an offeror.

7.4.3.5 Exchanges with Offerors after Receipt of Proposals

Exchanges with offerors after receipt of proposals are allowed. These may take the form of clarifications, communications, or discussions. Exchanges shall take place as part of the formal selection process and only with the Authority representative who is specifically identified to receive or transmit information.

7.4.3.6 Price Negotiation

All terms identified in the pre-negotiation objectives are subject to negotiation. If price is being negotiated, price negotiations shall be conducted to ensure that the final price is fair and reasonable.



7.4.4 Proposal Revisions

At the conclusion of discussions, all revisions to the proposal shall be submitted in writing. The final proposal shall be identified as such.

7.4.5 Disclosures of Mistakes before Award

Offerors may amend their proposal for any reason during the discussion period(s). After receipt of the offeror's "final" revision, correction of a mistake will be considered only if the Contracting Officer determines it to be in the Authority's best interest. If the correction of the mistake will not be permitted, the offeror may be allowed to withdraw its proposal.

7.4.6 Mistakes Disclosed After Award

Correction of mistakes disclosed after award will not be considered, except if the mistake involves an administrative change (i.e., not affecting value, date of delivery, or requirement). A mistake disclosed after award that affects value, date of delivery, or requirement may result in cancellation of the award.

7.4.7 Negotiation Memorandum

An overview of the procurement process for a specific award shall be documented in a negotiation memorandum. The memorandum shall include key milestones, a brief explanation of exception occurrences, the negotiation strategy, the results of the negotiation, and a summary of the selection.

7.5 Contract Award

7.5.1 Basis of Contract Award

Award of a contract shall be made to the responsible offeror with whom negotiations have been successfully completed and whose proposal is determined to be the most advantageous for and in the best interest of the Authority.

7.5.2 Notifications and Debriefing

After contract award, the unsuccessful offerors shall be notified in writing and provided a debriefing upon written request made within five (5) calendar days from the date the notification was received. Information provided in the debriefing will consist of the following:

1. The source selection procedures
2. The weaknesses and deficiencies in the proposal of the offeror being debriefed
3. The overall evaluated technical rating and price of the successful offeror and the offeror being debriefed.
4. The rationale for the award

The debriefing shall not include point-by-point comparisons of the debriefed offeror's proposal with those of other offerors.