

NO. 46 SOURCE SELECTION FOR NEGOTIATED PROCUREMENTS**Table of Contents**

46-1.0	Scope
46-2.0	Purpose
46-3.0	References
46-4.0	Definitions
46-5.0	Policy
46-5.1	Application
46-5.2	Limitation on the Use of Negotiated Procurements
46-5.3	Objective of Competitive Negotiations
46-5.4	Protection Against Disclosure of Evaluation Proceedings
46-5.5	Risk as Reflected in Cost or Price
46-5.6	Source Selection Objectives
46-5.7	Competitive Range Determinations
46-5.8	Use of Independent Consultants
46-5.9	“No Contact” Policy
46-5.10	Technical Evaluation Panel
46-6.0	Process Summary
46-7.0	Development of Evaluation Criteria
46-7.1	Purpose of Evaluation Criteria
46-7.2	Certain Specific Evaluation Criteria
46-7.2.1	MBE/ESB Commitment
46-7.2.2	Accessibility
46-7.2.3	Compliance with Requirements
46-7.2.4	Cost- or Price-Related Criteria
46-7.3	Representation of Evaluation Criteria in RFPs
46-8.0	Use of Adjectival Ratings
46-8.1	General
46-8.2	Evaluating Technical and Management Factors
46-8.3	Evaluating Past Performance
46-9.0	Independent Scoring of Proposals
46-9.1	General
46-9.2	Panel Member Scoring
46-9.3	Required Documentation
46-9.4	Sample Scoring Guidelines

- 46-10.0 Consensus Scoring**

- 46-11.0 Responsibilities**
- 46-11.1 Director, Procurement Services**
- 46-11.2 Director, Using Agency**
- 46-11.3 Director, Office of Minority Business Development**
- 46-11.4 Chairperson, Technical Evaluation Panel**
- 46-11.5 Technical Evaluation Panel Members**
- 46-11.6 Contract Specialist**

NO. 46 PROPOSAL EVALUATION AND DOCUMENTATION REQUIREMENTS

- 46-1.0 Scope.** Pursuant to the authority set forth in City Code § 2-634(b), the Director of Procurement Services serves as the principal public purchasing official and chief contract officer for the City. In this capacity, the Director enters into appropriate contracts and develops rules, regulations, and procedures governing the City's procurement needs. This regulation provides detailed guidance on the source selection process for contracts awarded on the basis of competitive negotiation.
- 46-2.0 Purpose.** This regulation is intended to serve as an authoritative guide for coordinating the activities of the Department of Procurement Services and Using Agencies with regard to competitive negotiation and source selection activities associated with such negotiations.
- 46-3.0 References.**
- (a) Richmond City Code, Chapter 74
 - (b) Purchasing Policy No. 33, Contracts: Professional and Non-Professional Services
- 46-4.0 Definitions.**
- 46-4.1** *"Best and Final Offer" (BAFO)* means an Offeror's final offer following the conclusion of negotiations.
- 46-4.2** *"Competitive negotiation"* means a method of source selection that involves individual discussions between the City and the Offeror on the basis of responses to the City's request for proposals (City Code § 74-4).
- 46-4.3** *"Contract"* means all types of city agreements, regardless of what they may be called, for the procurement of goods, services, insurance or construction (City Code § 74-4).
- 46-4.4** *"Cost Analysis"* means the evaluation of cost data for the purpose of arriving at costs actually incurred or estimates of costs to be incurred, prices to be paid, and costs to be reimbursed (City Code § 74-4).
- 46-4.5** *"Cost Data"* means factual information concerning the cost of labor, material, overhead, and other cost elements which are expected to be incurred, or which have been actually incurred by the contractor in performing the contract (City Code § 74-4).
- 46-4.6** *"Intent to Award"* means an intent by the City to accept a bid or proposal (City Code § 74-4). Notice of such intent is publicly posted or otherwise advertised.
- 46-4.7** *"Non-professional services"* means any services not specifically identified as professional services (City Code § 74-4).
- 46-4.8** *"Offeror"* means a person (as defined in City Code § 74-4) who submits an offer, or proposal, in response to a Request for Proposals.

- 46-4.9** *“Price Analysis”* means the evaluation of prices, without an analysis of the separate cost components and profit that make up that price (as is done in cost analysis).
- 46-4.10** *“Professional services”* means work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, land surveying, landscape architecture, law, dentistry, medicine, optometry, pharmacy or professional engineering (City Code § 74-4).
- 46-4.11** *“Request for proposals” (RFP)* means all documents, whether attached or incorporated by reference, utilized for soliciting proposals for a particular procurement (City Code § 74-4).
- 46-4.12** *“Source Selection”* means a formal process for evaluating offers or proposals submitted by Offerors to meet a City procurement need through a contract award.
- 46-4.13** *“Specification”* means any written description of the physical or functional characteristics or of the nature of a good, service or construction item. It may include a description of any requirement for inspecting, testing, or preparing a good, service or construction item for delivery (City Code § 74-4).
- 46-4.14** *“Technical Evaluation Panel” (Panel)* means a panel of technical experts convened to conduct a technical and cost or price evaluation of offers or proposals under the guidance of the assigned Contract Specialist and directed by a senior member of the panel who has been designated by the Using Agency as the “Chairperson.”
- 46-4.15** *“Using Agency”* means any department, agency, bureau, board, commission, court, city jail or jail forum or other unit in the city government requiring goods, services, insurance or construction as provided for in this chapter (City Code § 74-4).
- 46-5.0** **Policy.**
- 46-5.1** Application. The policies stated in this section apply to:
- (a) Competitively negotiated commodity purchases when the use of sealed bidding has been determined to not be practicable or fiscally advantageous in accordance with City Code § 74-71(a)(1).
 - (b) Construction projects meeting the criteria stated in City Code § 74-71(a)(3).
 - (c) Non-professional services when the criteria in City Code § 74-71(a)(1) or (2) are satisfied.
 - (d) Professional services when the criteria in City Code § 74-72 are satisfied (Code § 74-72(b) provides specific direction on the process of ranking Offerors based upon technical qualifications and subsequent cost/price negotiations).

46-5.2 Limitation on the Use of Negotiated Procurements. Competitive sealed bidding is the preferred procurement method. However, in justifying the use of competitive negotiations instead of competitive sealed bidding for a particular procurement, the question which needs to be answered is whether the instant procurement is so unique that competitive sealed bidding is not “practical or fiscally advantageous.”

- (a) For example, procurement requirements that may be difficult to fully define and where different approaches may serve to satisfy the need may be good candidates for competitive negotiations (*see also* § 46-5.5). On the other hand, when the procurement need can be clearly defined and the goal is to find qualified contractors who can fulfill the instant need at the best price, it may be more appropriate to conduct a Request for Qualifications (RFQ) to prequalify a pool of capable, qualified firms and then, to solicit the requirement through an Invitation for Bids (IFB) issued to those prequalified firms.
- (b) For negotiated procurements for other than professional services, the Contract Specialist shall write a determination for signature by the Director of Procurement Services. The determination shall state that competitive sealed bidding is not “practical or fiscally advantageous” for the instant procurement and succinctly state the reasons why it is not “practical or fiscally advantageous.” This determination is not required for solicitations for professional services processed in accordance with City Code § 74-72.

46-5.3 Objective of Competitive Negotiations. The City’s best interests are satisfied when the proposed acquisition provides the greatest overall benefit in response to the solicited requirement. In competitive negotiations, this can be achieved by using any one or a combination of source selection approaches. In any event, the objective of competitive negotiations is to achieve a written contract that is fair and reasonable in all respects including price.

46-5.4 Protection Against Disclosure of Evaluation Proceedings. In order to protect the integrity of the competitive negotiations process and prevent inappropriate or inadvertent disclosure of evaluation proceedings, City personnel shall comply with the following:

- (a) Offers and proposals, including all Technical Panel deliberative documents (e.g., notes, draft scoring narratives, etc.), shall be properly secured and safeguarded at all times to preclude inappropriate or inadvertent release or disclosure of such materials to any individual not authorized to have access to such documents.
- (b) No member of the Panel is authorized to discuss or otherwise release information concerning Panel deliberations to any individual, including City personnel who may be in their supervisory chain of command. Positional authority, by itself, does not grant access to disclosure of Panel deliberations during the evaluation and negotiation process.

- (c) Personnel identified as Technical Evaluation Panel members shall attend and participate in all panel meetings as well as all interviews and negotiations with Offerors. Attendance at such meetings, interviews, or negotiations by any individual other than Panel members is strongly discouraged. In any event, if such attendance is authorized by the Director of Procurement Services for a specific procurement, such individuals attending shall not engage in any discussions or negotiations with Offerors or during Panel deliberations. As a condition of such attendance, the Director shall inform the individual of the City's "No Contact" policy (refer § 46-5.9) and may require such an individual to sign an appropriate "Non-Disclosure" form.
- (d) Department and agency heads have an inherent interest in their departmental procurements, and the assigned Contract Specialist will provide such department and agency heads, periodically and upon request, general information concerning the quality of proposals received and the process as it relates to established timelines for the procurement. To preclude the appearance of exerting undue influence during the procurement's independent evaluation process, department and agency heads are not authorized to have access to detailed evaluation narratives, individual scores, or composite scores. Prior to contract award, department and agency heads may request a Panel debriefing from the Director of Procurement Services but, in any event, are prohibited from exerting any influence on any pending award decision. The Director shall inform the department or agency head of the City's "No Contact" policy (refer § 46-5.9) and may require the department or agency head to sign an appropriate "Non-Disclosure" form before receiving any information on a particular procurement.
- (e) Elected officials such as the Mayor and Members of City Council may have an interest in a particular procurement and may request a briefing by the Director of Procurement Services. In such instances, prior to disclosing information concerning the procurement, the Director of Procurement Services shall inform the elected officials of the City's "No Contact" policy (refer § 46-5.9) and Non-Disclosure regulations. To preclude the appearance of "undue influence" during the procurement's independent evaluation process, such officials shall not be provided detailed evaluation narratives, individual scores, or composite scores. Following the briefing, the Director of Procurement Services shall document the briefing in a Memorandum to the File identifying the date of the briefing, officials in attendance, and what was discussed.
- (f) Violations of these policies shall be reported promptly to the Director of Procurement Services for investigation and appropriate action. For egregious violations, such action may include the Director disqualifying a firm from further consideration for the particular procurement or cancelling the procurement and re-soliciting the requirement.

46-5.5 Risk as Reflected in Cost or Price. In different types of acquisitions, the relative importance of cost or price may vary. For example, when the requirement is clearly definable and the risk of unsuccessful contract performance is minimal, cost or price may play a dominant role in source selection. The less definitive the requirement, the more

development work is required or the greater the performance risk, the more technical or past performance considerations should play a dominant role in source selection.

46-5.6 Source Selection Objectives. The objectives of the source selection process are to:

- (a) Ensure the impartial, equitable, and comprehensive evaluation of proposals;
- (b) Maximize the efficiency and minimize the complexity of the proposal evaluation and contractor selection process;
- (c) Select the Offeror whose proposal provides the greatest overall benefit to the City considering cost and price, technical factors, and past performance; and
- (d) Document the basis for the source selection decision.

46-5.7 Competitive Range Determinations. All Offerors shall be afforded an opportunity for a discussion. Competitive range determinations shall be made on a 0 – 100 point basis solely reflective of the solicitation's stated evaluation criteria. In determining with which Offerors the City will ultimately negotiate, the competitive range determination shall include the 30 percentage points for MBE participation (except for professional services) (*see* § 46-7.2.1). All Offerors who are determined to be reasonably susceptible for award shall be included in the competitive range. Competitive range determinations shall be in writing and shall succinctly state why a firm or firms were excluded from the competitive range.

46-5.8 Use of Independent Consultants. The use of independent consultants to assist in the source selection process is permitted and even encouraged for specialized procurements when the City does not have the resident in-house expertise (e.g., gas supply and asset management requirements or employee health and dental benefit plans).

- (a) Use of such consultants shall not relieve the Contract Specialist and the Technical Evaluation Panel from their respective responsibilities to exercise due diligence and to score independently, as well as on a consensus basis, in consonance with the solicitation's published evaluation criteria and scoring weights.
- (b) Based upon their particular expertise, consultants may –
 - (1) Help prepare solicitations and Statements of Work.
 - (2) Independently evaluate offers or proposals and provide a narrative - but not a numeric scoring - recommendation to the Technical Evaluation Panel.
 - (3) Provide advice, but not lead discussions or negotiations.
- (c) Consultants may not compete on any procurement requirement which they have helped develop and for which they have received compensation, lead discussions, or participate in the numerical scoring of offers or proposals (*see* City Code § 74-348).

46-5.9 **“No Contact” Policy.** The Department of Procurement Services maintains a “No Contact” policy for all procurements. The “No Contact” policy exists to maintain the integrity of the competitive procurement process by ensuring that no Offeror has an opportunity to obtain information giving that Offeror an unfair advantage or to exercise undue influence over a procurement’s Technical Evaluation Panel.

- (a) Under the “No Contact” policy, Offerors are prohibited from contacting any City representative other than the assigned Contract Specialist concerning a request for proposals prior to the posting of an “Intent to Award” or the cancellation of the solicitation. Any such unauthorized contact may disqualify the Offeror from the procurement.
- (b) Prior to the commencement of any discussions or negotiations, the Contract Specialist shall remind all Offerors and Panel members of the City’s “No Contact” policy.
- (c) All Using Agency personnel shall inform the assigned Contract Specialist in writing (e.g., by e-mail) immediately if an Offeror contacts such personnel during a procurement in violation of the “No Contact” policy.
- (d) The Contract Specialist shall immediately inform the Director of Procurement Services when there has been an alleged violation of the “No Contact” policy to enable the Director to take appropriate action.

46-5.10 **Technical Evaluation Panel.** The Technical Evaluation Panel consists of subject matter experts convened to conduct an impartial, complete, and timely evaluation of Offeror proposals.

- (a) Directors of Using Agencies shall:
 - (1) Nominate qualified, experienced personnel to be Evaluation Panel members and designate a senior staff person or manager to serve as the Panel Chairperson;
 - (2) Ensure that Using Agency members comply with this regulation;
 - (3) Ensure minimum Using Agency Panel member substitution; and
 - (4) Ensure that Using Agency Panel members make Panel participation a workload priority through participation in all Panel meetings.
- (b) The Director of Procurement Services approves all initial membership nominations and any proposed changes to Panel membership for each negotiated procurement.

46-6.0 **Process Summary.** After the procurement need is defined and a determination is made to use competitive negotiations and issue a Request for Proposals, the following are major steps in the source selection process:

<u>Step</u>	<u>Action</u>
1	Identify and establish Technical Evaluation Panel. Obtain Conflict of Interest and Non-Disclosure statements.
2	Develop and approve the source selection plan including evaluation criteria and weights.
3	Develop, review, and issue the solicitation.
4	Receive and independently evaluate proposals; check references.
5	Panel meets to finalize independent scoring and discuss results of reference checks.
6	Discussions with all Offerors.
7	Identify Offerors for negotiations, conduct negotiations, and request, receive, and evaluate final proposal revisions, if necessary.
8	Prepare the supporting documentation for the selection decision.
9	Select the source.
10	Brief the principal results of the source selection decision to appropriate officials.
11	Award the contract(s).
12	Debrief unsuccessful Offerors, if requested.

46-7.0 Development of Evaluation Criteria.

46-7.1 Purpose of Evaluation Criteria. City Code § 74-71(b), § 74-71(e), and § 74-72(b) require that a Request for Proposals specifically state the evaluation criteria and the scoring weights assigned to each criterion. The evaluation criteria and scoring weights for each Request for Proposals should be different to reflect the particular procurement's unique nature and characteristics. Evaluation criteria shall not be further divided into sub-components or sub-factors.

46-7.2 Certain Specific Evaluation Criteria. Use of the evaluation criteria and scoring weights in § 46-7.2.1 through § 46-7.2.4 below are mandatory, recommended, or restricted as indicated. All other evaluation criteria and scoring weights shall be adjusted for each procurement to reflect that particular procurement's unique nature and characteristics.

46-7.2.1 MBE/ESB Commitment. One evaluation criterion required in every Request for Proposals *for other than professional services* shall be MBE/ESB commitment, or "good faith minority business enterprise and emerging small business participation efforts." (City Code § 74-71(e)). Only the Office of Minority Business Development (OMBD) scores this criterion.

(a) **Meaning.** "Good faith minority business enterprise and emerging small business participation efforts means the sum total of efforts by a particular business to provide for the equitable participation of minority business enterprises or emerging small business subcontractors. For past efforts, this sum total shall be comprised of the record of participation by minority business enterprises and emerging small

businesses through subcontracting or joint ventures. For future efforts, it shall be comprised of such efforts which are proposed to allow equitable participation of minority business enterprises or emerging small business subcontractors.” (City Code § 74-4).

- (b) **Scoring Weight.** In every Request for Proposals *for other than professional services*, the scoring weight assigned to the MBE/ESB Commitment criterion shall be 30 out of 100 points (City Code § 74-71(e)). *For professional services*, the scoring weight is reviewed and determined by OMBD on a case-by-case basis.
- (c) **Participation Goal.** The MBE/ESB Commitment criterion and its mandatory scoring weight shall be stated in the Request for Proposals along with the participation goal. The participation goal is established for individual Request for Proposals by the Office of Minority Business Development after the Office examines the availability of qualified, willing and able minority business enterprises and emerging small businesses to subcontract for the goods or nonprofessional services required. The participation goal is stated as a percentage of the contract amount proposed to be spent by the Contractor with minority business enterprise and emerging small business subcontractors.

46-7.2.2 Accessibility. Accessibility, defined as “the degree of accessibility that the contractor will be able to provide to the city officials who will be administering the contract” (City Code § 74-73), shall be an evaluation criterion on every Request for Proposals. There is no mandatory scoring weight assigned to this criterion and the weight may be as low as five points or it may be more, dependant upon the needs of the procurement.

46-7.2.3 Compliance with Requirements. A criterion generally stated as “Compliance with Requirements” is strongly recommended (but not mandatory) for Requests for Proposals for any type of goods or services. Such a criterion considers the extent of the Offeror’s compliance and willingness to comply with all of the terms, conditions, and other requirements of the Request for Proposals and the resulting contract. The purpose of such a criterion is to enable the Technical Evaluation Panel to assess the Offeror’s “responsiveness” to the Request for Proposals and allow the Panel to take into account any exceptions or deviations in an Offeror’s proposal from the requirements, terms and conditions of the Request for Proposals. For example, an Offeror whose proposal takes exception to many of the Request for Proposals’ requirements would receive a much lower score under this criterion than an Offeror whose proposal includes no exceptions. No particular scoring weight is recommended for this criterion - anywhere from five points to 15 points would be adequate, depending upon the unique circumstances and nature of the procurement.

46-7.2.4 Cost- or Price-Related Criteria. Pursuant to City Code § 74-72(b), Requests for Proposals *for professional services* are not permitted to request information relating to “estimates of man-hours” or “cost for services.” Discussions prior to evaluation, selection, and the commencement of negotiations may only discuss “non-binding estimates of price for services.” *Id.* Accordingly, no evaluation criteria relating to cost or

price may be included in any Request for Proposals *for professional services*. However, all Requests for Proposals *for other than professional services* should include a cost- or price-related criterion so that the Technical Evaluation Panel can evaluate the proposal (using cost or price analysis) in part based on whether it is fiscally advantageous to the City. Dependant upon other solicitation-stated evaluation criteria, scoring for this criterion could be 10 points or more.

46-7.3 Representation of Evaluation Criteria in RFPs.

- (a) Each Request for Proposals must contain the evaluation criteria and scoring weights that any Technical Evaluation Panel will use to evaluate proposals received in response to that Request for Proposals (*see supra* § 46-7.1.). When stating the evaluation criteria in the Request for Proposals, Contract Specialists shall work with the Using Agencies to ensure that the evaluation criteria accurately reflect the criteria on which proposals will be evaluated.
- (b) Each criterion must include not only the caption or title of that criterion, but a brief, one-sentence description of what the criterion caption or title means or what the Technical Evaluation Panel will consider in making evaluations based on the criterion. In order to avoid confusion and maintain flexibility for the Technical Evaluation Panel, the use of sub-criteria and further division of scoring weights within a criterion based on sub-criteria are prohibited (*see* § 46-7.1).

46-8.0 Use of Adjectival Ratings. Adjectivally rating Offeror proposals is the first step of the scoring process. Adjectival ratings lead to individually-derived numeric ratings and finally, to consensus scoring.

46-8.1 General. Adjectival ratings are used to grade an Offeror's proposal against the solicitation's stated evaluation criteria (factors). Adjectives are used to indicate the degree to which the Offeror's proposal has met the standard for each evaluation factor. An appropriate adjectival rating shall be given to each rated factor. *Sub-factors shall not be used* (*see* § 46-7.1).

46-8.2 Evaluating Technical and Management Factors. The following is a *sample* adjective rating scale that could be used to evaluate technical and management factors. A proposal *need not have all of the characteristics of an adjectival category* in order to receive that adjective rating. Evaluation team members shall use their individual judgment to rate the proposal using these characteristics.

(a) **"Excellent"** -- An excellent proposal is characterized as follows:

- The proposed approach indicates an exceptionally thorough and comprehensive understanding of the program goals, resources, schedules, alternative approaches, and other aspects essential to program execution and performance.

- In terms of the specific factor, the proposal contains major strengths, exceptional features, or innovations that should substantially benefit the program.
- The proposal contains no weaknesses or deficiencies.
- The risk of unsuccessful contract performance is extremely low.

(b) **“Good”** -- A good proposal is characterized as follows:

- The proposed approach indicates a thorough understanding of the program goals and the methods, resources, schedules, and other aspects essential to program execution and performance.
- The proposal has major strengths or minor strengths which indicate the proposed approach will benefit the program.
- Weaknesses, if any, are minor and are more than offset by strengths.
- Risk of unsuccessful performance is very low.

(c) **“Fair”** -- A fair proposal is characterized as follows:

- The proposed approach indicates a basic understanding of the program goals and the methods, resources, schedules, and other aspects essential to program execution and performance.
- The proposal has weaknesses that are not offset by strengths.
- The risk of unsuccessful contract performance is moderate.

(d) **“Poor”** -- A poor proposal is characterized as follows:

- The proposed approach indicates a lack of understanding of the program goals and the methods, resources, schedules, and other aspects essential to program execution and performance.
- The proposal contains numerous weaknesses and deficiencies.
- The risk of unsuccessful performance is high.

46-8.3 Evaluating Past Performance. The following is a *sample* adjectival rating scale that could be used to evaluate past performance factors:

- (a) **“Excellent”** -- The Offeror’s performance of any previously awarded relevant contract met contractual requirements and exceeded many to the City’s benefit. The prior performance being assessed was accomplished with very few or very minor problems for which corrective actions taken

by or proposed to be taken by the Offeror were, or are expected to be, highly effective. Performance of completed contracts either was consistently of the highest quality or exhibited a trend of becoming so. The Offeror's past performance record leads to an extremely strong expectation of successful performance.

- (b) **"Good"** -- The Offeror's performance of any previously awarded relevant contract met contractual requirements and exceeded some to the City's benefit. The prior performance being assessed was accomplished with some minor problems for which corrective actions taken by or proposed to be taken by the Offeror were, or are expected to be effective. Performance over completed contracts either was consistently of high quality or exhibited a trend of becoming so. The Offeror's past performance record leads to a strong expectation of successful performance.
- (c) **"Fair"** -- The Offeror's performance of any previously awarded relevant contract did not meet some contractual requirements. The prior performance being assessed reflected some serious problems, for which the contractor either failed to identify or implement corrective actions in a timely manner, or for which the corrective actions implemented or proposed to be implemented were or are expected to be only partially effective. Performance over completed contracts was consistently of mediocre quality or exhibited a trend of becoming so. The Offeror's past performance record leads to an expectation that successful performance might be difficult to achieve or that it can occur only with increased levels of City management and oversight.
- (d) **"Neutral"** -- The Offeror lacks a record of relevant or available past performance history. There is no expectation of either successful or unsuccessful performance based on the Offeror's past performance record.
- (e) **"Poor"** -- The Offeror's performance of any previously awarded relevant contract did not meet most contractual requirements and recovery did not occur with the period of performance. The prior performance being assessed reflected one or more serious problems for which the Offeror either failed to identify or implement corrective actions or for which corrective actions, implemented, or proposed to be implemented, were, or are expected to be, mostly ineffective. Performance over completed contracts was consistently of poor quality or exhibited a trend of becoming so. The Offeror's past performance record leads to a strong expectation that successful performance will not be achieved or that it can occur only with greatly increased levels of City management and oversight.

46-9.0 Independent Scoring of Proposals.

46-9.1 General. This regulation includes a sample scoring worksheet. The Contract Specialist shall replicate the solicitation's published evaluation criteria on the worksheet. Failure to replicate the criteria listed in the solicitation jeopardizes the integrity of the procurement.

46-9.2 Panel Member Scoring. Each Panel member shall:

- (a) Individually evaluate proposals based upon the solicitation's stated specification requirement and established evaluation criteria.
- (b) First develop their individual succinct narrative statement for each evaluation factor, then determine the appropriate adjectival rating that reflects that narrative, and finally convert the adjectival rating to a point (numeric) score.

46-9.3 Required Documentation. Narratives shall include a cross-reference to the solicitation specification section or paragraph number which is being rated. The intent is to have a succinct but complete and descriptive narrative as is possible. Narratives as well as numeric scores shall be provided to the Contract Specialist for inclusion with the official procurement files. Such documents are subject to release under the Virginia Freedom of Information Act.

46-9.4 Sample Scoring Guidelines. Evaluation scoring must be conducted consistent with the solicitation's published evaluation criteria and scoring weight. Sample scoring guidelines are provided below (*but see also* § 46-7.2):

- (a) **Criterion #1** - (20 maximum points) If you rate the proposal "Excellent" on this criterion, assign from 15 to 20 points. If your rating is "Good", assign from 10 to 14 points. If your rating is "Fair", assign from 6 to 9 points. "Poor" receives 5 or less points.
- (b) **Criterion #2** - (20 maximum points) If you rate the proposal "Excellent" on this criterion, assign from 15 to 20 points. If your rating is "Good", assign from 10 to 14 points. If your rating is "Fair", assign from 6 to 9 points. "Poor" receives 5 or less points.
- (c) **Criterion #3** - (15 maximum points) If you rate the proposal "Excellent" on this criterion, assign from 12 to 15 points. If your rating is "Good", assign from 9 to 11 points. If your rating is "Fair", assign from 6 to 8 points. "Poor" receives 5 or less points.
- (d) **Criterion #4** - (10 maximum points) If you rate the proposal "Excellent" on this criterion, assign from 9 to 10 points. If your rating is "Good", assign from 7 to 8 points. If your rating is "Fair", assign from 5 to 6 points. "Poor" receives 4 or less points.

- (e) **Criterion #5 - Accessibility** (maximum 5 points) If you rate the proposal “Excellent” on this criterion, assign 5 points. If your rating is “Good”, assign 4 points. If your rating is “Fair”, assign 3 points. “Poor” receives 2 or less points.
- (f) **Criterion #6 – MBE/ESB Commitment** (30 maximum points) While this criterion is scored solely by OMBD, a sample rating may look as follows: If you rate the proposal “Excellent” on this criterion, assign from 20 to 30 points. If your rating is “Good”, assign from 10 to 19 points. If your rating is “Fair”, assign from 5 to 9 points. “Poor” receives 4 or less points.

46-10.0 Consensus Scoring. Consensus scoring shall be conducted only after all Panel members have concluded and documented individual, independent scoring as discussed above.

46-11.0 Responsibilities.

46-11.1 Director, Procurement Services. The Director of Procurement services is responsible for:

- (a) Entering into and signing contracts resulting from the negotiation procedures discussed herein (§ 46-1.0).
- (b) Approving the use of negotiated procurement by signing the determination that competitive sealed bidding is not practical or fiscally advantageous for the instant procurement (§ 46-5.2(b)).
- (c) Reviewing and approving any departmental requests for “observer” attendance during discussions or negotiations with Offerors or during Panel deliberations (§ 46-5.4(c)).
- (d) Approving department or agency head requests for a Panel debriefing prior to contract award (§ 46-5.4(d)).
- (e) Briefing elected officials such as the Mayor and Members of City Council on a particular procurement when so requested (§ 46-5.4(e)).
- (f) Taking appropriate action when the City’s “No Contact” policy has been violated or in cases where there has been an unauthorized disclosure of pre-award information (§ 46-5.4(f)).
- (g) Approving membership nominations for Technical Evaluation Panels (§ 46-5.10(b)).

46-11.2 Director, Using Agency. The Director of the Using Agency shall:

- (a) Report any violation of the City’s “No Contact” policy to the Contract Specialist (§ 46-5.9).

- (b) Identify appropriately qualified Using Agency technical experts to participate as Technical Evaluation Panel members, ensure member's compliance with this regulation, and minimize member substitution (§ 46-5.10(a)).
- (c) Designate a senior staff person or manager to serve as the Chairperson of the Technical Evaluation Panel (§ 46-5.10(a)).
- (d) Ensure that designated Panel members make participation in Panel deliberations, documentation, and negotiations a work schedule priority (§ 46-5.10(a)).

46-11.3 Director, Office of Minority Business Development. The Office of Minority Business Development only rates the MBE/ESB Commitment criterion (*see* § 46-7.2.1). The Director of OMBD shall:

- (a) Designate the appropriate individual to participate in evaluating proposals for the purpose of scoring the criterion "MBE/ESB Commitment."
- (b) Ensure that the individual so designated complies with the requirements of this regulation.

46-11.4 Chairperson, Technical Evaluation Panel. The Chairperson of the Technical Evaluation Panel shall:

- (a) Convene and conduct meetings of the Technical Evaluation Panel.
- (b) Assist the Contract Specialist in leading the efforts of the Technical Evaluation Panel.
- (c) Promptly advise the Contract Specialist of a potential conflict of interest, inappropriate contact with Offerors, or inappropriate disclosures of information during evaluation and prior to award.
- (d) Lead the Technical Evaluation Panel in developing the procurement's evaluation criteria.
- (e) Lead the Technical Evaluation Panel in developing and reviewing the specification or statement of work.
- (f) Review the solicitation prior to release.
- (g) Assist the Technical Evaluation Panel in identifying areas of potential clarification or negotiations with Offerors.
- (h) Ensure that each Technical Evaluation Panel member performs an independent evaluation to include completing one fully documented worksheet for each proposal consistent with the requirements of this regulation and pertinent solicitation

provisions. This includes verifying that the evaluation scoring is consistent with the evaluation criteria established in the solicitation.

- (i) Ensure that individual Panel members have conducted their respective assigned Offeror reference checks and share the result of such reference checks at the Panel meeting convened to finalize individual scores.
- (j) Assist the Contract Specialist in establishing a competitive range of “acceptable,” “potentially acceptable,” or “unacceptable” proposals based on the Panel’s evaluation of each proposal.
- (k) Assist the Contract Specialist in conducting Panel consensus scoring meetings and tabulating consensus results.
- (l) Assist the Contract Specialist in developing a negotiation plan, including preparing a memorandum of negotiation goals and objectives for the contract file, for use in Panel meetings with selected acceptable and potentially acceptable Offerors.
- (m) Participate in negotiations using the previously developed negotiation plan.
- (n) Provide input to the Contract Specialist in documenting the negotiation results.
- (o) Reconvene and manage the efforts of the Technical Evaluation Panel in evaluating and documenting the results of any “Best and Final Offers” (BAFO) evaluations.
- (p) Draft a written “Basis of Award” memorandum succinctly documenting the reasons for selecting the successful vendor and circulate the draft to all Panel members for review and comment. The “Basis for Award” must state why the selected Offeror’s proposal is the most advantageous to the City, include a discussion of price and evaluation criteria considerations that resulted in the determination, include an affirmative statement that the apparent successful Offeror has been determined to be responsible (e.g., through reference checks, through license checks, reviewing debarment lists, etc.), and that the negotiated price is fair and reasonable.
- (q) Participate in pre-award briefings required for City officials.
- (r) Participate in post-award debriefings of unsuccessful Offerors, if an unsuccessful Offeror requests such a debriefing.
- (s) Report any violation of the City’s “No Contact” policy by Offerors to the Contract Specialist.

46-11.5 Technical Evaluation Panel Members. Technical Evaluation Panel Members shall:

- (a) Familiarize themselves with the requirements of this regulation and pertinent solicitation specifications and requirements including evaluation criteria.

- (b) Sign the appropriate “Non-Disclosure” forms.
- (c) *Attend all meetings* of the Technical Evaluation Panel and *complete all assignments in a timely manner* to ensure that the procurement remains on schedule.
- (d) Objectively assign points to all evaluation criteria and insert narrative comments that serve to adequately explain how the points were determined.
- (e) Participate in Panel pre- and post-negotiation meetings to attain Consensus Scoring.
- (f) After negotiations are concluded and Best and Final Offers have been received, participate in Panel discussions to reach a final selection decision.
- (g) Participate in any pre-award briefings for City officials.
- (h) Participate in post-award debriefings of unsuccessful Offerors, if such briefings are requested.
- (i) Report any violation of the City’s “No Contact” policy by Offerors to the Contract Specialist.

46-11.6 Contract Specialist. The Contract Specialist shall:

- (a) Prepare for the Director’s signature, the solicitation determination discussed in § 46-5.2(b).
- (b) Identify and establish the Technical Evaluation Panel in consultation with the Using Agency. Prepare the appropriate “Letter of Appointment to Technical Evaluation Panel” for approval by the Director of Procurement Services.
- (c) Ensure that all Panel members sign the appropriate “Non-Disclosure” forms.
- (d) Obtain and retain in the solicitation files the appropriate “Non-Disclosure” forms from all Technical Evaluation Panel members.
- (e) Promptly consult with legal counsel for determination of appropriate action upon learning of a potential conflict of interest, inappropriate contact with Offerors, or inappropriate disclosures of information during evaluation and prior to award.
- (f) Ensure that the Using Agency appoints a qualified individual to chair the Technical Evaluation Panel.
- (g) Guide the Chairperson in leading the efforts of the Technical Evaluation Panel.

- (h) Attend all meetings of the Technical Evaluation Panel and complete all assignments in a timely manner to ensure that the procurement remains on schedule.
- (i) Ensure participation by the Office of Minority Business Development in Panel meetings and deliberations.
- (j) Provide guidance to the Technical Evaluation Panel in developing the procurement's evaluation criteria and ensure that the Proposal Scoring Worksheet replicates the solicitation's published evaluation criteria.
- (k) Assist the Technical Evaluation Panel in developing and reviewing the specification or statement of work.
- (l) Develop, review, and issue the solicitation.
- (m) Schedule a pre-proposal conference for complex procurements and invite Panel member participation.
- (n) Receive proposals, pre-screen proposals, and:
 - (1) Prior to distributing copies of all proposals to other members of the Panel, compare each proposal to the RFP's submission requirements.
 - (2) Promptly resolve any issues related to proposals which do not conform to the RFP's submission requirements.
- (o) Within five calendar days of receiving offers, distribute copies of all proposals to the Technical Evaluation Panel along with copies of this regulation.
- (p) Ensure that all Panel members have been appropriately counseled on safeguarding all proposals and technical evaluation documents during and up to the point of contract award.
- (q) Serve as the sole contact with any Offeror to resolve questions regarding any information contained in a proposal and distribute the answers to all Technical Evaluation Panel Members.
- (r) Schedule the applicable firms to meet with the Panel to provide an oral presentation, which includes a question and answer period, if the Panel determines that a significant amount of additional clarification is needed on any (or all) proposals in order to ensure a clear understanding by the Panel members.
- (s) Help ensure that each Technical Evaluation Panel member performs an independent evaluation to include completing one fully documented worksheet for each proposal.

- (t) Ensure that all Panel members conduct the scoring in accordance with the solicitation's established evaluation criteria and assigned weights.
- (u) Convene, guide, and tabulate results of Panel pre- and post-negotiation meetings to attain consensus scoring.
- (v) Assist the Chairperson in establishing a competitive range for all proposals based on the Panel's evaluation of each proposal (*see also* § 46-5.7).
- (w) Prepare a consensus score sheet indicating the results of each Panel member's independent scoring of all proposals. The Contract Specialist shall average all Panel scores in order to achieve a ranking. At this point, proposals shall be classified as "acceptable", "potentially acceptable" or "unacceptable".
- (x) Develop a negotiation plan, including a memorandum of negotiation goals and objectives for the contract file for use in Panel meetings with selected acceptable and potentially acceptable Offerors. The Panel's Chairperson and Contract Specialist play a major role in accomplishing this step, which serves as an opportunity for all Panel members to obtain answers to any remaining questions concerning the Offeror's ability to meet all of the City's requirements.
- (y) Schedule individual negotiations in an appropriate meeting room with each Offeror who is determined to be in the acceptable or potentially acceptable range.
- (z) During negotiations, record all negotiated points for inclusion in the official contract file. It is not uncommon to hold more than one negotiation session with a particular Offeror in order to achieve the best agreement.
- (aa) At the close of all negotiations, establish a common date and time for submission of "Best and Final Offers" and inform Offerors that if they do not submit a notice of withdrawal or BAFO, their immediate previous Offer shall be construed at their Best and Final Offer.
- (bb) After receiving BAFOs, reconvene the Panel for a final round of technical and cost and price evaluations. This ensures that the contract award decision is based on a complete analysis of Offeror's proposals, as modified by their Best and Final Offers. The same procedures are followed as in the initial evaluations.
- (cc) Assist the Chairperson in drafting a written Basis of Award for selecting the successful vendor and circulate the draft to all Panel members for review and comment. The Basis of Award shall include a Price Analysis section that explains how the negotiated price was determined to be fair and reasonable. The Basis of Award shall include a written determination by the Contract Specialist that the proposed awardee has, in fact, been determined to be "responsible" (e.g., properly licensed, not debarred, etc.).

- (dd) Prepare the final version of the Basis of Award, obtain all Panel members signatures, and place in the official Contract file.
- (ee) Prepare the "Intent to Award" and other documentation to obtain appropriate City approvals.
- (ff) Provide department and agency heads with general information and updates on the procurement and lead any pre-award briefings required for City officials.
- (gg) Following appropriate approvals, prepare the final contract document in accordance with DPS procedures and incorporating all negotiated terms and conditions. A draft copy shall be routed to applicable Using Agency and the successful vendor for preliminary review.
- (hh) Following successful review and acceptance of the draft contract by all parties, prepare three original contract documents for signatures by the Offeror's authorized signatory having authority to legally bind the firm and the Director of Procurement and other designated City officials, if appropriate.
- (ii) Following contract award:
 - (1) Notify the other firms with whom negotiations were conducted of the award decision.
 - (2) Ensure that all Panel members have returned all proposals for destruction except for proposals to be retained with the original solicitation file.

PROPOSAL SCORING WORKSHEET

Panel Member Name _____

Date of Evaluation _____

INSTRUCTIONS: PROPOSALS SHALL BE INDEPENDENTLY EVALUATED AND SCORED WITH SUFFICIENT NARRATIVE TO SUPPORT THE POINTS ASSIGNED FOR EACH CRITERION. EVALUATION NARRATIVES AND SCORES ARE RELEASABLE UNDER THE VIRGINIA FREEDOM OF INFORMATION ACT.

COMPANY NAME:

	<u>MAX POINTS</u>	<u>ASSIGNED POINTS</u>
Criterion No. 1	<u>20 pts.</u>	_____
Excellent (15-20)	Good (10-14)	Fair (6-9)
		Poor (5 or less)
<u>COMMENTS:</u>		

Criterion No. 2	<u>20 pts.</u>	_____
Excellent (15-20)	Good (10-14)	Fair (6-9)
		Poor (5 or less)
<u>COMMENTS:</u>		

Criterion No. 3	<u>15 pts.</u>	_____
Excellent (12-15)	Good (9-11)	Fair (6-8)
		Poor (5 or less)
<u>COMMENTS:</u>		

Criterion No. 4

10 pts. _____

Excellent (9-10)

Good (7-8)

Fair (5-6)

Poor (4 or less)

COMMENTS:

Criterion No. 5 - Accessibility

5 pts. _____

Excellent (5)

Good (4)

Fair (3)

Poor (2 or less)

COMMENTS:

Criterion No. 6 – MBE/ESB Commitment

30 pts. _____

Excellent (20-30)

Good (10-19)

Fair (5-9)

Poor (4 or less)

COMMENTS:

TOTAL POINTS

100 pts.

_____ **pts.**