

Office of Operations  
2013 Fall Conference  
November 6-7



**Advanced Topics for RFP Procurements**  
**Scenario Answer Key**

## Scenario 1

- ***Return contract non-approved.***
  - Cannot limit participation unless a specific minimum qualification was established that must be met in order to participate in the Question and Answer Session.
  - Vendors who did not participate in the Question and Answer session could potentially be disadvantaged.

## Scenario 2

- ***Re-bid the Services.***
  - If all bidders fail to meet the technical score, procurement must be rebid.
- ***Pitfalls***
  - *Minimum score may be too restrictive.*
  - *Possibility that none of the bidders will achieve the minimum score.*
  - *Cannot alter evaluation criteria after proposals are received thus could result in services being re-bid.*
  - *Ensure consistency between Request For Proposal, Evaluation documents and Contract Reporter Advertisement.*

## Scenario 3

- ***Return the contract non-approved.***
  - By interviewing the 3<sup>rd</sup> ranked firm, the Agency changed its process after the receipt of the proposals in violation of State Finance Law § 163-7.
  - If an award was made under the initial interview results, the evaluation process would not have achieved best value results.
- ***Pitfall***
  - Contract is non-approved.
  - Failure to include all vendors susceptible to award could result in a successful bid protest.

## Scenario 4

- ***Return the contract non-approved.***
  - The proposal from Progressive Technology was non-responsive to the Request For Proposal requirements as they did not provide a fixed rate for each year.
  - The agency cannot not make an accurate assumption on what the CPI escalation will be each year in order to evaluate the cost proposal.