

6 Bulletproof RFPs

Which events should be documented?

The RFP process attracts a great deal of attention and is often the subject of public scrutiny. It is helpful to identify those specific events that can cause problems and that therefore should be carefully managed. Some are listed here.

Before the RFP is issued a written determination is required if the local government wants to

- Provide public notice outside the jurisdiction
- Limit the procurement of items to a specific manufacturer's name or catalog number
- Exclude a potential contractor from submitting a proposal
- Develop a qualified product list if testing or examination of the supplies or construction items, before issuance of the solicitation, is desirable or necessary to satisfy state requirements
- Limit the RFP circulation period to less than 21 calendar days
- Include a performance or payment bond in the RFP
- Vary the clauses in adopted boilerplate or standard contract forms for inclusion in a particular contract
- Include a liquidated damages clause in the RFP.

During RFP circulation a written determination is required in order to

- Amend the RFP (even if the amendment only extends the RFP opening)
- Cancel the RFP in whole or in part before opening proposals (even if the amendment only cancels one item).

After RFP opening a written determination is required in order to

- Eject a prospective contractor's proposal if that contractor assisted in drafting the RFP or gained substantial information regarding the RFP
- Permit the correction or withdrawal of a proposal, or cancel an award of contract based on a mistake
- Determine that the prospective contractor is not a responsible offeror
- Reject all proposals in whole or in part or to cancel all or a portion of the RFP (This determination is not required when all the proposals are nonresponsive.)
- Determine confidentiality and proprietary aspects of a proposal
- Include a nonresident, other than a government employee or official, in a voting capacity on a proposal evaluation committee.

Source: Based on a list in the Alaska Procurement Code. The full document (7 pages), "Competitive Sealed Proposals, Written Determinations," can be downloaded from the state's Web site, <http://www.state.ak.us/admin/dgs/policy.htm>. Click on "RFP Written Determination."