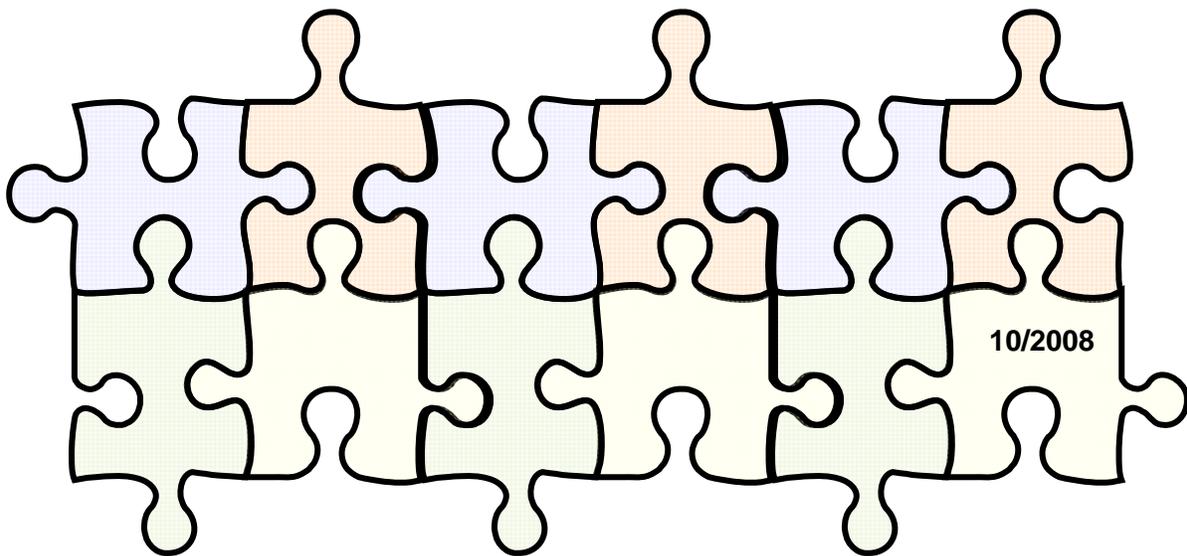


NEBRASKA
Administrative Services

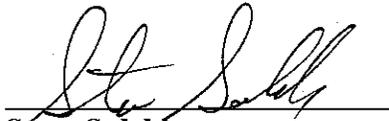
Materiel / Purchasing Division



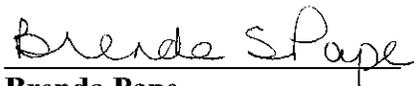
To Our State of Nebraska Agencies:

On behalf of the AS Materiel/Purchasing Division, I would like to extend a warm welcome to our state agencies. This manual is for you. It has been carefully prepared to assist you in purchasing the services you need. If you should have questions your requests for assistance will be enthusiastically received. We are here to help you!

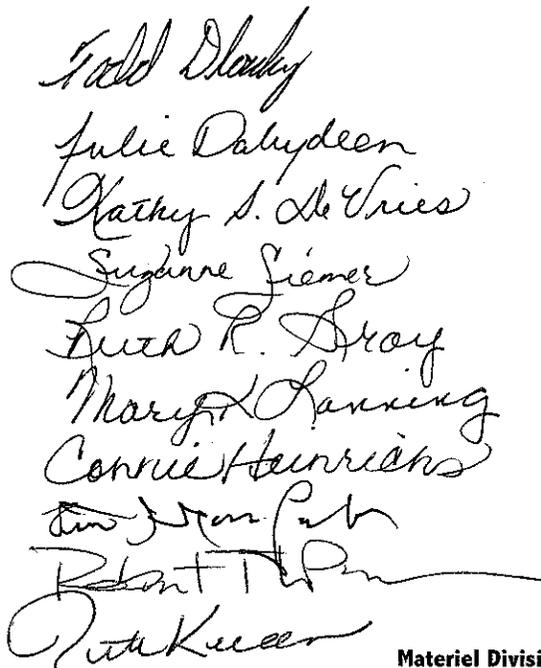
Thank you for allowing us the opportunity to serve you.



**Steve Sulek
Acting Administrator
AS Materiel**



**Brenda Pape
Procurement Manager
AS Materiel**



Todd Dlaney
Julie Dalydeen
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Materiel Division • Steve Sulek, Acting Administrator

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STATUTES

Why must the process established by the AS Materiel Division be used for the procurement of contractual services?

As of September 1, 2003, Neb. Rev. Stat. §73-501 to §73-509 requires agencies to use a standardized, open and fair process for the selection of contractual services. There shall also be an accountable, efficient reporting method of expenditures for these services.

All state agencies which include any state agency, board, or commission, the courts, the Legislature and any officer or agency established by the Constitution of Nebraska other than the University of Nebraska, are required to process and document all service contracts, regardless of the dollar amount, through the procurement of services function in the Nebraska Information System (NIS). The state colleges are required to document all service contracts, regardless of the dollar amount, through the procurement of services function in NIS. All pre-existing service contracts were to be entered in the NIS system by September 15, 2003. As of September 1, 2003, any new service contracts and amendments to existing contracts must be processed through the procurement of services function in NIS. AS Materiel Division does not have authority to allow for exemptions in this area.

Service procurements in excess of \$50,000 shall be bid in the manner prescribed in the AS Materiel Division "Agency Procurement Manual for Services". Agencies may complete the bid process at the agency level in accordance with the AS Materiel Division's "Agency Procurement Manual for Services", request assistance from the AS Materiel Division State Purchasing Bureau to include performing the bid process for the agency, or request the AS Director to approve an alternate process for the procurement of services. To meet the standardized requirements of the bill, alternate processes will not be approved on an individual services procurement basis. The alternate process needs to be agency or program wide and approved before the competitive bid process.

State agencies may not enter into contracts for services with an unspecified or unlimited duration.

All service contracts regardless of the dollar amount must be entered into the NIS system. For services procurement(s) \$25,000 and over, purchase orders must be processed against the service contract. The purchase order(s) should be completed at the time the order is placed, to document the specific requirements and track the vendor's performance.

Statutes may be viewed on the following website: <http://uniweb.legislature.ne.gov/QS/laws.html>.

73-101.01	Resident bidder, defined; preference
73-501	Purposes of Sections
73-502	Terms, Defined
73-503	Documentation; Requirements
73-504	Competitive Bidding Requirements
73-505	State Agency Directors; Duties
73-506	State Agency Contracts for Services; Requirements
73-507	Exceptions
73-508	Pre-Approval; Required; When
73-509	Pre-Process; Required; When; Procedure
81-2401 - 81-2408	Prompt Payment Act
84-712.01	Public Records; Right of Citizens; Full Access; Fee Authorized
84-712.05	Records Which May be Withheld from the Public; Enumerate

HELPFUL POINTS OF WEBSITE REFERENCES FOR THE PROCUREMENT OF SERVICES

Are there other website addresses helpful for the procurement of services processes?

Information related to the Procurement Rules may be viewed on the following websites:

State Purchasing Home Page: <http://www.das.state.ne.us/materiel/purchasing/>

State Contracts Page:

http://www.nebraska.gov/das/materiel/purchasing/contract_search/index.php

Information for Agencies: <http://www.das.state.ne.us/materiel/purchasing/infogovt.htm>

Information and Instruction for NIS may be viewed on the following websites:

NIS Home Page: <http://www.das.state.ne.us/nis/>

NIS Sign On Page: <https://nis.ne.gov/>

NIS Procurement Instruction Manuals:

http://www.das.state.ne.us/nis/trainingmanuals/810_training_manuals/proc/index.html

GLOSSARY OF TERMS

Addendum: Something added or deleted.

Agency: Any state agency, board, or commission other than the University of Nebraska, the Nebraska state colleges, the courts, the Legislature, or any officer or agency established by the Constitution of Nebraska.

Agent: A person authorized by a superior or organization to act on their behalf.

Amend: To alter or change by adding, subtracting or substituting. A contract can be amended only by the parties participating in the contract. A written contract can only be amended in writing.

Amendment: Written correction or alteration.

Appropriation: Legislative authorization to expend public funds for a specific purpose. Money set apart for a specific use.

Award: All purchases, leases, or contracts which are based on competitive proposals will be awarded according to the provisions in the Request for Proposal. The State reserves the right to reject any or all proposals, wholly or in part, or to award to multiple bidders in whole or in part. The State reserves the right to waive any deviations or errors that are not material, do not invalidate the legitimacy of the proposal, and do not improve the bidder's competitive position. All awards will be made in a manner deemed in the best interest of the State.

Best and Final Offer (BAFO): A second-stage bid in a public procurement for services.

Bid: The executed document submitted by a bidder in response to a Request for Proposal.

Bid Bond: A bond given by a surety on behalf of the bidder to ensure that the bidder will enter into the contract as bid and is retained by the State from the date of the bid opening to the date of contract signing.

Bidder: Any person or entity submitting a competitive bid response to a solicitation.

Business: Any corporation, partnership, individual, sole proprietorship, joint-stock company, joint venture, or any other private legal entity.

Business Day: Any weekday, excepting public holidays.

Calendar Day: Every day shown on the calendar; Saturdays, Sundays and State/Federal holidays included. Not to be confused with "Work Day".

Collusion: A secret agreement or cooperation between two or more persons or entities to accomplish a fraudulent, deceitful or unlawful purpose.

Competition: The process by which two or more vendors vie to secure the business of a purchaser by offering the most favorable terms as to price, quality, delivery and/or service.

Confidential Information: Unless otherwise defined below, "Confidential Information" shall also mean proprietary trade secrets, academic and scientific research work which is in progress and unpublished, and other information which if released would give advantage to business competitors and serve no public purpose (see Neb. Rev. Stat. §84-712.05(3)). In accordance with Nebraska Attorney General Opinions 92068 and 97033, proof that information is proprietary requires identification of specific, named competitor(s) who would be advantaged by release of the information and the specific advantage the competitor(s) would provide.

Contract: An agreement between two or more persons to perform a specific act or acts.

Contractor: Any person or entity that supplies commodities/goods and/or services.

Copyright: A grant to a writer/artist that recognizes sole authorship/creation of a work and protects the creator's interest(s) therein.

Default: The omission or failure to perform a contractual duty.

Deviation: Any proposed change(s) or alteration(s) to either the contractual language or deliverables within the scope of this Request for Proposals.

Emergency: An urgent or unexpected requirement or when health and public safety or the conservation of public resources is at risk.

Evaluation Committee: A committee (or committees) appointed by the requesting agency that advises and assists the procuring office in the evaluation of proposals.

Evaluation of Proposal: The process of examining a proposal after opening to determine the bidder's responsibility, responsiveness to requirements, and to ascertain other characteristics of the proposal that relate to determination of the successful bidder.

Extension: Continuance of a contract for purposes different from those for renewal.

F.O.B. Destination: Free on Board. The delivery charges have been included in the quoted price and prepaid by the vendor. Vendor is responsible for all claims associated with damages during delivery of product.

Late Proposal: A proposal received at the place specified in the solicitation after the date and time designated for all proposals to be received.

Mandatory: Required, compulsory or obligatory.

Must: Denotes the imperative, required, compulsory or obligatory.

NIGP: National Institute of Governmental Purchasing.

NIS: Nebraska Information System.

Opening Date: Specified date and time for the public opening of received, labeled and sealed formal proposals. Not to be confused with "Release Date".

Performance Bond: A bond given by a surety on behalf of the contractor to ensure the timely and proper (in sole estimation of the State) performance of a contract.

Pre-Proposal Conference: A meeting scheduled for the purpose of providing clarification regarding a Request for Proposal and related expectations.

Proposal: The executed document submitted by a bidder in response to a Request for Proposal.

Proprietary Information: Proprietary information is defined as trade secrets, academic and scientific research work which is in progress and unpublished, and other information which if released would give advantage to business competitors and serve no public purpose (see Neb. Rev. Stat. §84-712.05(3)). In accordance with Attorney General Opinions 92068 and 97033, proof that information is proprietary requires identification of specific, named competitor(s) who would be advantaged by release of the information and the specific advantage the competitor(s) would receive.

Protest: A complaint about a governmental action or decision related to a Request for Proposal or resultant contract, brought by a prospective bidder, a bidder, a contractor, or other interested party to AS Materiel Division or another designated agency with the intention of achieving a remedial result.

Public Proposal Opening: The process of opening proposals, conducted at the date, time and place specified in the Request for Proposal, and in the presence of anyone who wishes to attend.

Release Date: Date of release of the Request for Proposal to the public for submission of proposal responses. Not to be confused with "Opening Date".

Renewal: Continuance of a contract for an additional term after a formal signing by the parties.

Request for Information (RFI): A general invitation to vendors requesting information for a potential future solicitation. The RFI is typically used as a research and information gathering tool for preparation of a solicitation.

Request for Proposal (RFP): All documents, whether attached or incorporated by reference, utilized for soliciting competitive proposals.

Responsible Bidder: A bidder who has the capability in all respects to perform fully all requirements with integrity and reliability to assure good faith performance.

Responsive Bidder: A bidder who has submitted a bid which conforms in all respects to the solicitation document.

Shall: Denotes the imperative, required, compulsory or obligatory.

Sole Source - Services: A service of such a unique nature that the contractor selected is clearly and justifiably the only practicable source to provide the service. Determination that the contractor selected is justifiably the sole source is based on either the uniqueness of the service or sole availability at the location required.

Solicitation: The process of notifying prospective bidders or offerors that the State of Nebraska wishes to receive proposals for furnishing services. The process may consist of public advertising, posting notices, or mailing Request for Proposals and/or Request for Proposal announcement letter to prospective bidders, or all of these.

Solicitation Document: Request for Proposal.

Termination: Occurs when either party pursuant to a power created by agreement or law puts an end to the contract. All obligations which are still executory on both sides are discharged, but any right based on prior breach or performance survives.

Trademark: A distinguishing sign, symbol, mark, word or arrangement of words in the form of a label or other indication, that is adopted and used by a manufacturer or distributor to designate its particular commodities/goods and which no other person has the legal right to use.

Vendor: An actual or potential contractor; a contractor.

Work Day: Monday through Friday excluding weekends and State/Federal holidays.

I. INTRODUCTION

The guidelines included within this manual provide basic information to assist agencies with the procurement of services. This manual is not to be considered all-inclusive. If there are specific questions regarding the procurement of services or this manual please contact Administrative Services (AS) Materiel Division, State Purchasing Bureau hereinafter known as the State Purchasing Bureau (402-471-2401). Additional information is also available on the State Purchasing Bureau website, <http://www.das.state.ne.us/materiel/purchasing/>.

The State Purchasing Bureau reserves the right to make modifications to this manual by publication of a revised edition without prior notice. Such modifications will become effective on the date of issuance. In the event of a conflict between this manual and procurement documents issued to agencies, the provisions of the procurement documents govern.

A. What is the purpose of the State Purchasing Bureau?

The purposes of the State Purchasing Bureau created by Neb. Rev. Stat. §81-1118.06 are:

1. to increase public confidence in the procedures followed in public procurement;
2. to insure the fair and equitable treatment of all persons who deal with the procurement system of this state;
3. to provide increased economy in state procurement activities and maximize to the fullest extent practicable the purchasing value of the public funds of the state;
4. to foster effective broad-based competition within the free enterprise system; and
5. to provide safeguards for the maintenance of a procurement system of quality and integrity.

B. What moral principles guide the Government Procurement Process?

1. Ethics

Ethics and ethical practices are a major concern in the realm of public purchasing today. While laws and rules mesh to provide a mechanism for public purchasing, only people can make it work. In purchasing, as in all fields, there are values of pride and worth, there are standards and ideals, and there are specifics of conduct and performances. Impediments to the process must be detected early and safeguards provided at all levels. This applies both to purchasing personnel and the vendor community.

It becomes imperative, therefore, that all public purchasing personnel be entirely cognizant of the necessity for ethical behavior. It takes only the slightest hint of impropriety to cast doubt on behavior. Sometimes, it may be even more of a perception than an actual event.

A state agency may not accept a bid or award a contract to a vendor who may or may not have received compensation from the agency to participate in the preparation of the specifications or request for proposals on which the bid or contract is based.

2. Integrity

Fairness and impartiality in all phases of the process is an essential factor in public purchasing. Dealings with vendors and peers must be open, honest, and objective. The process cannot be both effective and self-serving; the two are incompatible. In the case of public purchasing, utmost fairness is required in expending public funds. The result of favoritism extended to either a user or seller is the same. The practice is not permissible. No matter how strongly a user may prefer a particular vendor over others, all vendors must be given every reasonable consideration. The State must commit and adhere to fair and open competition.

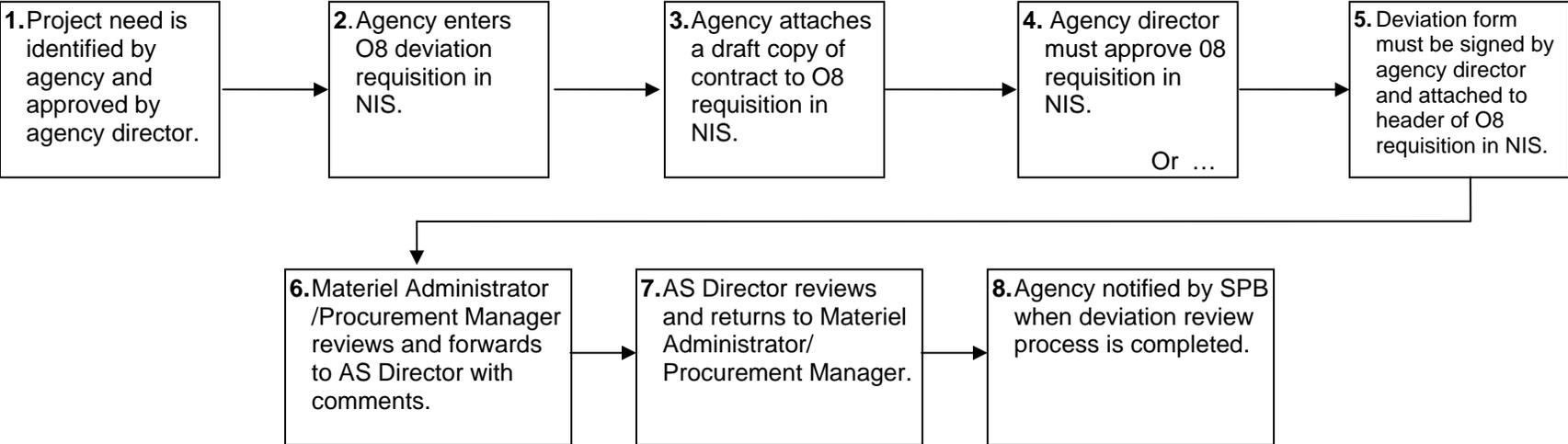
Integrity is manifested by fairness, openness, and impartiality and can be tarnished by even the slightest appearance of impropriety.

C. Are there flowcharts to reference for understanding the procurement of services processes?

Following are flowcharts for the procurement of services processes.

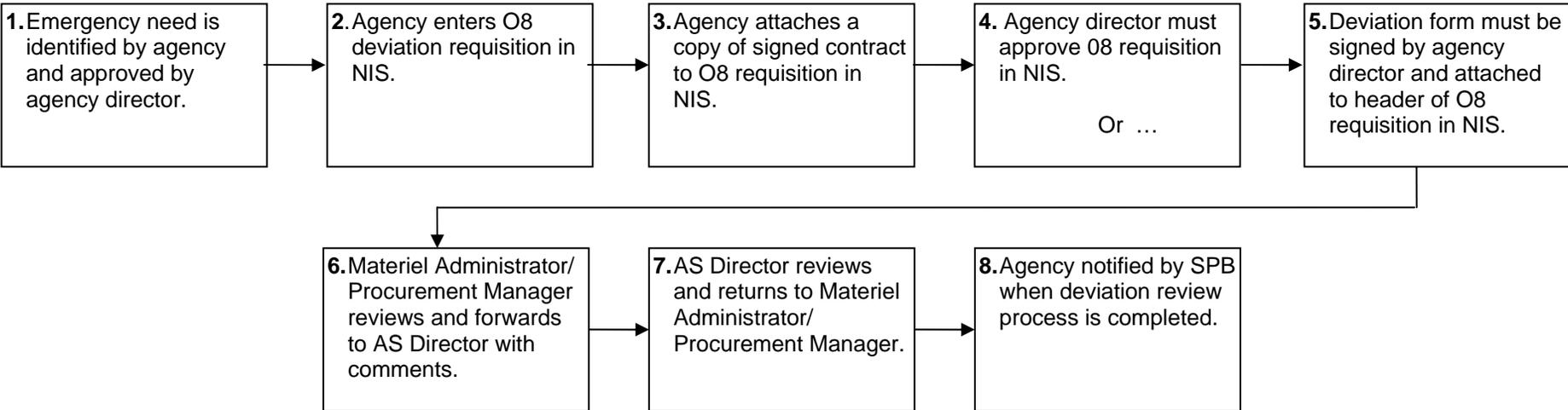
AS Materiel Division

State Purchasing Bureau (SPB) Deviation Process



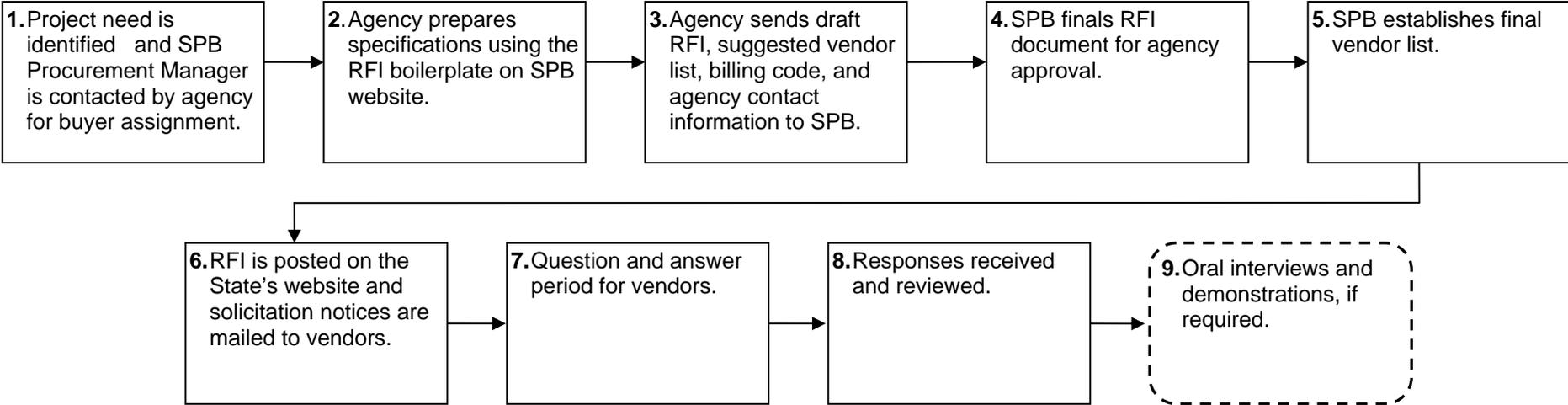
AS Materiel Division

State Purchasing Bureau (SPB) Emergency Deviation Process

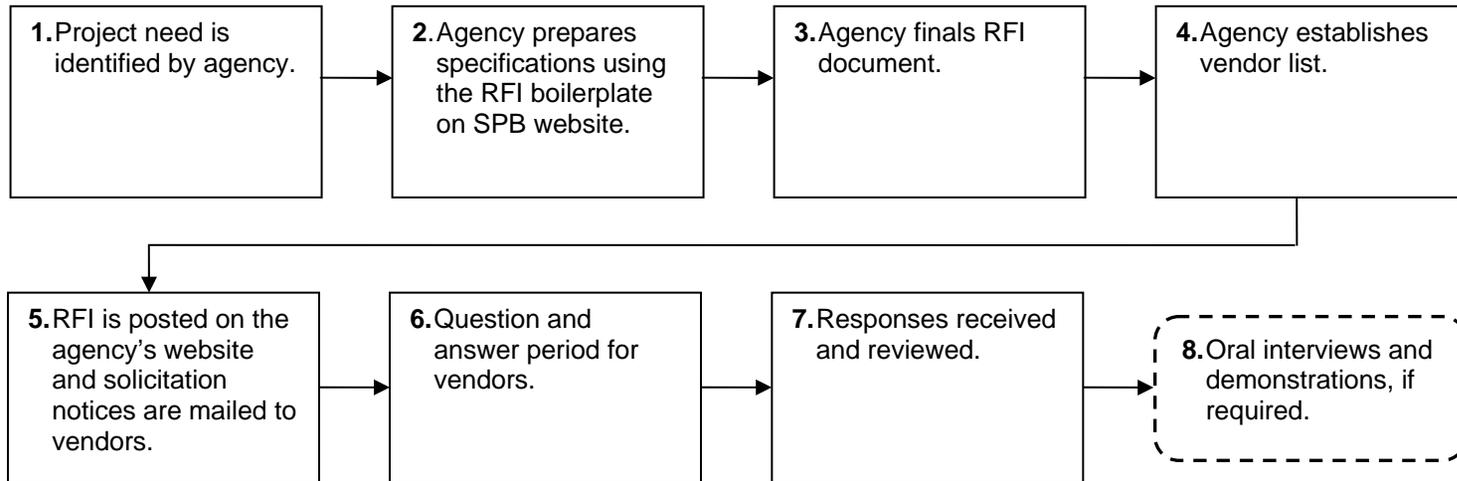


AS Materiel Division

State Purchasing Bureau (SPB) Request for Information (RFI) Process

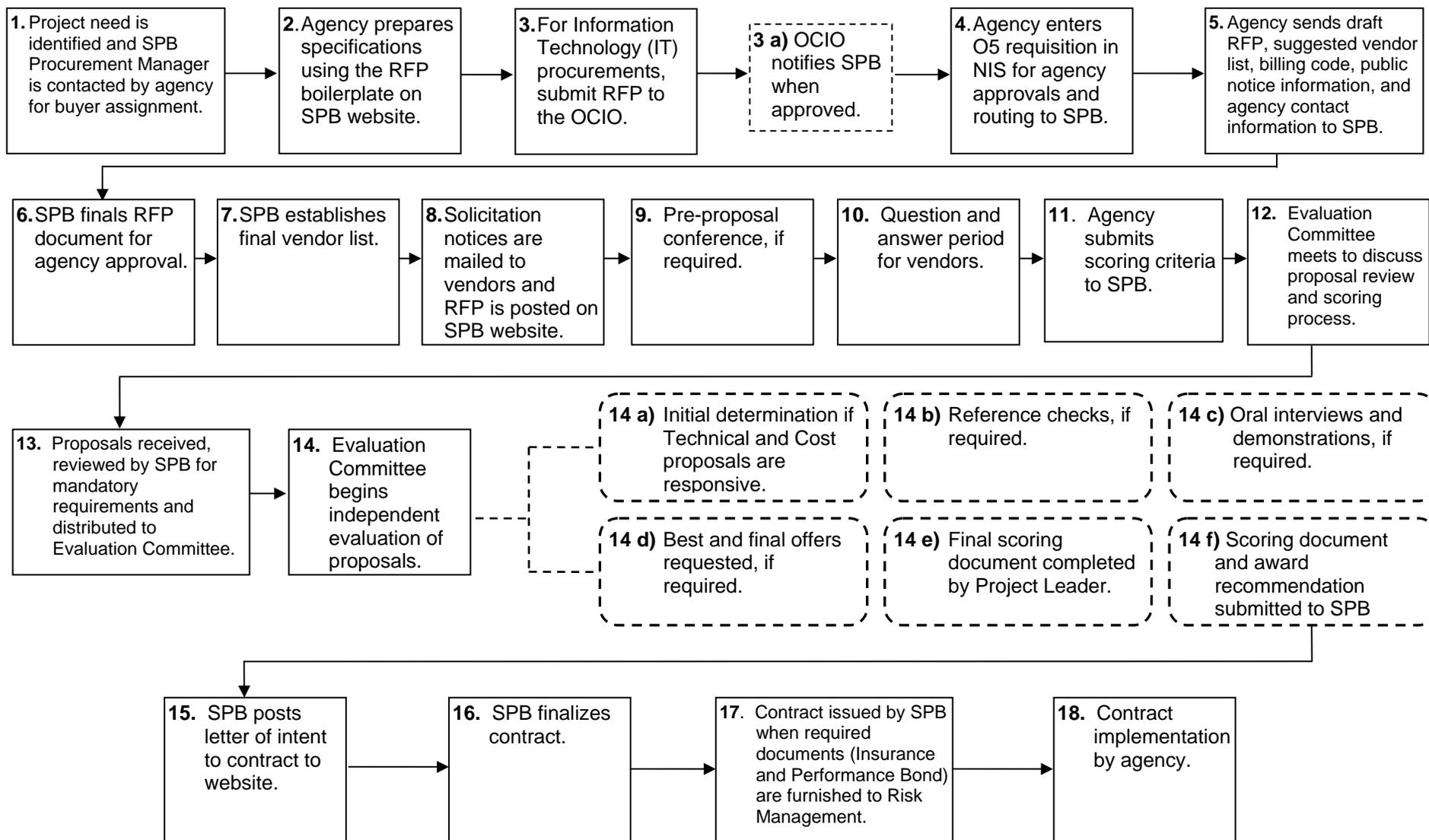


Agency Processed Request for Information (RFI) Process



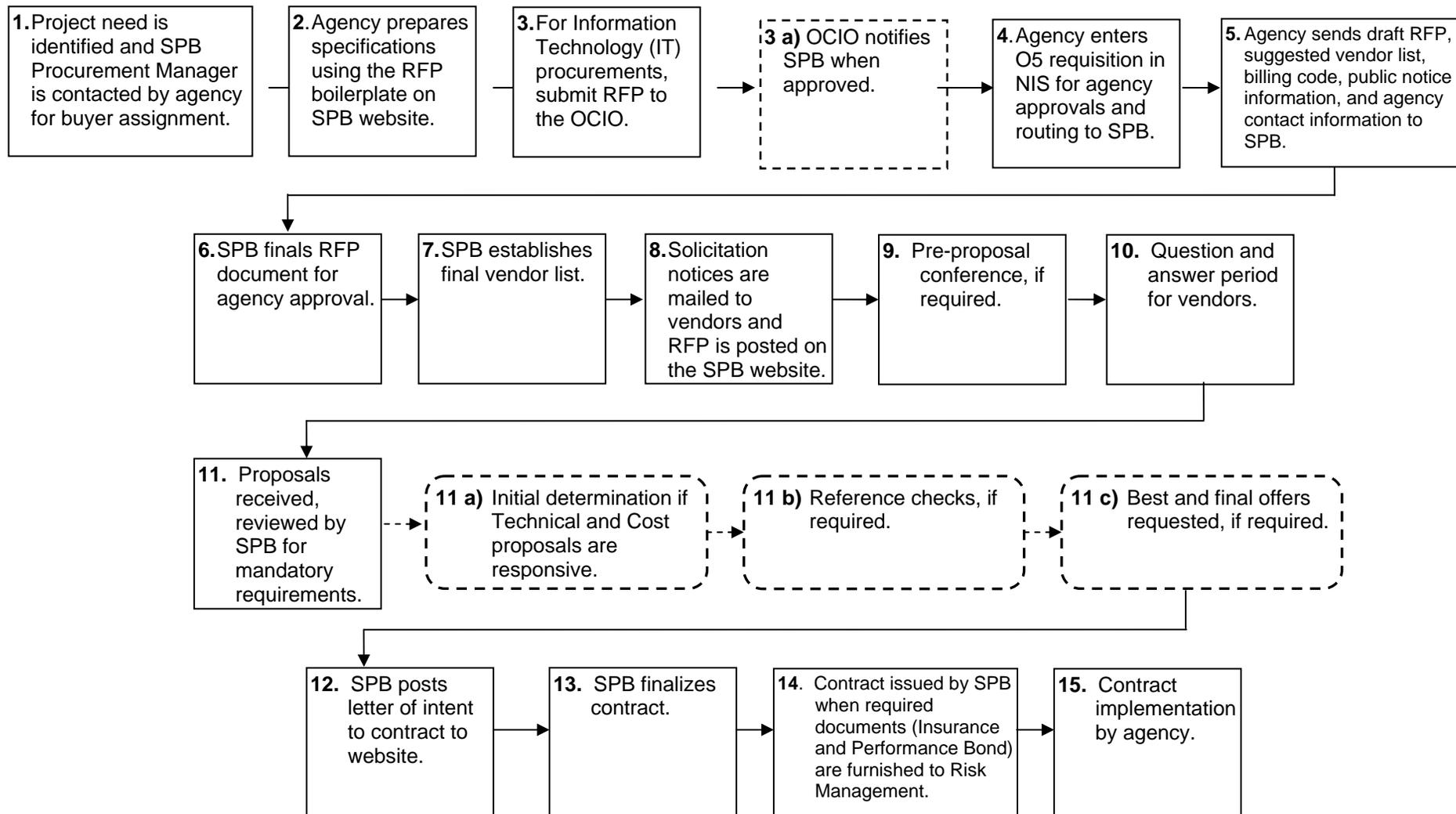
AS Materiel Division

State Purchasing Bureau (SPB) Request for Proposal (RFP) Process

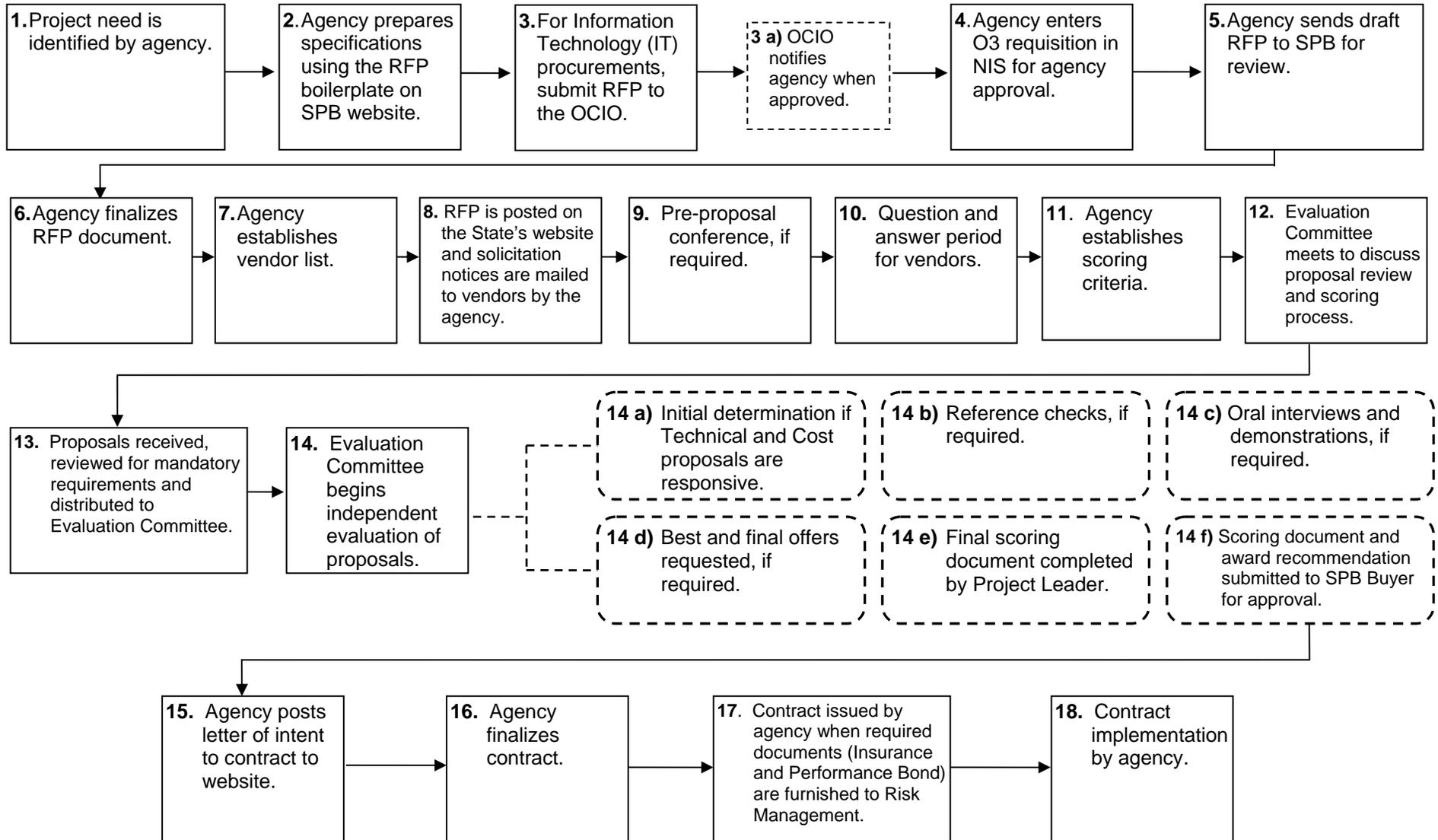


AS Materiel Division

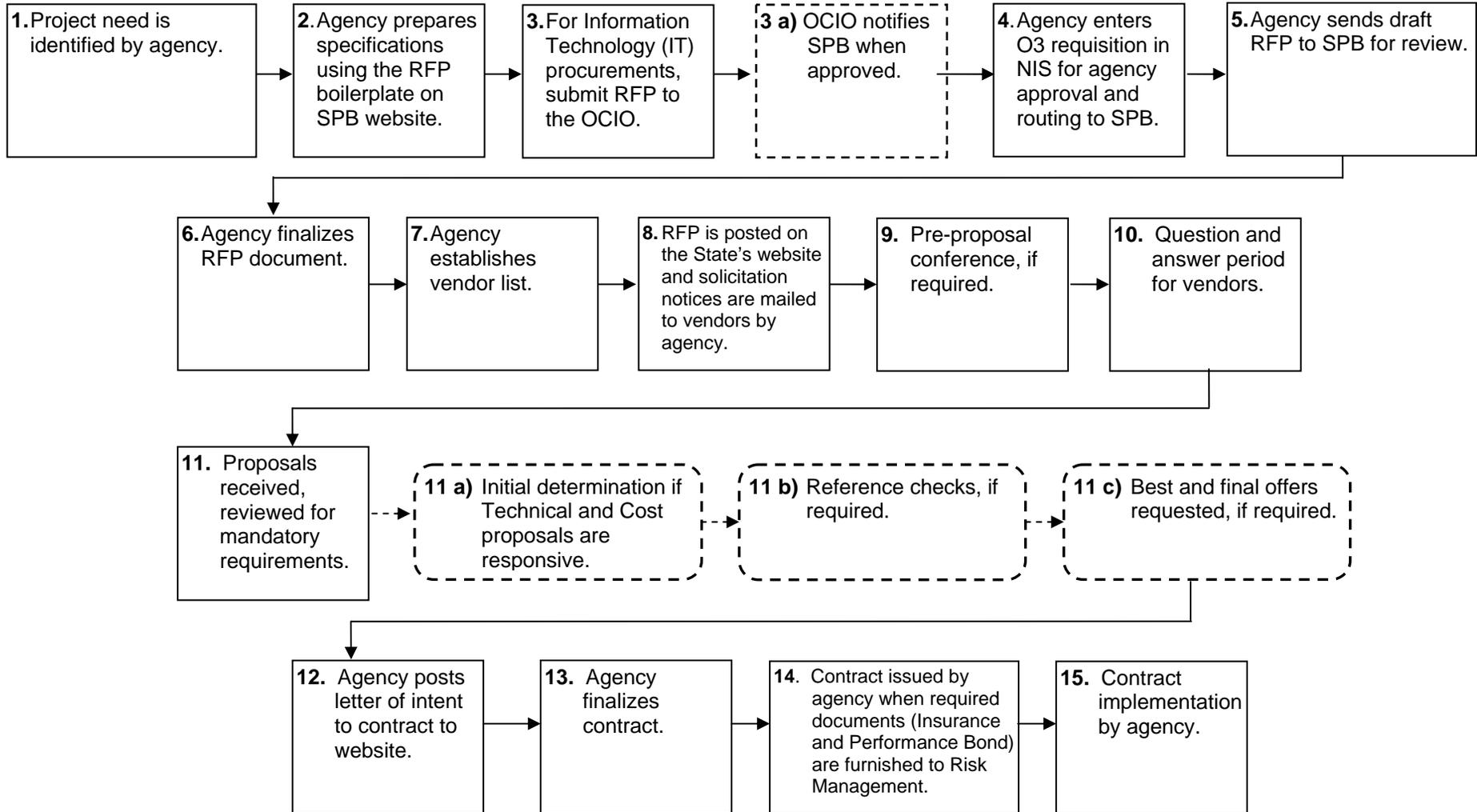
State Purchasing Bureau (SPB) Request for Proposal (RFP) Alternate Process



Agency Processed Request for Proposal (RFP) Process (Mandatory if over \$50,000)



Agency Processed Request for Proposal (RFP) Alternate Process (Mandatory if over \$50,000)



II. PROCUREMENT OF SERVICES PROCESS

The overall purpose of this section is to give an overview of the Procurement of Services Process from beginning to end.

A. What statutes govern the procurement of services by the State?

Authority is granted to the State of Nebraska, AS Materiel Division, State Purchasing Bureau through Neb. Rev. Stat. §73-501 to 73-509.

B. How does the agency know which process to use for the procurement of services?

1. Deviation contracts include emergency services, sole source contracts and any other exceptions.
[“Deviation from Contractual Services Contract Process” form \(Exhibit 3\)](#)
 - a. Emergency means necessary to meet an urgent or unexpected requirement or when health and public safety or the conservation of public resources is at risk.
[See Flowchart for Deviation for Emergency Process \(Exhibit 2\)](#)
 - b. Sole source means of such a unique nature that the contractor selected is clearly and justifiably the only practicable source to provide the service. Determination that the contractor selected is justifiably the sole source is based on either the uniqueness of the service or sole availability at the location required.
[See Flowchart for Deviation Process \(Exhibit 1\)](#)
 - c. Exceptions include other circumstances or specific contracts when any of the requirements of State Statutes §73-504, §73-508 and §73-509 are not appropriate for or are not compatible with the circumstances or contract.
[See Flowchart for Deviation Process \(Exhibit 1\)](#)
2. Contractual Services
 - a. AS Materiel Division Processed Documents
 - i. [Request for Information \(Exhibit 5\)](#)
[See Flowchart for Request for Information Process \(Exhibit 4\)](#)
 - ii. [Request for Proposal \(Evaluation Committee Process\) \(Exhibit 11\)](#)
[See Flowchart for Request for Proposal Process \(Exhibit 10\)](#)
 - a) [Request for Proposal Evaluation and Scoring Manual \(Exhibit 31\)](#)
 - iii. [Request for Proposal Alternate Process \(Evaluated on Cost Only\) \(Exhibit 13\)](#)
[See Flowchart for Request for Proposal Alternate Process \(Exhibit 12\)](#)

- b. Agency Processed Documents
 - i. [Request for Information \(Exhibit 7\)](#)
[See Flowchart for Request for Information Process \(Exhibit 6\)](#)
 - ii. [Request for Proposal \(Evaluation Committee Process\) \(Exhibit 15\)](#)
[See Flowchart for Request for Proposal Process \(Exhibit 14\)](#)
 - a) [Request for Proposal Evaluation and Scoring Manual \(Exhibit 31\)](#)
 - iii. [Request for Proposal Alternate Process \(Evaluated on Cost Only\) \(Exhibit 17\)](#)
[See Flowchart for Request for Proposal Alternate Process \(Exhibit 16\)](#)

C. When must agency personnel be trained and certified?

A state agency's purchase authority on file with the State Purchasing Bureau must identify by job title who is to be trained, certified and to what level based on agency purchasing authority. Agency personnel with a NIS security profile of PT30 or above must be trained and certified.

Definition of state agency personnel: For purposes of the State Purchasing Bureau's procurement training and certification program "agency personnel" is defined as all persons who perform any of the following duties for the agency:

1. An employee who performs any of the following procurement functions as part of their job:
 - a. Approves documents in NIS, i.e. requisitions, contracts and purchase orders.
 - b. Decides the appropriate procurement process, i.e. Deviation Process, Request for Information, Request for Proposal or Request for Proposal Alternate Process.
 - c. Identifies and/or selects potential vendors.
 - d. Solicits proposals from vendors.
 - e. Evaluates proposals.
 - f. Awards contracts.
 - g. Administers contracts/purchase orders from award to completion.
2. It is recommended if agency personnel are writing or working on a procurement of services document, employees should take the certification training to become acquainted with the processes, policies and statute requirements.

D. How do agency personnel become certified?

The following will be the basis for certifying agency personnel:

1. Any employee within an agency authorized in NIS to enter purchase requisitions, generate purchase orders, generate contracts or to create/revise approval routes, will be required to attend procurement certification training class conducted by the State Purchasing Bureau.

2. State Purchasing Bureau offers classes on an “as needed” basis in order for employee to become certified.
3. The class conducted by State Purchasing Bureau will include instruction on statute requirements, policies and procedures for the procurement of commodities/goods and services, specification writing instruction, and a written examination to determine if employee understands the statutes, policies and procedures.
4. Employee must receive a passing grade of 70% or above to become certified.
5. Failure to pass the examination will require employee to attend an additional certification training class or receive one-on-one training as determined by the State Purchasing Bureau. The test will be re-administered and the employee must receive a passing grade of 70% or above to become certified.
6. Failure to receive a passing grade of 70% or above may result in the employee losing their procurement security access in NIS. A notification will be sent to agency authorized agent with justification for such action.
7. New hires or employees whose duties have been changed to include procurement will be required to attend the first available certification training class offered by State Purchasing Bureau to become certified.

Agencies must re-certify their employees as determined by State Purchasing Bureau.

E. What are the steps in the procurement of services process?

1. Agency defines services needed
2. Deviation from Contractual Services Contract process
 - a. Emergency, Sole Source or Exception
 - b. Approval/Review process in NIS
 - c. Agency notified when deviation review process completed
 - d. Agency procures services needed
 - e. Acceptance of deliverables
 - f. Payment

OR

1. Agency defines services needed
2. Request for Information process selected
 - a. RFI solicitation
 - b. RFI advertisement
 - c. Review process

OR

1. Agency defines services needed
2. Service procurement process selected
 - a. RFP solicitation
 - b. RFP advertisement
 - c. Receipt of proposals

- d. Evaluation process
- e. Contract award
- f. Acceptance of deliverables
- g. Payment

OR

- 1. Agency defines services needed
- 2. Service Procurement Alternate Process selected
 - a. RFPAP solicitation
 - b. RFPAP advertisement
 - c. Receipt of proposals
 - d. Cost evaluation process
 - e. Contract award
 - f. Acceptance of deliverables
 - g. Payment

F. How does the agency document the need for services in NIS?

The end user will communicate to the State Purchasing Bureau Procurement Manager, the services needed. The documents used to identify the need are service requisitions O8/O5/O3.

- 1. The O8 requisition is used to complete the deviation process.
- 2. The O5 requisition is used to complete the RFP process through AS Materiel Division.
- 3. The O3 requisition is used to complete the RFP process at the agency level.

G. How does an agency determine a process for the procurement of services?

Selecting the correct procurement process is an important step of the procurement of services. The following processes for the procurement of services are options for the agency:

- 1. AS Materiel Division Processed Documents
 - a. ["Deviation from Contractual Services Contract Process" form \(Exhibit 3\)](#) – A process for emergency, sole source and exception procurements.
 - b. [Request for Information \(Exhibit 5\)](#) - A general invitation to vendors requesting information for a potential future solicitation. The RFI is used as a research and information gathering tool for preparation of a solicitation.
 - c. [Request for Proposal \(Evaluation Committee Process\) \(Exhibit 11\)](#) – The RFP is used to solicit competitive proposals. A proposal is requested in cases where the selection of a contractor is made on the basis of performance offered rather than on price alone.
 - d. [Request for Proposal Alternate Process \(Evaluated on Cost Only\) \(Exhibit 13\)](#) - The RFP is used to solicit competitive proposals. A proposal is requested in cases where the selection of a contractor is made on the basis of cost only.

2. Agency Processed Documents
 - a. [Request for Information \(Exhibit 7\)](#) - A general invitation to vendors requesting information for a potential future solicitation. The RFI is used as a research and information gathering tool for preparation of a solicitation.
 - b. [Request for Proposal \(Evaluation Committee Process\) \(Exhibit 15\)](#) - The RFP is used to solicit competitive proposals. A proposal is requested in cases where the selection of a contractor is made on the basis of performance offered rather than on price alone.
 - c. [Request for Proposal Alternate Process \(Evaluated on Cost Only\) \(Exhibit 17\)](#) - The RFP is used to solicit competitive proposals. A proposal is requested in cases where the selection of a contractor is made on the basis of cost only.

H. What additional information may be relevant to SPB and Agency processed procurement of services?

1. **In-State Preferences** - A resident bidder shall be allowed a preference against a non-resident from a state which gives or requires a preference to bidders from that state. The preference shall be equal to the preference given or required by the state of the non-resident bidders. Where the lowest responsible bid from a resident bidder is equal in all respects to one from a non-resident bidder from a state which has no preference law, the resident bidder shall be awarded the contract. (Neb. Rev. Stat. §73-101.01) ([Exhibit 32](#))
2. **Freedom of Information** - All persons interested in the examination of public records, as defined in Neb. Rev. Stat. §84-712.01, are authorized to examine or request copies of records during normal business hours. Charges may apply to requestor depending on the amount of information requested. Trade secrets and other proprietary or commercial information, which if released would give advantage to business competitors, may be withheld as described in Neb. Rev. Stat. §84-712.05.

III. How does the agency perform the different processes for procurement of services?

The agency should select the process applicable to the required services.

A. How does the deviation process work in NIS using the O8 requisition document type?

The AS Materiel Division may grant exceptions to the competitive bid process on emergency services, sole source services and any other exceptions using the “Deviation from Contractual Service Process” form. [“Deviation from Contractual Services Contract Process” form \(Exhibit 3\).](#)

Unless falling within the exceptions of §73-507, all procurements in excess of \$50,000 must be pre-approved by the AS Materiel Division and using the [“Deviation from Contractual Services Process” form \(Exhibit 3\).](#)

The justification for emergency, sole source or exception should be included in the comments on the “Deviation from Contractual Services Process” form or in the text attachment of the deviation (O8) requisition in NIS and must include justification on why services cannot be competitively bid.

1. Emergency means necessary to meet an urgent or unexpected requirement or when health and public safety or the conservation of public resources is at risk. [See Flowchart for Deviation for Emergency Process \(Exhibit 2\).](#)

Emergency need is identified by the agency and approved by the agency director.

Within three (3) business days, a deviation (O8) requisition must be entered in NIS to include the justification and a copy of the signed contract for the services requested, attached to the “header” of the deviation (O8) document. The agency director must be in the approval route to approve the requisition. The deviation (O8) requisition routes to the AS Materiel Division for review.

Or, if the agency director is not in the approval route a “Deviation from Contractual Services Contract Process” form must be signed by the agency director and attached to the “header” of the deviation (O8) requisition in NIS. The deviation (O8) requisition routes to the AS Materiel Division for review.

The AS Materiel Administrator/Procurement Manager reviews and provides remarks regarding the request and forwards to the AS Director for review.

The AS Director will review the information and once signed, the original form is returned to the AS Materiel Administrator/Procurement Manager. The requesting agency is notified by AS Materiel Division when the deviation review process is completed.

See following sample of deviation approval route.

The following individuals must approve deviations in the following order:

- a. Agency Personnel Level of Approval
- b. Agency Director
- c. State Purchasing Bureau Administrative Assistant(s)
- d. AS Materiel Division Administrator/Procurement Manager
- e. AS Director
- f. State Purchasing Bureau Front Desk

2. Sole source means of such a unique nature that the contractor selected is clearly and justifiably the only practicable source to provide the service. Determination that the contractor selected is justifiably the sole source is based on either the uniqueness of the service or sole availability at the location required. [See Flowchart for Deviation Process \(Exhibit 1\).](#)

Sole source need is identified by the agency and approved by the agency director.

A deviation (O8) requisition must be entered in NIS to include the justification, a copy of the draft contract, a contract number and an estimated dollar value of the contract for the services requested, attached to the “header” of the deviation (O8) document. (State agencies may not enter into contracts for services with an unspecified or unlimited duration.) The agency director must be in the approval route to approve the requisition. The deviation (O8) requisition routes to the AS Materiel Division for review.

Or, if the agency director is not in the approval route a “Deviation from Contractual Services Contract Process” form must be signed by the agency director and attached to the ‘header’ of the deviation (O8) requisition in NIS. The deviation (O8) requisition routes to the AS Materiel Division for review.

The AS Materiel Administrator/Procurement Manager reviews and provides remarks regarding the request and forwards to the AS Director for review.

The AS Director will review the information and once signed, the original form is returned to the AS Materiel Administrator/Procurement Manager. The requesting agency is notified by AS Materiel Division when the deviation review process is completed.

3. Exception means other circumstances or specific contracts when any of the requirements of §73-504, 73-508 or 73-509 are not appropriate for or are not compatible with the circumstances or contract. [See Flowchart for Deviation Process \(Exhibit 1\).](#)

Neb. Rev. Stat. §73-507 does allow for a number of exceptions from the requirements of the competitive bid process of the bill. It does not allow any exceptions other than the University of Nebraska, for the requirement that all service contracts must be processed through the procurement for services function in NIS. The state colleges are required to document all service contracts, regardless of the dollar amount, through the procurement of services function in NIS.

Exception is identified by the agency and approved by the agency director.

A deviation (O8) requisition must be entered in NIS to include the justification, a copy of the draft contract for the services requested, a contract number and an estimated dollar value of the contract attached to the “header” of the deviation (O8) document. (State agencies may not enter into contracts for services with an unspecified or unlimited duration.) The agency director must be in the approval route to approve the requisition. The deviation (O8) requisition routes to the AS Materiel Division for review.

Or, if the agency director is not in the approval route a “Deviation from Contractual Services Contract Process” form must be signed by the agency director and attached to the ‘header’ of the deviation (O8) requisition in NIS. The deviation (O8) requisition routes to the AS Materiel Division for review.

The AS Materiel Administrator/Procurement Manager reviews and provides remarks regarding the request and forwards to the AS Director for review.

The AS Director will review the information and once signed, the original form is returned to the AS Materiel Administrator/Procurement Manager. The requesting agency is notified by AS Materiel Division when the deviation review process is completed.

B. How does the agency process a Request for Information through AS Materiel Division State Purchasing Bureau?

If it is determined to process the Request for Information (RFI) through the AS Materiel Division, complete RFI boilerplate by following the instructions outlined in the document.

1. [Request for Information \(RFI\) boilerplate – process used for services for the purpose of gathering information. \(Exhibit 5\)](#)
[See Flowchart for Request for Information Process \(Exhibit 4\)](#)
 - a. The agency shall not make any changes to the boilerplate without approval from AS Materiel Division as a legal review of this boilerplate has been completed. If additions or changes are requested, AS Materiel Division requires that ANY and ALL changes be made using the “Track Changes” function in Word in the draft document.
 - b. The “Track Changes” function is enabled in the boilerplate document and must not be disabled. This will allow AS Materiel Division to identify what changes have been made to the boilerplate.
 - c. When editing the boilerplate document, there are sections **highlighted in green** for the agency to act on and delete as required. The **yellow highlighted** sections are for the agency to fill in information as required.
 - d. “Request For Information Form” to be completed by AS Materiel Division.
 - e. Request for Information solicitation number is determined by the agency.

C. How does the agency procure services through AS Materiel Division State Purchasing Bureau in NIS using the O5 requisition document type?

If it is determined to process the Request for Proposal (RFP) through the AS Materiel Division, complete RFP boilerplate by following the instructions outlined in the document. (State agencies may not enter into contracts for services with an unspecified or unlimited duration.) The tentative procurement schedule with instructions applicable to the RFP schedule may be found in the [“Schedule of Events Guideline”](#). (Exhibit 9)

1. [Request for Proposal \(RFP\) boilerplate evaluated process used when cost isn't the only determination in an award \(e.g. consultants\) \(Exhibit 11\)](#)
[See Flowchart for Request for Proposal Process \(Exhibit 10\)](#)
 - a. The agency shall not make any changes to the boilerplate without approval from AS Materiel Division as a legal review of this boilerplate has been completed. If additions or changes are requested, AS Materiel Division requires that ANY and ALL changes be made using the “Track Changes” function in Word in the draft document.
 - b. The “Track Changes” function is enabled in the boilerplate document and must not be disabled. This will allow AS Materiel Division to identify what changes have been made to the boilerplate.
 - c. When editing the boilerplate document, there are sections **highlighted in green** for the agency to act on and delete as required. The **yellow highlighted** sections are for the agency to fill in information as required.
 - d. “Request For Proposal For Contractual Services Form” to be completed by AS Materiel Division.
2. Requisition – After agency approval, the (O5) requisition will route electronically to the State Purchasing Bureau through the NIS system. [View the NIS instructions for Procurement of Contractual Services](#).
3. [Request for Proposal Alternate Process \(RFPAP\) boilerplate - An alternate RFP process document for service contracts that are evaluated and awarded on cost only \(e.g. garbage services\). \(Exhibit 13\)](#)
[See Flowchart for Request for Proposal Alternate Process \(Exhibit 12\)](#)
 - a. The agency shall not make any changes to the boilerplate without approval from AS Materiel Division as a legal review of this boilerplate has been completed. If additions or changes are requested, AS Materiel Division requires that ANY and ALL changes be made using the “Track Changes” function in Word in the draft document.
 - b. The “Track Changes” function is enabled in the boilerplate document and must not be disabled. This will allow AS Materiel Division to identify what changes have been made to the boilerplate.
 - c. When editing the boilerplate document, there are sections **highlighted in green** for the agency to act on and delete as required. The **yellow highlighted** sections are for the agency to fill in information as required.

- d. "Request For Proposal For Contractual Services Form" to be completed by AS Materiel Division.
- 4. Requisition – After agency approval, the (O5) requisition will route electronically to the State Purchasing Bureau through the NIS system. [View the NIS instructions for Procurement of Contractual Services.](#)

D. How does the agency process a Request for Information at the agency level?

If it is determined to process the Request for Information (RFI) at the agency level, complete RFI boilerplate by following the instructions outlined in the document.

- 1. [Request for Information \(RFI\) boilerplate – process used for services for the purpose of gathering information. \(Exhibit 7\)](#)
[See Flowchart for Request for Information Process \(Exhibit 6\)](#)
 - a. When editing the boilerplate document, there are sections **highlighted in green** for the agency to act on and delete as required. The **yellow highlighted** sections are for the agency to fill in information as required.
 - b. "Request For Information Form" to be completed by the agency.
 - c. Request for Information solicitation number is determined by the agency.

E. How does the agency procure services at the agency level in NIS using the O3 requisition document type?

If it is determined to process the Request for Proposal (RFP) at the agency level, complete RFP boilerplate by following the instructions outlined in the document. If the bidding process is at the agency level, the agency director shall ensure the Request for Proposal documents for services in excess of \$50,000 for the duration of the contract period (i.e. contract period of three (3) years with option to renew for two (2) one (1) year periods) are pre-reviewed by the AS Materiel Division. State agencies may not enter into contracts for services with an unspecified or unlimited duration. The tentative procurement schedule with instructions applicable to the RFP schedule can be found in the ["Schedule of Events Guideline". \(Exhibit 9\)](#)

- 1. [Request for Proposal \(RFP\) boilerplate - evaluated process used when cost isn't the only determination in an award \(e.g. consultants\) \(Exhibit 15\)](#)
[See Flowchart for Request for Proposal Process \(Exhibit 14\)](#)
 - a. The agency shall not make any changes to the boilerplate without approval from AS Materiel Division as a legal review of this boilerplate has been completed. If additions or changes are requested, AS Materiel Division requires that ANY and ALL changes be made using the "Track Changes" function in Word in the draft document.
 - b. The "Track Changes" function is enabled in the boilerplate document and must not be disabled. This will allow AS Materiel Division to identify what changes have been made to the boilerplate.

- c. When editing the boilerplate document, there are sections highlighted in green for the agency to act on and delete as required. The yellow highlighted sections are for the agency to fill in information as required.
 - d. “Request For Proposal For Contractual Services Form” to be completed by the agency.
- 2. Requisition – After agency approval, the (O3) requisition will route electronically to the State Purchasing Bureau through the NIS system for services in excess of \$50,000 for pre-review by the AS Materiel Division. [View the NIS instructions for Procurement of Contractual Services.](#)
- 3. Website - Agency to determine if the Request for Proposal (RFP), Request for Proposal Alternate Process (RFPAP) or Request for Information (RFI) will be posted on the agency website (optional) and/or State Purchasing Bureau website (RFP and RFPAP mandatory if over \$50,000). The State Purchasing Bureau recommends posting a link on the agency website to the RFP, RFPAP or RFI and all documents which are required to be on the AS Materiel State Purchasing Bureau website.
- 4. [Request For Proposal boilerplate, Alternate Process \(RFPAP\) - An alternate RFP process document for service contracts that are evaluated and awarded on cost only \(e.g. garbage services\). \(Exhibit 17\)](#)
[See Flowchart for Request for Proposal Alternate Process \(Exhibit 16\)](#)
 - a. The agency shall not make any changes to the boilerplate without approval from AS Materiel Division as a legal review of this boilerplate has been completed. If additions or changes are requested, AS Materiel Division requires that ANY and ALL changes be made using the “Track Changes” function in Word in the draft document.
 - b. The “Track Changes” function is enabled in the boilerplate document and must not be disabled. This will allow AS Materiel Division to identify what changes have been made to the boilerplate.
 - c. When editing the boilerplate document, there are sections highlighted in green for the agency to act on and delete as required. The yellow highlighted sections are for the agency to fill in information as required.
 - d. “Request For Proposal For Contractual Services Form” to be completed by the agency.
- 5. Requisition – After agency approval, the (O3) requisition will route electronically to State Purchasing through the NIS system for services in excess of \$50,000 for pre-review by the AS Materiel Division. [View the NIS instructions for Procurement of Contractual Services.](#)
- 6. Website - Agency to determine if the Request for Proposal (RFP), Request for Proposal Alternate Process (RFPAP) or Request for Information (RFI) will be posted on the agency website (optional) and/or State Purchasing Bureau website

(RFP and RFPAP mandatory if over \$50,000). The State Purchasing Bureau recommends posting a link on the agency website to the RFP, RFPAP or RFI and all documents which are required to be on the AS Materiel State Purchasing Bureau website.

F. Forms used with the RFP processes described above.

Click in the grey area to enter information.

1. [Request for Proposal Check-Off List \(Exhibit 8\)](#) – The check-off list used to account for all of the documents that will become part of the RFP file.
2. [Solicitation Announcement Letter \(Exhibit 18\)](#) - Letter to prospective vendors to announce the release of an RFP rather than photocopying and mailing entire RFP to prospective vendors.
3. [Public Notice Cover and Announcement \(Exhibit 19\)](#) – (“Omaha World Herald/ Lincoln Journal Star and Public Notice Form”) - The newspapers require this form to be submitted with the public notice. Public notices may be submitted by fax or email. Adequate public notice of an RFP solicitation is required. A public notice must appear in a newspaper with statewide distribution. AS Materiel Division recommends a public notice be placed in the Omaha World Herald and/or the Lincoln Journal Star for a minimum of one day.
4. [Pre-Proposal Attendance Sheet \(Exhibit 20\)](#) - An attendance sheet must be completed for a pre-proposal conference.
5. [Pre-Proposal Conference Questions \(Exhibit 21\)](#) – A form distributed to all vendors attending the pre-proposal conference for submission of additional written questions.
6. [Addendum – Questions and Answers \(Exhibit 22\)](#) - An addendum format for posting responses to written questions submitted by vendors.
7. [Addendum – Amendment to RFP \(Exhibit 23\)](#) - An addendum format for posting RFP revisions.
8. [Addendum – Schedule of Events Change \(Exhibit 24\)](#) - An addendum format for posting date changes to the schedule of events.
9. [Respondents List \(Exhibit 25\)](#) – A format for posting a list of RFP respondents.
10. [Criteria for Evaluation \(Exhibit 26\)](#) – The evaluation criteria document used to distribute at the public opening and post after the public opening.
11. [Letter of Intent to Contract \(Exhibit 27\)](#) - The announcement posted to notify respondents of the State's intent to award a contract.
12. [Protest/Grievance Procedure \(Exhibit 28\)](#) – The process provided in response to a request to submit a protest.

13. [Rejection of Proposals \(Exhibit 29\)](#) - The announcement posted to notify respondents the State is rejecting all proposals.
14. [Mandatory Requirements Checklist \(Exhibit 30\)](#) – The checklist to account for all the RFP mandatory requirements.
15. [RFP Evaluation and Scoring Manual \(Exhibit 31\)](#) - The manual defines the evaluation and scoring process and procedures applied to proposal responses.
 - a. [Declaration Concerning Conflict of Interest and Confidential Information](#) – The form signed by the evaluation committee members to ensure no conflict of interest exists and to protect confidential information.
 - b. [Mandatory Requirements Checklist](#) - The checklist to account for all the RFP mandatory requirements.
 - c. [Evaluator Scoring Worksheet](#) – An internal worksheet used by an evaluation committee member to score the proposals.
 - d. [Cost Proposal Evaluation Worksheet](#) - An internal worksheet used by the evaluation committee member selected to score the cost proposals.
 - e. [Reference Check Worksheet](#) – A sample form used to check bidder references.
 - f. [Final Evaluation Document](#) - The evaluation criteria document used to post after evaluation process is completed.
 - g. [Oral Interview Letter - Version One](#) – A sample letter used to schedule oral interviews.
 - h. [Oral Interview Letter - Version Two](#) - A sample letter used to schedule oral interviews.
 - i. [Oral Interview Letter - Version Three](#) - A sample letter used to schedule oral interviews.
 - j. [Oral Interview Scoring Worksheet](#) - An internal worksheet used by an evaluation committee member to score the oral interviews.
 - k. [Final Evaluation Document with Oral Interviews](#) - The evaluation criteria document used to post after completion of the evaluation process to include the oral interview scores.
 - l. [Best and Final Offer Letter](#) – A second stage bid in a public procurement for services.
 - m. [Final Evaluation Document with Best and Final Offer](#) - The evaluation criteria document used to post after completion of the evaluation process to include the best and final scores.

IV. Frequently asked questions that could pertain to both State Purchase Bureau and Agency processed request for services:

A. What documents and other information does the SPB need to start the RFP process?

1. Most current Word RFP boilerplate document with track changes activated;
2. Requisition (O3/O5) entered in NIS;
3. Agency six (6) digit billing code for copy and/or mailing charges;
4. Public notice advertising information;
5. Agency contact name, address, phone number and email address; and
6. Recommended vendors list.

B. Who should work with documents in the NIS system (e.g. contract addendums/amendments, quantities and/or dollar amount changes, adding and/or deleting lines, etc.)?

If the RFP is processed through SPB, any and all changes must be completed by SPB. If the RFP is processed at the agency level, the agency may complete all changes to documents in NIS.

C. How should a request for services that includes hardware/software be processed?

A request for services including hardware/software must be sent by email to the OCIO for review and approval before the release of the RFP.

D. May an agency specify an in-state vendor?

The general rule is that the agency may not specify an in-state vendor, as geographic location does not in and of itself constitute an essential specification of the service to be provided. There is one narrow exception provided by statute which allows for the imposition of such a restriction when the bidder's state has adopted a corresponding restriction.

E. When should a performance bond be required in a request for services?

The general rule is that a performance bond will be required as determined by the risk potential of the contract in question.

F. What is the basis for determining the evaluation criteria?

The evaluation criteria should be developed based on the technical requirements of the RFP. (The executive summary and corporate overview requirements are outlined in the RFP boilerplate.)

G. When should the evaluation criteria be submitted to SPB for posting to website?

The evaluation criteria should be submitted for review a minimum of two (2) days before the RFP opening. The evaluation criteria document is distributed at the public opening and posted after the public opening.

H. What should agency personnel do when a vendor contacts them directly?

Refer the vendor to Section II. C. Communication with State Staff of the RFP.

I. What should agency personnel do when a vendor requests public information?

Refer to §84-712.01 and 84-712.05 for responding to public information requests.

J. What should agency personnel do when a vendor has a complaint?

Recommend that the concerns be submitted in writing for response by the State and/or direct vendor to the "Protest/Grievance Procedure".

V. EXHIBITS

This section may be used as a tool for referencing and utilizing Exhibits referenced throughout this manual.

A. What do the exhibits look like that are referenced in the manual?

1. [Deviation Process Flow Chart](#)
2. [Emergency Process Flow Chart](#)
3. [Deviation from Contractual Services Contract Process Form](#)
4. [Request for Information Flow Chart \(SPB processed\)](#)
5. [Request for Information Boilerplate \(SPB processed\)](#)
6. [Request for Information Flow Chart \(Agency processed\)](#)
7. [Request for Information Boilerplate \(Agency processed\)](#)
8. [Request for Proposal Check-Off List](#)
9. [Schedule of Events Guideline](#)
10. [Request for Proposal Flow Chart \(SPB processed\)](#)
11. [Request for Proposal Boilerplate \(SPB processed\)](#)
12. [Request for Proposal Alternate Process Flow Chart \(SPB processed\)](#)
13. [Request for Proposal Boilerplate Alternate Process \(SPB processed\)](#)
14. [Request for Proposal Flow Chart \(Agency processed\)](#)
15. [Request for Proposal Boilerplate \(Agency processed\)](#)
16. [Request for Proposal Alternate Process Flow Chart \(Agency processed\)](#)
17. [Request for Proposal Boilerplate Alternate Process \(Agency processed\)](#)
18. [Solicitation Announcement Letter](#)
19. [Public Notice Cover and Announcement](#) - (Omaha World Herald/ Lincoln Journal Star and Public Notice Form)
20. [Pre-Proposal Attendance Sheet](#)
21. [Pre-Proposal Conference Questions](#)
22. [Addendum – Questions and Answers](#)
23. [Addendum – Amendment to RFP](#)
24. [Addendum – Schedule of Events Change](#)
25. [Respondents List](#)
26. [Criteria for Evaluation](#)
27. [Letter of Intent to Contract](#)
28. [Protest/Grievance Procedure](#)
29. [Rejection of Proposals](#)
30. [Mandatory Requirements Checklist](#)
31. [RFP Evaluation and Scoring Manual](#)
 - a. [Declaration Concerning Conflict of Interest and Confidential Information](#)
 - b. [Mandatory Requirements Checklist](#)
 - c. [Evaluator Scoring Worksheet](#)
 - d. [Cost Proposal Evaluation Worksheet](#)
 - e. [Reference Check Worksheet](#)
 - f. [Final Evaluation Document](#)
 - g. [Oral Interview Letter - Version One](#)
 - h. [Oral Interview Letter - Version Two](#)
 - i. [Oral Interview Letter - Version Three](#)
 - j. [Oral Interview Scoring Worksheet](#)
 - k. [Final Evaluation Document with Oral Interviews](#)
 - l. [Best and Final Offer Letter](#)
 - m. [Final Evaluation Document with Best and Final Offer](#)
32. [Preference Policies](#)