

# State Purchasing Bureau Policy

## NOTICE

This guidance document is advisory in nature but is binding on the Nebraska Department of Administrative Services until amended. A guidance document does not include internal procedural documents that only affect the internal operations of the Department of Administrative Services and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document. See Neb. Rev. Stat. § 84-901.03

**Policy No:** 24-03  
**Application:** Goods & Services  
**Subject:** Scoring & Evaluation  
**Effective Date:** 07-19-2024

### I. APPLICATION

- A. This policy applies to all solicitations for personal property or services that have assigned points to evaluation criteria under the Procurement Manual.
- B. This policy applies to requisitions entered into E1 after the Effective Date of this policy, unless otherwise permitted by the State Purchasing Bureau ("SPB").

### II. DEFINITIONS

- A. **Evaluator** – A public servant or third-party collaborator responsible for evaluating the solicitation responses or a portion of the solicitation responses.
- B. **Procurement Facilitator** – A public servant responsible for facilitating the competitive bidding process, including performing administrative functions, such as distributing the solicitation responses for evaluations. A solicitation may have more than one Procurement Facilitator.

### III. EVALUATORS/EVALUATION COMMITTEE

- A. Evaluators do not need to be the same individuals that drafted the solicitation.
- B. There is no minimum requirement on the number of Evaluators that an agency must assign to evaluate solicitation responses. However, the agency should generally choose Evaluators that have subject matter expertise over the major facets of the solicitation.
- C. Evaluators may enlist the help of non-state entities or individuals (e.g., consultants), who must sign the current Procurement Collaborator Agreement.

### IV. EVALUATION CRITERIA & POINT ALLOCATION

- A. Before the release of the solicitation, the procuring agency must establish criteria to evaluate eligible solicitation responses. These criteria, including allocation across categories, must be in accordance with the Procurement Manual.
- B. In determining the allocation of points, the procuring agency should consider which aspects of the procurement are most important to their needs.

- V. **MANDATORY MINIMUM REQUIREMENTS REVIEW**
- A. Before the release of the solicitations with points allocated to criteria in accordance with the Procurement Manual, the procuring agency must develop a Solicitation Compliance Sheet that includes the following:
    - 1. All required documents for a responsive solicitation response.
    - 2. The mandatory minimum requirements identified by the procuring agency.
  - B. The mandatory minimum requirements should be tailored to the procurement and should include mission-critical elements that are needed by the procuring agency. Without these mission-critical elements a solicitation response would be of no value to the procuring agency. These mandatory minimum requirements need to be expressly identified within the solicitation and specifically on the Solicitation Compliance Sheet.
  - C. The Procurement Facilitator or their designee should check each bid for mandatory minimum requirements and should complete a Solicitation Compliance Sheet for each bid received. This Sheet must be kept in the file for the official record of the competitive bid.
  - D. A solicitation response that does not meet all mandatory minimum requirements must be rejected.
- VI. **DISTRIBUTION OF BIDS**
- A. Each Evaluator must receive a copy of or have access to each solicitation response.
  - B. Confidential and proprietary information should be included in each Evaluator's materials.
- VII. **SCORING**
- A. The scoring method must be determined before the release of the solicitation, and Evaluators should be informed of which scoring method to use and how to apply that method.
  - B. To assist Evaluators with understanding the implications of their scores, the agency must develop a scoring rubric that shows the total possible points and descriptions of each section and subsection.
  - C. For solicitations with points allocated for Cost Criteria, these points should be awarded as follows:
    - 1. The lowest cost submitted receives the maximum points.
    - 2. Points for all remaining bidders are assigned with this formula:  $(\text{lowest cost submitted}) / (\text{cost submitted}) \times (\text{maximum possible cost points}) = \text{cost points to award}$
  - D. For solicitations to be awarded based on cost alone, the agency must evaluate cost realism, cost reasonableness, and the responsibility of each bidder.
- VIII. **CLARIFICATIONS & CORRECTIONS**
- A. Through the Procurement Facilitator, an Evaluator may ask a bidder or several bidders clarifying questions, which should be impartial and authentically seek to clear uncertainty in a response.
  - B. A Procuring Agency may permit a correction to a solicitation response if the error or irregularity is a minor informality under SPB Policy 24-08.
  - C. In the event of a conflict between a spelled-out number and its corresponding digits, the spelled-out number controls.

IX. **ADDITIONAL INFORMATION**

- A. **Vendor Demonstrations:** The Evaluators may request vendor demonstrations with points allocated in accordance with the Procurement Manual.
1. The same materials, questions, information, and time to prepare should be given to all bidders who give a demonstration.
  2. Vendor demonstrations must be scored using a scoring worksheet, which may be incorporated with or added to the original scoring worksheet.
  3. The score sheet should be submitted to the Procurement Facilitator after each presentation.
- B. **BAFOs:** The agency may choose to issue one or more Best and Final Offers ("BAFO") to help the state obtain the best possible cost.
1. The agency may determine that a response to a BAFO is mandatory, but that determination must be communicated in writing to bidders before the deadline for bidders to submit a BAFO.
  2. If the agency does not communicate that a BAFO is mandatory, the bidder's original cost submitted will be considered.
  3. If a BAFO is submitted, the BAFO replaces the original cost submitted by the bidder.
  4. The BAFO should be scored in accordance with the appropriate cost method, as outlined in Section VII C & D above.

X. **FINAL EVALUATION & AWARD RECOMMENDATION**

- A. For solicitations with points allocated to criteria in accordance with the Procurement Manual, a Procurement Facilitator should complete the Solicitation Final Evaluation Sheet once the scores are received, including scores from any vendor demonstrations or BAFOs.
- B. If SPB is conducting the procurement, the procuring agency should submit a Solicitation Final Evaluation Sheet, the Evaluator score sheets and the procuring agency's recommendation to the SPB point of contact.
- C. The scores will be confirmed and the awardee(s) will be announced on SPB's website and any other forum chosen by the agency.

XI. **EVALUATION ERRORS OR IRREGULARITIES**

- A. Notwithstanding an error or irregularity in the evaluation process, a solicitation may stand if a cure is possible.
- B. The cure must successfully remedy the defect so that bidders are or would be in the same position they would have been if the defect never occurred.
- C. The error or irregularity and the cure must be published on DAS's website and disseminated to bidders as soon as practicable.

The foregoing policy is duly signed and executed on this 18<sup>th</sup> day of July, 2024.

  
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**Director,**  
State of Nebraska, *Department of Administrative Services*

July 18, 24  
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DATE

  
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**Materiel Administrator,**  
State of Nebraska, *Department of Administrative Services*

July 18, 2024  
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DATE

