

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: 23-04
Application: Services
Subject: Scoring & Evaluation
Effective Date: 11-20-2023

This policy applies to services contracts only and dictates aspects of the scoring and evaluation process for Requests for Proposal. This policy is supplemental to the Procurement Manual. In the event of a conflict between this policy and the Procurement Manual, the Procurement Manual shall control. This policy applies to requisitions entered into E1 after the Effective Date of this policy, unless otherwise permitted by the State Purchasing Bureau ("SPB").

1) DEFINITIONS

- a. **Evaluator** – A public servant responsible for evaluating the proposal or a portion of the proposal.
- b. **Procurement Facilitator** – A public servant responsible for facilitating the competitive bidding process, including performing administrative functions, such as distributing the proposals for evaluations. An RFP may have more than one Procurement Facilitator.

2) EVALUATORS/EVALUATION COMMITTEE

- a. Evaluators do not need to be the same State of Nebraska public servants that helped draft the RFP.
- 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). Such entities or individuals must sign a Procurement Collaborator Agreement, Form GS-3.

3) EVALUATION CRITERIA & POINT ALLOCATION

- a. Before the bid opening, the purchasing state agency must establish criteria to evaluate eligible proposals. Such criteria, including allocation across categories, must be in accordance with the Procurement Manual.
- b. In determining the allocation of points, the purchasing state agency should consider which aspects of the procurement are most important to the

purchasing state agency. For example, if the responsibility and ability of the vendor create risk to the purchasing state agency, more points should be allocated to the corporate proposal section. If there is not substantial risk to the purchasing state agency, the agency may want to allocate more points toward the cost proposal and technical proposal sections. If the purchasing state agency values a cost-conscious solution more than quality, the agency should allocate more points to the cost proposal section.

4) MANDATORY MINIMUM REQUIREMENTS REVIEW

- a. Before the release of the solicitation, the purchasing state agency should develop a mandatory minimum requirements checklist that includes all of the documents and major aspects that a solicitation response must have in order to be evaluated.
- b. The mandatory minimum requirements should be tailored to the procurement and should include mission-critical elements that are needed by the purchasing state agency. Without these mission-critical elements a solicitation response would be of no value to the purchasing state agency. SPB has an example checklist included in Attachment A that the agency may use as a starting point in developing the agency's own checklist.
- c. The Procurement Facilitator or their designee should check each bid for mandatory minimum requirements and should complete a Mandatory Minimum Requirements Checklist for each bid received. Such Checklist should 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.

5) 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.

6) SCORING

- a. The scoring method should 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. A sample rubric can be found on Attachment B.
- c. Cost should be awarded as follows:
 - i. The lowest cost submitted receives the maximum points.
 - ii. Points for all remaining bidders are assigned with this formula: $(\text{lowest cost submitted}) / (\text{cost submitted}) \times (\text{maximum possible cost points}) = \text{cost points to award}$

7) CLARIFICATIONS & CORRECTIONS

- a. Through the Procurement Facilitator, an Evaluator may ask a bidder or several bidders clarifying questions. Such questions should be impartial and authentically seek to clear uncertainty in a response.

- b. A purchasing state agency may permit a correction to solicitation response if the error or irregularity is a minor informality.
- c. Minor informalities are matters of form rather than substance evidence from the solicitation, or insignificant mistakes that can be waived or corrected without prejudice to other bidders; that is, the effect on price, quantity, quality, delivery, or contractual conditions is negligible.
- d. In the event of a conflict between a spelled-out number and its corresponding digits, the spelled-out number controls.

8) ADDITIONAL INFORMATION

- a. **Oral Presentations:** The Evaluators may request oral presentations and demonstrations.
 - i. The same materials, questions, and information should be given to all bidders who give an oral presentation or demonstration.
 - ii. Oral presentations and demonstrations must be scored using a scoring worksheet, which may be incorporated with or added to the original scoring worksheet.
 - iii. 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.
 - i. The agency may determine that a response to a BAFO is mandatory, but such determination must be communicated in writing to bidders prior to the deadline for bidders to submit a BAFO.
 - ii. In the absence of such communication, a BAFO is not mandatory, and the original cost submitted will be considered.
 - iii. If a BAFO is submitted, the BAFO replaces the original cost submitted by the bidder. The BAFO should be scored in accordance with the cost formula, as outlined in Section 6) c. ii above.
- c. The agency may choose to allow only certain bidders to respond to a BAFO or to do an oral presentation if the agency has some reasonable basis for doing so.

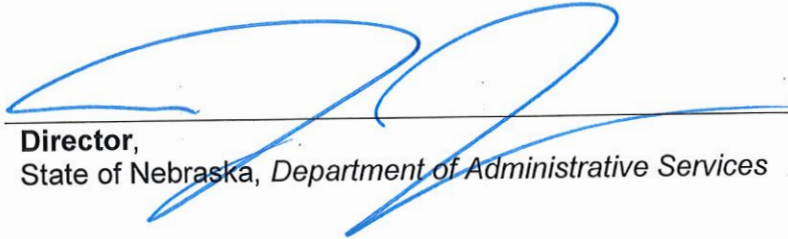
9) FINAL EVALUATION & AWARD RECOMMENDATION

- a. A Procurement Facilitator should complete the Final Evaluation Document, Form S-8, once the scores are received, including scores from oral presentations and BAFOs, if any.
- b. If SPB is conducting the procurement, the purchasing state agency should submit Form S-8, the Evaluator score sheets and the purchasing state 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.

10) 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 20th day of November, 2023.



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

20 NOV 23

DATE

Amara Block

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

11/20/23

DATE



Attachment A

Sample Mandatory Minimum Requirements Checklist

Explanation: The below checklist is for illustration purposes only. The agency should thoughtfully develop their own checklist in accordance with the actual requirements with the RFP. The checklist may be on a word document or excel and should be completed for each proposal.

Requirement	Pass/Fail
Technical Proposal Submitted	
Corporate Proposal Submitted	
Cost Proposal Submitted	
Company is proposing at least X individuals for the project	
Data will be stored only in the continental USA	
The company certifies that it does not unlawfully discriminate	
The company has experience with at least one other state	

Attachment B

Sample Scoring Rubric

Explanation: The below rubric is for illustration purposes only. The agency should thoughtfully develop their own rubric in accordance with the actual requirements of the RFP. Careful consideration should be given to what information would be most helpful to an Evaluator when working through each RFP. Any mandatory minimum requirements that would result in pass/fail should not be in the rubric and instead should be screened for prior to this portion of the evaluation.

Section/Requirement	Maximum Possible Points	Description
11.2 (Office Location)	3	0 – The contractor’s office location is not ideal for the project 1 – The contractor’s location could work, but other locations are preferable 2 – The contractor’s location is suitable 3 – The contractor’s location is ideal
11.11 (Specific Task)	5	0 – The Contractor cannot perform [this task] 1 – It is unlikely that the Contractor can perform [this task] 2 – The Contractor can probably perform [this task], but not well 3 – The Contractor can perform [this task] at average performance 4 – The Contractor can perform [this task] better than some others 5 – The Contractor can perform [this task] better than all others
1.12 (Design)	10	0 – The design does not meet the agency’s need 2 – The design mostly does not meet the agency’s need 4 – The design somewhat does not meet the agency’s need 6 – The design somewhat meets the agency’s need 8 – The design substantially meets the agency’s need 10 – The design completely meets the agency’s need