

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: 24-08
Application: Evaluation of Bidders and Bids During a Competitive Bidding Process
Subject: Responsibility and Responsiveness
Effective Date: 07-19-2024

This Guidance is provided under Neb. Rev. Stat. § 73-807 to aid agency decision makers in evaluating bids in response to competitive solicitations.

I. RESPONSIBILITY

- A. Responsibility relates to the capability of a bidder to perform the work or provide the items the State is seeking. Contracts are only to be awarded to responsible bidders.
- B. Responsibility determinations must include the elements required under Neb. Rev. Stat. § 73-808 (1) and (2).
- C. For solicitations where the bidding process is conducted by State Purchasing Bureau ("SPB-led solicitations"), the Materiel Administrator may decide that a bidder is not responsible at any time based on information from any source. For solicitations where the bidding process is conducted by the procuring agency ("agency-led solicitations"), the procuring agency's director has the same discretion.

II. RESPONSIVENESS

- A. Responsiveness relates to a bid's compliance with the requirements of a competitive solicitation. A "responsive bid" is a solicitation response that conforms in all material respects to the solicitation's requirements. Only responsive bids will be considered when evaluating solicitation responses.
- B. A "minor informality" is an insignificant mistake in a bid response that can be waived or corrected without prejudice to other bidders. Elements of solicitation responses that effect price, quantity, quality, delivery, or contractual conditions are not minor informalities. Minor informalities may be waived at the discretion of the agency leading the procurement.

C. For SPB-led solicitations, the Materiel Administrator makes responsiveness determinations. For agency-led solicitations, the procuring agency's director has the same discretion.

III. REFERENCES

- A. State Procurement Act, Neb. Rev. Stat. §§ 73-801 et seq.
- B. State Procurement Manual (rev. July 19, 2024)

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



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

July 18, 24

DATE



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

July 18, 2024

DATE

