

Writing Winning Proposals

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Curriculum



I. WHAT IS AN RFP?

RFP vs. IFB What Type of Solicitation is an RFP? Responding to RFPs

II. BASIC STRUCTURE OF THE RFP

General
Statement of Work
Proposal Requirements
Drop Dead Documents – And Why

III. THE HUB SUBCONTRACTING PLAN (HSP)

IV. THE PRE-PROPOSAL CONFERENCE

Purpose

Structure

THE EVALUATION AND AWARD PROCESS

RFP Opening/Deadline

Evaluation Criteria

How to Score Well

Negotiations/BAFO

Contract Award

VI. CONTRACT EXECUTION

VII. CONCLUSION

I. What is an RFP?

RFP vs. IFB







RFP vs. IFB







RFP vs. IFB

What is the difference?

- A Request for Proposal is generally used for procuring services.
- An *Invitation for Bid* is generally used for procuring *goods*.



RFP vs. IFB

What is the difference?

- An RFP is a formal and competitive method of procurement whereby suppliers are requested to submit proposals in a format that allows the consideration of factors in addition to the price in the evaluation and award process.
- An IFB is a formal solicitation of sealed bids.
 The supplier offering the best value (meeting minimum qualifications) at the lowest price is awarded the contract.



RFP vs. IFB

What is the difference?

- Typically, negotiation is **NOT ALLOWED** in the Invitation for Bid solicitation method (Emergency and only one bid response is the exception).
- The RFP solicitation method allows for a Best and Final offer (BAFO) and for negotiation.



RFP

VS.

\mathbf{IFB}

- Longer time frame
- Evaluated against criteria
- Public Opening Names only
 - Except Texas Gov't Code §§2269,names and prices
- Interviews / Oral Presentations
- BAFO & Negotiation Allowed
- Best Value = Combo of Price & Quality

- Shorter time frame
- Evaluated against specs / price
- Public Bid Opening –
 Names & Prices
- No Negotiation Allowed
- Best Value = Low Bid





RFPs . . .

- Are used to procure services via the Competitive Sealed Proposal (CSP) method of procurement
- Are issued to find a supplier that can meet or exceed the ordering entities needs
- Allow ordering entity and supplier to work from same set of rules, requirements, schedules, and information
- Private companies
 - No legal requirement to post RFPs in a particular place
 - Can limit number of requests as they see fit

Responding to RFPs

- Choose wisely
 - Time and effort are required
 - Consider business ROI
- If you decide to respond
 - Understand the requirements of how to respond and the evaluation criteria used to determine award
 - Understand the RFP structure
 - Understand the Scope of Work
 - Understand the required deliverables



Responding to RFPs

Write proposals for the ordering entity

- Only their <u>opinion</u> matters
- Look at it from ordering entity's point of view
- Prove you can meet or exceed the ordering entity's needs
- Consider your resources
- Look for language/anomalies that may affect your ability to provide products/services within allotted timeframe for stated price
- Proposal will be viewed by many and possibly subject to open records laws; keep proprietary information to a minimum



Responding to RFPs

ANSWER THE QUESTION!

Organized, paginated, table of contents
Write your proposal in the same format as the RFP

and

Answer the question as to how your company can best provide the goods and/or services requested



Each ordering entity may have its own format; however, most RFPs consist of the following information:

- General
- Introduction / Scope
- Contract Term
- Compensation and Fees
- Definitions
- Statement of Work
- Schedule of Events
- Proposal Requirements
- Contract/ Terms and Conditions



GENERAL



- Broad description of project
- May include a 'Background' section



Statement of Work (SOW)

- Core of the RFP
- Includes detailed specifications or ordering entities need(s)
- Key words

May

Can

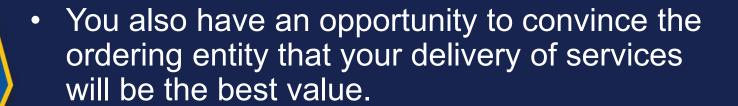
Must

Shall



Statement of Work (SOW cont.)







Statement of Work (SOW cont.)



Writers

Marketers

Purchasers

Sales

Techs

 Discuss RFP/SOW questions or concerns with ordering entity ASAP

Per the instructions in the RFP

Single poc = Purchaser

Be ready to suggest alternatives

Have all questions answered before completing proposal *(This is critical!)*

Acknowledge all addenda in your response



Statement of Work (SOW cont.)

- Be specific
 - How your services exceed that of other suppliers
 - How you meet or exceed the entities requirements



Example of RFP criterion:

"Building should be readily accessible by people with disabilities."

Response A

Our building is readily accessible by people with disabilities.

Response B

Our building....

Is located on main bus route; front door next to stop

Has parking lot with drop-off zone, parking stalls adjacent to building

Has floors covered in non-slip coating that are also painted to help people who are visually impaired

Has building entrance ramps, large elevators, and extra-wide doors and restroom stalls to accommodate wheelchairs

Specific OSHA and ADA references



PROPOSAL REQUIREMENTS

- Most RFPs request the following additional information be submitted:
 - Company Info / History
 - Experience & Qualifications
 - Methodology
 - Financial Information
 - References
 - Organized, paginated table of contents
 - Other requirements
 - Specified number of originals
 - Specified number of copies
 - Preparation/submittal costs paid by supplier



20

PROPOSAL REQUIREMENTS

- Make your RFP easier to read and qualify by
 - Writing your proposal in the same format as the RFP
 - Keeping your language simple
 - Responding to every requirement within the RFP
 - Not including extraneous information
 - Ensuring all signatures and attachments are included
 - Submitting your proposal on time



DROP DEAD DOCUMENTS - AND WHY

- Every RFP requires specific critical documentation be included.
- Exclusion of critical required documentation generally results in disqualification
 - Meaning no one sees your proposal, and it is not evaluated or reviewed
- Common required documentation includes
 - Execution of Proposal
 - Non-Collusion Affidavit (if required)
 - Bid Bond (if required)
 - HUB Subcontracting Plan



DROP DEAD DOCUMENTS - AND WHY

- Execution of Proposal
 - Signed document that certifies that respondent has not provided false information, is complying with all applicable laws, and is basically an ethical business partner. Required by most ordering entities. And, for 'mutuality of acceptance', signature on this form constitutes an official 'offer' to the ordering entity, and the ordering entity may just issue a purchase order, signed, which completes the ;mutuality of acceptance'.



 Certifies that the respondent did not collude with another respondent to drive the price upwards or downwards.



DROP DEAD DOCUMENTS - AND WHY

- Bid Bond
 - Guarantees that the respondent will enter into a contract if awarded. Bond paid by respondent.
- HUB (Minority or Small Business) Subcontracting Plan
 - Details what work will be subcontracted, who the respondent plans to subcontract with, and contact information for each subcontractor. Required by most government entities where the contract award is expected to be \$100K or more. Some entities might have lower thresholds.



HHSC SPECIFIC PROPOSAL REQUIREMENTS

- Respondent's Ability to Provide Relevant
 Construction Services and Respondent's
 Proposed Team's Relevant Experience Evaluation Criterion 1.1, 1.2, and 1.3 (30% Value)
- Respondent's Quality and Safety Program -Evaluation Criterion 2 (5% Value)
- Respondent's Financial Stability and Risk Evaluation Criterion 3.1 and 3.2 (10% Value)
 (Exhibit E, Respondent's Information, Disclosures,
 and Financial Form)
- Respondent's Proposed Methodology Evaluation Criterion 4 (15% Value)
 Evaluation Criterion 5 (40% Value) (Exhibit F,
 Respondent's Pricing Proposal Form)



HHSC SPECIFIC PROPOSAL REQUIREMENTS

 Respondent's Ability to Provide Relevant Construction Services and Respondent's Proposed Team's Relevant Experience - Evaluation Criterion 1.1, 1.2, and 1.3 (30% Value)

Key word is 'relevant'

Criterion 1.1:

Identify and describe the Respondent's experience for current and completed construction manager at risk (CMR) projects that are most similar to this Project. List the projects in order of priority, with the most relevant project listed first. Include project name, owner, location, description and final construction cost.

Evaluate the relevance of the Respondent's past and present experience for completed CMR construction projects that are similar to this project.

Criterion 1.2:

Provide names, resumes and project responsibilities for team members assigned to the Project, including the Project Superintendent and Project Manager. Explain Project Superintendent's and Project Manager's availability.

Evaluate the previous experience of the Respondent's Project Superintendent, Project Manager, and other employees assigned to this project.

Evaluate the Respondent's Project Superintendent and Project Manager's availability to the project.

Criterion 1.3:

Provide an Organizational Chart or similar hierarchy explanation with titles of the team members assigned to support the Project. List projects that team members have worked on together previously.

Evaluate the Respondent's designated team member responsibilities in relation to previous experience and/or working together on similar projects.



HHSC SPECIFIC PROPOSAL REQUIREMENTS

 Respondent's Quality and Safety Program -Evaluation Criterion 2 (5% Value)

Criterion 2:

Respondent shall provide the name, job title, and resume of the person specifically assigned to this Project for quality assurance.

Describe the quality assurance program, quality requirements and means of measurement. HHSC reserves the right to require a copy of the Quality Control Manual and Quality Assurance Processes, which, if contracted, may become a contract document. Respondent shall provide the company's workers' compensation experience modification rate (EMR) for the last five years on the insurance broker's letterhead as part of the proposal; if any rating is above 1.0 for any year, provide an explanation.

Evaluate the Respondent's approach to quality in regard to a dedicated individual for quality and a dedicated individual for quality on this project.

quality on this project.
Evaluate the Respondent's described quality assurance program, requirements, and means of measurement.
Evaluate the Respondent's workers' compensation experience rate (EMR) for the last five years.



HHSC SPECIFIC PROPOSAL REQUIREMENTS

 Respondent's Financial Stability and Risk - Evaluation Criterion 3.1 and 3.2 (10% Value) (Exhibit E, Respondent's Information, Disclosures, and Financial Form)
 Criterion 3.1:

On the Exhibit D, Respondent's Information, Disclosures, and Financial Form, please provide relevant details regarding the following risks. If the answer to any is yes, provide an explanation:

- Is your company currently for sale?
- Is your company involved in any transaction to expand or become acquired by another business entity?
- Does your company have any pending litigation?
- Has your company resolved any litigation within the last 2 years?
- Is your company currently in default?
- Has a bonding company ever been required to finance completion of a project?
- Has your company experienced claims on its payment or performance bonds in the last 2 years?
- Has your company had any job site incidents in the last 2 years that resulted in death?

Evaluate the Respondent's information, disclosures, and financial information from the Exh. D. in regards to the risks listed in this criterion. Detail any concerns you have from the information provided on the evaluation tool in the comments field.

Criterion 3.2:

Attach a letter of intent from your surety company indicating Respondent's ability to obtain performance and payment bonds for the entire construction cost of the proposed project. The information submitted must indicate Respondent's total bonding capacity, available bonding capacity and current backlog.

Evaluate the Respondent's maximum bonding capacity (should be equal to (minimal) or amply more (maximum) than the project dollar amount), in terms of financial solvency, adequate capitalization, and ability obtain performance and payment bonds for the entire construction cost of the proposed project.



HHSC SPECIFIC PROPOSAL REQUIREMENTS

Respondent's Proposed Methodology - Evaluation Criterion 4 (15% Value) Criterion 4.1, 4.2, and 4.3:

> Proposed Methodology: a detailed plan outlining the methodology intended to be employed by the respondent that demonstrates the process of implementation regarding the requirements of the RFP Scope Of Work into a realized and finished product. This shall include but not be limited to:

Processes and techniques used to understand the Statement of Work;

Problem solving;

Value Engineering;

Maintaining budgets;

Maintaining schedules;

Staff sizing and roles;

Coordination of work with subcontractors and/or consultants, or, if no subcontractors and/or consultants are needed, coordination of work with designated staff assigned to the project

Brief description of major critical path items and milestones necessary for completion of the project in the designated timeframe.

Evaluate the Respondent's plan and methodology proposed for the implementation and realization of the project.

Evaluate the Respondent's description of how work with subcontractors will be coordinated and managed, or, if no subcontracting, evaluate the Respondent's description of how work will be coordinated with designated staff assigned to the project.

Evaluate the Respondent's identification of major critical path items and/or milestones necessary for the completion of the project in the proposed timeline. 29



Services

HHSC SPECIFIC PROPOSAL REQUIREMENTS

 Respondent's Pricing Proposal - Evaluation Criterion 5 (40% Value) (Exhibit F, Respondent's Pricing Proposal Form)

The Respondent having carefully examined the Texas Uniform General Conditions for Construction Contracts with HHSC Supplementary General Conditions ("UGCs"), the Drawings and Specifications, and any addenda thereto, as prepared by the Owner, and the Project Architect/Engineer for this Project, as well as the premises and all the conditions affecting the work, if applicable to this Project, does hereby propose to furnish all supervision, labor, materials, equipment, tooling, and permits necessary to achieve Substantial Completion of the work in accordance with the "Contract Documents" (as that term is defined in the UGCs) for the following sum: (All amounts shall be written in number form.)

Evaluate the Respondent's Exhibit F Pricing and Proposal (designated cost evaluators only)



Supported by Texas Government Code Chapter §2155.505 and Texas Administrative Code Chapter Title 34, Part 1, Chapter §20, Subchapter's §20.14 – §20.28

Requires the solicitation to include a HUB Subcontracting Plan (HSP); and requires a completed HSP from anyone submitting a solicitation response.

- Each HSP must demonstrate evidence of Good Faith Effort (GFE) in developing the plan. GFE requires respondent to properly notify at least three (3) HUB businesses; and at least (2) minority/women trade organizations or development centers of the subcontracting opportunities.
- In addition, GFE shall be shown with any instructions or directions as specified in the HUB subcontracting plan template.



In making an HSP determination, consider the total expected contract value, including the initial term and any renewal options. if the total is expected to exceed \$100,000K, then an HSP is required.

The soliciting agency's HUB Director/Coordinator reviews the submitted HSP's independently and makes a pass/fail determination.

 Yes, this means your proposal or submittal can be disqualified for non-compliance, and you will not have the opportunity to correct after the fact.

The approved HSP becomes a material aspect of the contract.



What are the four available 'Good Faith Effort' requirements?

- Utilization of HUB's for all (100%) of your subcontracting needs
- 2. Utilization of HUB's to meet the stated percentage HUB subcontracting goal for this type of contract
- 3. Self performing for all your subcontracting needs
- Traditional Good Faith Effort
 - •Notification/opportunity to at least three certified HUB's registered in the applicable Class/Item Code for each subcontracting opportunity
 - •Notification/opportunity to minority and women owned trade organizations; must allow seven working days notice
 - •Must allow seven working days notice for notified HUB's and trade organizations to respond to bid opportunity



- The Agency/Entity you are responding to should have a point of contact listed for questions during the posting.
- This is usually the Purchaser, however there may also be a contact listed for the agency HUB Director/Coordinator to assist you in completing the HSP.
- Don't wait until after the pre-proposal conferences to ask for help; at that point it may be too late to fulfill the traditional 'good faith effort' of seven (7) working days notice to hub vendors to provide a quote on subcontracting opportunities.
- Involve the agency/entity hub director/coordinator as early as possible if you think you may need assistance.



IV. The Pre-Proposal Conference

PURPOSE

- Provides suppliers an opportunity to
 - Review RFP requirements
 - Facilitate a clear understanding of requirements
 - Promote competition
 - Network with subcontractors
- May be mandatory so ordering entity can
 - Emphasize specific requirements
 - Get an idea of the quantity and quality of competition
 - Potential respondents will have visited the site; vetting opportunities
- In general, the ordering entity will
 - Describe goals and objectives of the RFP
 - Provide instructions about the solicitation document and process
 - Answer potential respondent's questions



35

IV. The Pre-Proposal Conference

STRUCTURE

- Introductions
- Goals
- Objectives
- Organization of RFP and what is needed to respond in order to qualify for evaluation
- **HUB Subcontracting Plan review**
 - Networking opportunity with subcontractor/HUB attendees
- Key Requirements
- Schedule of Events
- **Evaluation and Award**
- **Questions and Answers**



IV. The Pre-Proposal Conference

WHY YOU SHOULD ATTEND

- Better understanding of the Scope Of Work
 - Technical players at the ppc
- Better understanding of the RFP requirements
 - How to respond in order to be evaluated and score well
- Identification of Primes and Subcontractors

SUBMITTING QUESTIONS

- Technical questions should always be submitted in writing
 - Per the instructions in the RFP single POC = Purchaser
 - For your protection AND the ordering entity's protection
- How to submit questions
 - Always reference the applicable section number
 - Be specific and succinct
 - In writing



RFP OPENING/DEADLINE

- Submittal process
 - Where, How, When: Specified in RFP
 - Late proposals generally not accepted
- Public opening
 - Names of respondents read aloud
 - No other information released until final contract award;
 protects integrity of future negotiations and BAFO (if any)
- Open records laws
 - Applies to public sector
 - Requires disclosure of all non-proprietary information after contract award;
 OAG makes determination for items marked 'Confidential'
 - Tabulation information generally available on-line or through ordering entity



EVALUATION CRITERIA

- Once all proposals are received and the opening has occurred, an evaluation team will review and score the proposals
- Proposals are generally evaluated, using weighted values, on the following criteria:
 - Price
 - Company History
 - Financial Stability
 - Vendor Performance
 - Experience & Qualifications
 - Methodology
 - References



EVALUATION CRITERIA

- "Best Value" (TGC2155.074) generally includes
 - Price
 - Installation costs
 - Life-cycle costs
 - Quality and reliability of the goods and services
 - Delivery terms
 - Vendor performance
 - Cost of training or maintenance after award
 - Technical capabilities
- TGC 2155.075 Requirement to Specify Value factors in Requests for Bids or Proposals
 - Awards made under TGC 2156.124
 - Awards made under TGC 2269



EVALUATION CRITERIA

- Points may also be awarded for
 - Supplier's management of the RFP process (thoroughness of proposal, timeliness, etc.)
 - Support services
 - Geographical locations served
 - Any best value criteria ordering entity includes in RFP
 - Demonstrated budget compliance
 - Demonstrated schedule compliance



EVALUATION CRITERIA

RFP specifies evaluation criteria and how much weight each criterion carries. For example:

Evaluation Criteria	<u>Weight</u>
Price	40%
Relevant Exp & Qual	30%
Methodology	15%
Quality and Safety	5%
Financial Stability & Risk	10%



- Other examples of evaluation criteria:
 - Budget Compliance
 - Schedule Compliance
 - Litigation
 - Safety / QC

EVALUATION CRITERIA AND PROCESS

- Purchaser qualifies responses to determine eligibility for evaluation
- Agency HUB Coordinator reviews submitted HUB Subcontracting Plan
 - TAC Title 34, Part 1, Chapter 20, Subchapter B, Rule 20.14 Subcontracts - construction 24-hour rule
- Quantitative and qualitative evaluation criteria may be separated
 - Purchaser (or evaluation team lead) typically computes the compensation and fees, or quantitative criteria; scores accordingly
- Purchaser or Evaluation Team Lead reviews Evaluation Traning and obtains Non-Disclosure Statement
 - These are the rules of the evaluation and affidavit of fairness and integrity
- Evaluation Team reviews proposals for qualitative criteria, scores each proposal according to meeting/exceeding RFP requirements; typically on a point scale
 - Evaluation meeting may or may not be proctored



EVALUATION CRITERIA AND PROCESS

- All proposals and evaluation team member scores are returned to purchaser or evaluation team lead and averaged for a final qualitative score
- The qualitative average is added to the quantitative score for an initial evaluation score
- Ranking is produced
- Evaluation Team meets to discuss next steps
 - There may be a need to address outlier scores
 - There may or may not be a formal interview of the top ranked respondents
 - If there is an interview, this may change the qualitative scores
- Negotiations proceed:
 - BAFO: allows for ALL respondents to revise and discuss their proposals
 - Negotiation: start with the top ranked respondent



HOW TO SCORE WELL

- Respond in exact accordance with RFP requirements.
- Provide all information requested in the order and format specified
- Use any scoring rubric or evaluation checklist provided to you
- The first indication of your professional qualification is the ability to follow instructions!
- Present your proposal in a logical, organized manner
 - Clearly label sections
 - If proposal format is not prescribed, organize proposal to match sequence of RFP
 - Make proposal complete, concise, and precise



HOW TO SCORE WELL

- Clearly define how you will meet each service requirement and avoid the following:
 - Ambiguous statements
 - Jargon
 - Language not clearly defined within your proposal.
 - Extemporaneous materials not specifically requested in RFP
- Describe benefits of your product/service
 - Emphasize section of your proposal that carries most weight in RFP
 - Weighted criteria section
 - Pricing structure
- BE COMPETETIVE



NEGOTIATIONS/BAFO

- Negotiations may include
 - Pricing
 - Logistics
 - Contract terms
 - Timing
- Generally, negotiations do not include
 - Substantive changes
- Prepare for your negotiation
 - Ask for negotiation agenda/interview questions
- Value Engineering with top ranked respondent
 - Usually to adhere to budget



BAFO





A 'BAFO' may be requested either before or after negotiations



NEGOTIATIONS/BAFO

- If the Ordering entity asks you for a BAFO (Best and Final Offer), here are your options:
 - Stand by your original price
 - Lower your price with no reduction in your scope of work
 - Lower your price but also reduce the amount of work you will do
 - Offer or modify other terms and conditions beneficial to the ordering entity
- BAFO typically includes the following:
 - Submitted on your company letterhead or a form provided by the ordering entity
 - Reference the RFP or solicitation number and name
 - Include your BAFO terms and conditions
 - Signed by an authorized representative of your company, typically the individual that signed the Execution of Proposal



Winning supplier announced when

- All BAFOs have been submitted
- Evaluation process is complete
- Negotiations are complete
- Award is made by Agency and/or Commission



Agency sends two originals to awarded vendor for execution

This is where some of the biggest delays are in starting the contract

- Agency Program may be slow to get the contract draft to Agency Legal Services
- Agency Legal Services must draft the contract, Agency Program must review
- Vendor review if a contract 'template' was included in the original solicitation, you, the Vendor, should have already reviewed the contract language – this will speed up the execution process
- Contract originals sent back to Agency for final execution.
- Start date is typically the final signature date or stated term date, whichever is latest



CONTRACT AWARD

HB1295 84th Legislative Session Requirements

TGC Section 2252.908, and new rules promulgated by the Texas Ethics Commission ("TEC") pursuant to Section 2252.908, require a disclosure of interested parties by contractors that enter into certain types of government contracts. To comply with the law and new rules, contractors must file a <u>Disclosure of Interested Parties Form 1295</u> ("<u>Form 1295"</u>) with the TEC and the contracting agency



Know that the awarded contract and or purchase order, if certain thresholds are met, will be posted on the agency website. This will include the solicitation documents, your response to the solicitation, and the contract/purchase order.



CONTRACT AWARD

- Post-announcement debriefing
 - May be requested with ordering entity; may not be provided
 - Provides feedback regarding strengths/weaknesses of your proposal
 - Is most valuable as a learning opportunity for future RFP responses
- What a Debrief IS:
 - A review of the tabulation and how your response was scored
 - A review of perceived weaknesses in your response
- What a Debrief IS NOT:
 - A review or discussion of another participating vendor's response



VII. IN CONCLUSION

Responding to RFPs can be a methodical, organized process

Don't let scope or length of an RFP intimidate you
 Take it all in stride and respond to every requirement
 Answer all sections to the best of your abilities

In the end, you will convince the ordering entity that you are the best supplier for the job because you have offered your services at a competitive price and defined your capabilities and qualifications through your proposal submittal to determine a best value award!

