

Standard Procurement Processes

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Standard Procurement Processes in the Procurement Code

Utah Code 63G-6a-103:

- (86) "Standard procurement process" means:
- (a) the bidding process;
 - (b) the request for proposals process;**
 - (c) the approved vendor list process;
 - (d) the small purchase process; or
 - (e) the design professional procurement process.

The Request for Proposals Process

A request for proposals shall include:

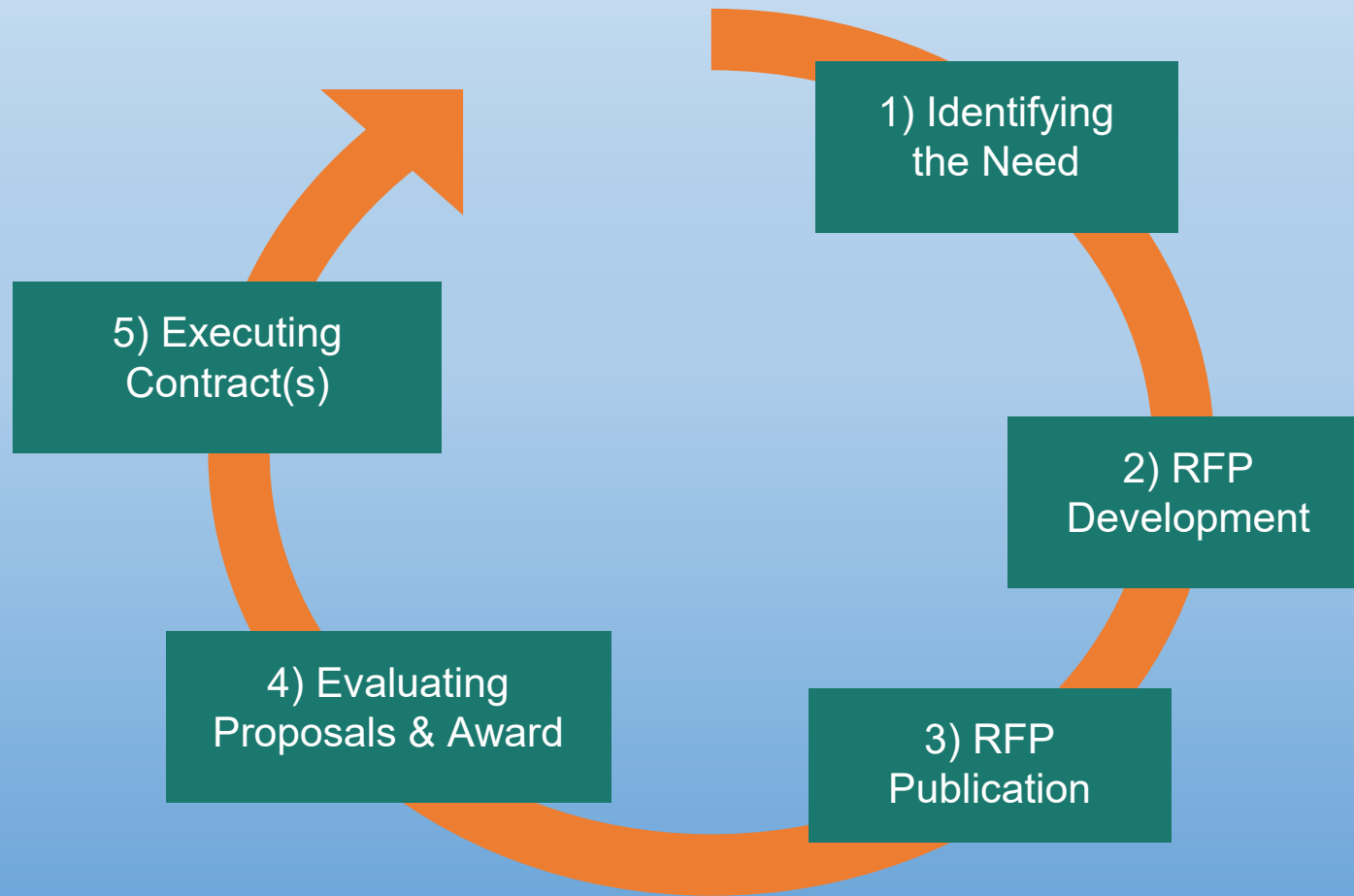
- (a) a description of the procurement item that the procurement unit seeks;
- (b) instructions for submitting a proposal, including the deadline for submitting a proposal;
- (c) the objective criteria, including, if applicable, cost, and subjective criteria that the procurement unit will use to evaluate proposals;
- (d) information about the time and manner of opening proposals; and
- (e) terms and conditions that the procurement unit intends to include in a contract resulting from the request for proposals process.

When RFP is Used

A **Request for Proposals (RFP)** process should be used when subjective elements as quality, warranty, experience, etc. are more important than awarding to the lowest cost vendor who meets your minimum requirements.

The RFP process evaluates a combination of mandatory minimum requirements, subjective evaluation criteria, and cost in identifying and awarding the contract to the best value vendor.

Main Components of an RFP Include



The Request for Proposals Process

State of Utah writes out a detailed scope of work that vendors will need to complete, if awarded a contract. The agency also identifies criteria in the solicitation that vendors are required to respond to in the solicitation.

Vendors' proposals are evaluated on a combination of their responses to the technical criteria along with their total cost for the project (if applicable).

An agency subject to State Purchasing, must involve State Purchasing.

RFP must be published for a minimum of 7-days.

After evaluating proposals, procurement unit awards the contract to the highest scoring responsible vendor. In a multiple award, vendors that meet the threshold for award.

RFP Development and Sections

a. Evaluation Criteria

- i. Mandatory Minimums (objective criteria)
- ii. Technical (subjective criteria)
- iii. Cost (if applicable)

- We incorporate minimum score thresholds for vendors to proceed forward throughout the evaluation stages and ultimately an award.
- Technical (subjective) criteria should be weighted giving more evaluation points to those criteria determined to be more important.

Purpose of this Solicitation

The purpose of this RFP is to enter into a contract to provide: Utah Indigent Defense Commission (IDC) seeks qualified and experienced indigent defense service providers (Providers) to serve as independent contractors with the Office to provide Services to indigent inmates who are incarcerated in the Utah State Prison located in Gunnison, Utah (Prison), and charged with Aggravated murder in District Court and Utah's Appellate Courts.

It is anticipated that this RFP will result in multiple contract awards. The methodology or formula that will be used to determine the number of contract awards is: The methodology or formula that will be used to determine the number of contract awards is: Any vendor that receives a total score of 60% of all available points. Thus, any vendor that achieves a minimum score of 600 out of 1000 total points will receive a contract.

Examples from CH21-22

Prerequisite Content

The following mandatory minimum requirements must be met in order for a proposal to be considered responsive:

1. Offerors must confirm they each have an Active Status Utah State Bar License in the Question Section of the solicitation.
2. Offerors must confirm they are each currently in good standing with the Utah State Bar in the Question Section of the solicitation.
3. Offerors must confirm they have served as counsel in at least three felony appeals, at least one of which involved a charge of aggravated murder in the Question Section of the solicitation.
4. Offerors must confirm they have attended and completed within the past five years an approved continuing legal education course which deals, in substantial part, with the trial or appeal of death penalty cases in the Question Section of the solicitation.
5. Offerors must confirm they each have at least 5 years of appellate criminal defense experience in the Question Section of the solicitation.
6. Offerors must confirm that they are each willing and able to drive to whatever location it is necessary to handle client communication (Gunnison or Draper Prison), district court hearings (Manti District Court) and appellate courts, as necessary, for \$.57/mile in the Question Section of the solicitation.
7. Offerors must confirm they will each work with Defender Data case management system to track work on cases in the Question Section of the solicitation.
8. Offerors must confirm that each they maintain and provide the Office proof of professional malpractice insurance with at a minimum, limits of no less than \$250,000.00 per claim and \$500,000.00 per occurrence in the Question Section of the solicitation.
9. Offerors must submit their Technical Criteria proposal as described in Attachment C: Mandatory Minimums and Technical Criteria to the Question Section of the solicitation.

Example from CH21-22

The subjective criteria that will be used to evaluate proposals is:

1. Resume – 10% / 100 Points Possible

- Offeror must submit a resume showing relevant experience to conduct the work.

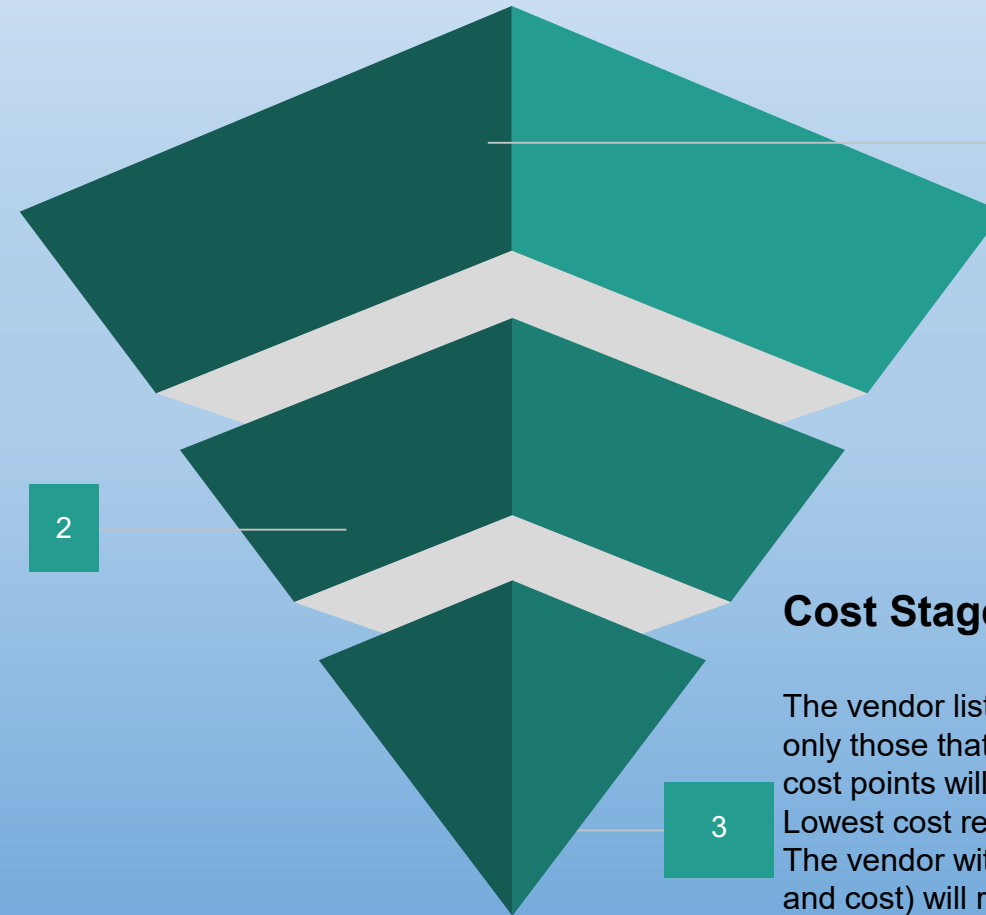
2. ABA Guidelines – 20% / 200 Points Possible

Offeror to explain her or his familiarity with the ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases.

3. Rule 8 Qualification and Significant Criminal Defense Experience and Listing of Cases - 70% / 700 Points Possible

- Offeror must demonstrate that:
 - Offerors must specifically describe their interest in and knowledge about providing capital representation to indigent individuals.
 - Offerors must demonstrate they have at least 5 years experience in appellate criminal defense work, by listing the relevant cases in which they have provided defense services in cases to verdict, and specifically three felony appeals, at least one of which involved aggravated murder.
 - Offerors must submit proof of attendance, within the past five years, an approved continuing legal education course which deals, in substantial part, with the trial or appeal of death penalty cases.

Evaluating Proposals & Award



Mandatory Minimum Requirement Stage

Only vendors that meet the MMRs are accepted and proceed to evaluation. All other vendors **MUST** receive a rejection notice stating the reason for rejection.

Completed by Purchasing

Technical Evaluation Stage

All vendors that pass the MMR stage will be reviewed by the evaluation team. Any vendors that do not meet the minimum point threshold **MUST** receive a rejection notice stating that they were rejected based upon the fact their proposal failed to meet the stated point threshold

Completed by Evaluation Team

Cost Stage and Award

The vendor list for consideration is narrowed down further to only those that pass the technical point threshold. Cost and cost points will be determined according to the solicitation. Lowest cost receives full points, all other per the solicitation. The vendor with the highest combined total score (technical and cost) will receive the award.

Completed by Purchasing

Evaluating Proposals & Award

a. Award

- i. Award as soon as practicable to the proposal receiving the highest total score (technical + cost points)

b. Rejecting Proposals

- i. Vendors that do not meet the mandatory minimum requirements or do not pass the technical threshold to proceed to cost must receive a written notice informing them of their rejection.

c. Publication of Award

- i. Must make available the name of the awarded vendor and the total score of the awarded vendor
- ii. Must make available the total scores to all other proposals that made it through to the cost stage, without identifying the names of proposals to their respective scores e.g. Vendor A, Vendor B, etc.