



Common Oversights to Avoid *in Bidding on Procurement Contracts*

Contracting for specialized services for the state highway and public transportation systems has always been a priority of Florida transportation agencies. The purpose of public procurement is to promote efficiency, economy, and fair and open competition. There are many reasons why a bid or proposal may not be selected for award of a contract, including the winner may have had more experience, a more detailed bid, a better presentation, a lower price, or a better technical solution. However, in order to truly compete and win in an open environment of competition, a bidder must avoid oversights that can cost it time, money, and possibly the awarding of the contract.

Awards for roadway construction and maintenance contracts are generally made to the lowest "responsible and responsive" bidder in response to an invitation to bid. Awards for professional and other services are generally made on the basis of experience, quality of proposal and price in response to a request for proposals. Under Florida Administrative Code, a "Responsive Bidder" means a firm who has submitted a bid or proposal which conforms in all material respects to the invitation to bid or request for proposals. Additionally, a "Responsible Bidder" or

"Qualified Bidder" means a firm with the capability in all respects to perform fully the contract requirements and the integrity and reliability to assure good faith performance.

An agency often reserves the right to investigate or inspect at any time whether the qualifications, services, or products offered by a bidder meet the contract requirements. Thus, the bidder must at all times during the procurement process and contract term, remain responsible and responsive. In determining whether a bidder is responsible and responsive, the contracting agency will consider all information or evidence which is gathered or comes

to the attention of the agency which demonstrates the bidder's capability to fully satisfy the requirements of the solicitation and the contract.

One of the biggest oversights a bidder can make in the bidding process is failing to be responsible, compliant and responsive in a bid proposal. As stated by Michael Asner, one of the largest publishers of RFP information in North America in his article, "Common Errors Can Kill Your Proposal," "Evaluators do not have to score an entire proposal to declare it unresponsive. They often identify the weakest section and then spend their time making notes as to why they scored it so low.... Successful firms know that every section of the proposal must be solid. Some RFPs require a minimum score for key sections such as project plans, experience or technical solutions. This ensures that proposals with a serious weakness in only one section cannot win the competition." Thus, it is imperative that bidders be responsive to all of the requirements in the RFP.

Similarly, another oversight a bidder can make in the bidding process is failing to thoroughly read and comply with the requirements of the solicitation documents, whether it occurs in a Request for Quote, Invitation to Bid, Request for Proposals, Solicitation of Qualifications, or other solicitation document. Failure to read bid documents thoroughly and follow all instructions and conditions could result in rejection of a bid.

Likewise, it is important when bidding to be sure that the bid is received before the specified due time. Most transportation agencies have a Procurement of Commodities and Contractual Services Policy which usually states that it is the bidder's responsibility to assure that the bid/proposal/reply submit-

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Collins Institute at Florida State University, who contributed to the handbook in part from his experience as a Chief of Staff for Governor Askew.

"Governing is quite different from campaigning, and there's a tendency by new governors to try to solve all the state's problems, rather than focusing on the two or three most important challenges and resolving them."

Production of the handbook was sponsored by Florida TaxWatch, the Leroy Collins Institute, the Florida Association of Broadcasters and IBM Corporation.

The handbook's Steering Committee members are:

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The "Governor's Transition Decision Handbook" is available online at www.FloridaTaxWatch.org.

ted in response to a solicitation is delivered on or before the due date and time specified, and at the location specified in the solicitation. Submittals which, for any reason, are not delivered accordingly will not be considered.

In turn, a bidder should always follow up on a submitted bid to ensure he or she has fulfilled all the requirements of the bid. This is a simple way to ensure costly oversights are avoided. Often times a bidder can find a solution if the oversight or problem is discovered in time if it is not considered a material deviation from the bid.

Another common oversight a bidder can make is in not knowing the distinction between an informal and a formal bid. An informal bid is a written or oral quotation not requiring a public opening at a specified time or date. However, formal bids have critical procedures and requirements which must be followed and met for a procurement office to successfully award a contract. Formal procurements involve methods of solicitation such as an Invitation to Bid, Request for Proposal, or Invitation to Negotiate.

Other common errors bidders often make include: failing to provide the required technical or descriptive literature; failing to provide the required insurance certificates, surety or performance and payment bonds; failing to review updated information placed on an agency's website regarding the procurement contract; and failing to contact the Contract Manager in a timely fashion, or at all, with questions about solicitations.

In addition, Michael Asner, in his article, Common Errors Can Kill Your Proposal, identified several examples of what most evaluators would consider material deficiencies or oversights in the effectiveness of bidding documents. These include:

- Inclusion of resumes that contain unrelated information or that do not conform to the stated requirements. Resumes should be rewritten for each proposal's requirements. Evaluators who read the proposal should conclude that the people on the project team are experts in the area of the proposal.

- Failure to specifically describe directly-relevant work could make the evaluators question the overall competence. If a bidder is unable to show directly-related work experience, then they should identify other specific projects and explain why they are relevant.

- Noncompliance with the required schedule by submitting delivery dates which are later than the schedule in the RFP is often fatal.

- Missing a material requirement may cause a proposal to be dismissed as non-compliant or unresponsive. Creating a checklist or utilizing a checklist created for the RFP will ensure that the proposal is complete.

- Being too vague and failing to understand the issues stated in the RFP is a common oversight. Also, repeating the RFP's definition of the problem does not demonstrate understanding. Instead, describing the views, insights or experiences a bidder has had with this problem and then explaining how they have resolved such issues or helped other organizations with similar needs is much more effective.

- Failure to connect tasks and deliverables or showing clearly that the project will produce a measurable outcome is also a common oversight. Evaluators want to know that a bidder has the techniques, tools, staff and organization to ensure success. The proposal should provide sufficient quantitative information to convince evaluators that the firm can deliver a quality product, on time and within budget.

There are many reasons a bid may not be successful, but avoiding simple oversights will allow the bidder to at least have an opportunity for competitive consideration. ■

For additional information, please contact:

Thornton J. Williams
 Managing Partner
 Williams Wilson & Sexton, P.A.
 Telephone (850) 224-3999
 E-Mail: twilliams@twalaw.com