Crafting a Solicitation Document

Checklists for a comprehensive solicitation draft

Solicitation

As you move through each of the three sections ("administrative information," "programmatic information" and "developing evaluation criteria"), use the associated checklist to ensure you are taking a comprehensive approach to every stage of developing the solicitation document.

Administrative information

This step can make or break your procurement process. A lack of clarity, completeness or precision, or the presence of inconsistencies across different sections of the solicitation document, can result in uncertainties among the bidders, proposals that don't align with your requirements, and even higher cost proposals as bidders seek to avoid costly surprises down the road. The clearer and more complete you are in the solicitation, the fewer issues you are likely to experience as the process unfolds.

- [ ] Do you effectively set the context by providing sufficient and meaningful background information?
- [ ] Is the period of performance clearly stated? Are you offering option years for renewal based on satisfactory performance and availability of funds?
- [ ] Do you include a "calendar of events" to clearly show all the deadlines, whether for your jurisdictions or the bidders?
- [ ] Do you state the nature of the contract (see also the **drafting the contracts** section of the toolkit)? For example:

    - Firm fixed price (the contractor provides all services and products for an established price) *or* time and materials (the contractor charges on an hourly basis for personnel and invoices for cost related to any materials delivered. There may or may not be an upper limit explicitly established, but there should be sufficient pre-approval of tasks and estimate costs to keep the contract from getting out of hand).
    - Deliverables-based (the contractor is paid based on a set fee schedule for specified deliverables) *or* hourly services (the contractor/consultant is paid on an hourly basis for the specified services).

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- Exclusive (only one contract is awarded to one successful bidder) *or* non-exclusive (the jurisdiction reserves the right to award multiple contracts to achieve project goals).

☐ Are you able to include a sample contract for respondent legal review before proposal submission?

☐ Are you able to/interested in providing a budget cap or guideline to help respondents get a sense of how much you have to spend for the project?

☐ Are minimum qualifications for bidders clear?

- Minimum qualifications might relate to:
  - Length of time the company has been in business and/or supporting IIS.
  - Size of company in terms of staff, the customer base or other factor.
  - Years of experience and/or knowledge-skills-abilities of key contractor staff positions.

☐ Do you ask for examples of similar projects being supported by the bidder?

☐ Do you ask for specific key roles and/or personnel to be named in a proposal?

Do you state whether or not the contractor can change personnel from those listed in the proposal without your prior approval?

☐ Do you state whether or not sub-contractors are allowed?

☐ Are you asking for references? If so, have you determined if you want the respondent to simply provide contact information for references or require some type of reference evaluation form that may or may not have to come from the reference directly?

☐ Do you indicate what kind of staff assistance your program will provide to assist the selected bidder in carrying out the requirements of the solicitation/contract?

☐ Are the deadline and allowable method(s) for submission clearly stated, including to whom to send bid responses, numbers of copies (if paper copies), whether one hard copy is unbound (to facilitate copying for reviewers), the postal and/or email address, whether electronic bid submissions are permitted, whether any specific information is to be included in the letter of transmittal, and the date and time (and time zone) by which proposals must be received, among other information and required by your jurisdiction?

  ☐ Have you allowed sufficient time for high quality bids to be prepared and submitted?

  ☐ Do you state what is done with proposals received after the due date and time?

  ☐ Are you allowed/do you state whether you reserve the right to communicate with bidders to clarify aspects of the proposals?

☐ Are you offering opportunities for bidders to clarify questions they have, such as through a conference call or in-person meeting (sometimes referred to as a "pre-proposal conference") or submission of written questions?

- [ ] If so, is it scheduled early enough in the bidding process to be helpful to bidders in crafting their proposals?
- [ ] Have you established a clear process for receiving, documenting, drafting/reviewing/approving responses to, and promptly publishing or sending responses to written bidder questions?
- [ ] Are there different requirements for oral vs. written comments?
- [ ] Is the deadline for submission and a schedule for responding clearly stated?
- [ ] Will staff from procurement be present for the pre-proposal conference to ensure adherence to all appropriate policies and procedures?

- [ ] Do you include the evaluation criteria and the scoring percentages/weights assigned to each?
- [ ] Do you state when and how the winning bid will be announced?
- [ ] Will/must you allow a protest period and, if so, are the conditions, process and timeframes clearly stated?
- [ ] Is it clear under what circumstances, if any, can the solicitation be cancelled?

Additional considerations

- Anticipate bidders' questions and include that information in the solicitation document if possible.
- Generally speaking, all the information needed for respondents should be included in the solicitation document. Avoid using links to external documents if possible.
- Depending upon the complexity of your procurement, you may want or need to provide a section on definitions (i.e., a glossary) as used by your program or jurisdiction. This could be located near the beginning of the solicitation document or mentioned early but included as an appendix.
- If offering a pre-proposal conference or other mechanism for bidders to ask questions, sometimes responses to questions can raise additional questions or ambiguities in the minds of prospective bidders. This is a difficult situation, as you do not want to get into a cycle of questions and clarifications. It is recommended that bidders be allowed to ask additional clarifying questions *based on the responses to the official bidders' questions only* via email, with no guarantee that you will respond to these questions. However, if you choose to respond, it is perhaps best done in the form of an amendment to the solicitation document, depending upon jurisdictional policy, with known bidders promptly notified.
- It can also occur that minor procedural questions arise as bidders are working to finish their proposals (e.g., clarifications about page limits or standard forms). You can handle response to such questions in the same way; that is, questions can be asked via email and consider issuing an amendment as the way to respond to the questions.

Programmatic information

- [ ] See the **creating a performance work statement** section of the toolkit for extensive guidance on the information typically included in this section of a solicitation document.
- [ ] Do you include key information from your IIS business plan so bidders know where you are now, where you want to be within the time frame of the plan, and what's most important to you programmatically?
- [ ] Can/do you ask for live demonstrations of IIS and/or module software as part of the evaluation process?
    - Requiring live software demos or access to a training environment can be an excellent method for evaluating a system. The latter can provide the practical insight into usability and even configurability of the system. Make sure that your RFP process leaves sufficient time for scheduling and conducting live demonstrations if you choose to do so.
    - Taking a use case approach to a live product demonstration can be more illuminating than walking through a pre-created slide deck. Consider asking for live demonstrations, e.g., "Show us how a user would mark a patient as inactive," "demonstrate how a new vaccine shipment is entered for private inventory," or "show us how a provider generates a list of patients due for shots in the next month." This will provide a much better sense of how well the system supports functionality that is important to you and/or how efficient workflows would be for users. It can also prevent the bidders from focusing only on the most favorable aspects of their software.
    - Ask a lot of questions during the demos; schedule plenty of back-and-forth and make sure you and the vendor are on the same page in terms of your priority requirements.
    - Inviting VFC, AFIX and other appropriate immunization program staff to be part of a demo can be useful in terms of both the evaluation/selection and gaining support for the new IIS or module.
- [ ] Have you avoided inserting current process flows which could restrict bidders from proposing improved processes?

Additional considerations

- While many solicitation documents include the history of the IIS, focusing on your needs and current priorities is much more helpful for the bidders.
- Knowing when to be specific and when to allow the bidders to propose solutions. Generally speaking, state your requirements but not *how* the bidder is to meet it. There is a good chance the bidder is more attuned to evolving IIS technologies or newer ways to meet IIS requirements than the IIS program or central IT.
- Consider carefully before specifying contractor support in terms of full-time equivalents (FTE). It might be more in your interest to state only what services and skill sets you need, allowing the bidders to assemble the expertise in the most cost-effective way. That might mean a bidder proposing to use a portion of a particular person and

expertise (e.g., vaccine evaluation and forecasting, AFIX support) across supported projects that use the same IIS platform or module; in other words, you'd be acquiring a more knowledgeable and diverse team by enabling the bidder to assemble a team based on skills rather than FTEs.

- State technology standards should be included in a solicitation document but current process flows are bests left out in order to leave bidder flexibility in determining the best process. Insisting on a current process flow that doesn't match how other IIS software works may discourage bidders from applying or could add customization costs.
- Avoid the phrase "including, but not limited to" because it is unclear and the bidder is unsure whether to add functions to the software or to adjust the cost. It can also open the possibility of misunderstandings leading up to or in the delivery/implementation of the product.
- If central IT is involved in hosting or supporting your current IIS, including a RASCI chart (responsible-accountable-supports-consulted-informed) that lists the level of responsibility for key responsibility areas related to database management, change requests, security, etc., by program, central IT and vendor can help the bidder understand how they will need to fit into an organizational responsibility matrix and even to estimate how much time will be required for different levels of decisions.
- It may be that you do not want to signal that you are interested in migrating, either because you want to stay with your current solution, because your jurisdiction's procurement policies may prohibit any language that might reduce competitive bidding, or because you actually *would* like to migrate but don't want your current vendor to know. Each of those circumstances may require somewhat different approaches and perhaps subtle differences in language. Speaking candidly with your procurement officer is likely your best route to deciding how to proceed.

Final checks

- [ ] Have you verified that there are no conflicts between jurisdiction level contracting language and IIS-specific language in the solicitation document?
- [ ] Have you verified that any links to reference documents work?
- [ ] Have you verified that the solicitation document provides sufficient information for the bidders to satisfy the evaluation/scoring criteria?
- [ ] Are you including a proposal document checklist to aid bidders in ensuring they are submitting a complete package? If so, has the checklist been validated by the procurement office?

Developing evaluation criteria

Reviewing the bids and making a selection based on the evaluation criteria you published can be daunting and even confusing. Chances are that the clearer and more consistent, concrete and realistic you were in the solicitation document and PWS, the easier your review process will be. It can be useful to invite reviewers from outside your program to help ensure an objective review and scoring of bids.

- [ ] Have you developed clear instructions for reviewers?
- [ ] Have you developed score sheets that match the match the criteria or other information from review and scoring in the solicitation document?
- [ ] Have you established a tone of objectivity and non-bias for the review process and the reviewers?
- [ ] Have you warned reviewers to be wary of "the grass is greener" thinking? That is not an appropriate evaluation criterion and will not necessarily prove to be true.

Considerations

- If migrating to a new IIS, a major consideration is that two of the most widely used products are commercial, proprietary products and one is provided at no cost from the state of Wisconsin. This might make the latter option look quite favorable from a purely cost perspective. To avoid jumping to a conclusion that "free" software is cheaper than commercial software, you need to do a total cost of ownership calculation looking at all aspects of acquiring, installing, configuring, enhancing and maintaining over, for instance, a five-year period.