

STATE OF OHIO



DEPARTMENT OF REHABILITATION
AND CORRECTION

SUBJECT: COMMUNICATION WITH BIDDERS	PAGE <u> 1 </u> OF <u> 3 </u>
	NUMBER: 22-BUS-16
RULE/CODE REFERENCE: 5120.01, 09	SUPERCEDES:
RELATED ACA STANDARDS:	EFFECTIVE DATE: April 16, 2004
RELATED AUDIT STANDARDS:	APPROVED: <i>Reginald Q. Wilkinson</i>

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

II. PURPOSE

The purpose of this policy is to provide direction to employees involved with the procurement of supplies and services when interacting with bidders.

III. APPLICABILITY

This policy applies to all Executive Staff and Wardens employed by the Department of Rehabilitation and Correction when initiating all contracts, including, but not limited to, personal, professional and consultant services.

IV. DEFINITIONS

Bidder- One who submits a response to an invitation to bid or an offeror who submits a response to a request for proposal.

Invitation To Bid- A formal request to prospective vendors soliciting price quotations or bids. It contains, or incorporates by reference, the specifications or scope of work and all contractual terms and conditions.

Request For Proposal- A solicitation method used when it is expected that negotiations with one or more bidders may be required with respect to any aspect of the requirements, or other factors will be considered in the selection of the contractor in addition to price.

Bidders Conference- A meeting of prospective bidders, arranged by a purchasing office, to help potential bidders understand the requirements of the Invitation to Bid or Request for Proposal.

Pre-Bid Conference- A meeting held with prospective bidders prior to solicitation of bids, to clarify any ambiguities, answer bidder questions, and ensure all bidders have a common basis of understanding regarding the supplies or services requested.

V. POLICY

It is the policy of the Department of Rehabilitation and Correction (DRC) to provide sound procurement practice to include effective communication to insure that the DRC's needs are met, that all bidders are treated equally and fairly, and that specifications, scope of work, and bidding documents accurately portray the needs of the DRC. Communications may take place among all parties involved with the procurement to include DRC and the vendor community.

VI. PROCEDURES

A. Prior to Issuance of the Invitation to Bid (ITB) or Request for Proposal (RFP)

1. Informal conversations may occur between the DRC and the vendor community during the development of bid specifications or scope of work. Such informal conversations may transpire over the telephone, through electronic e-mail, person-to-person, etc. These discussions are necessary to conduct research on products or services to be purchased, to ascertain that resulting specifications or scope of work are not restrictive, to discuss changes to an existing contract in preparation for the new ITB or RFP, etc. Information gleaned from these discussions is used to develop final bid specifications or scope of work to insure that the DRC needs are met.
2. DRC may conduct a formal pre-bid conference or Request for Information as part of initial efforts to develop specifications or scope of work for the required products or services. Pre-bid conferences are open to all vendors who may have interest in supplying the required products or services to DRC. Notice of such pre-bid conferences will be given to all vendors who have registered with the Department of Administrative Services (DAS) for the respective products or services or to any vendor known to provide the required products or services at the determination of DRC. A record of such proceedings will be maintained as part of the procurement file.
3. DRC will honor reasonable requests from the vendor community to visit the office and personally discuss the products or services to be offered to the DRC. Personal visits are by appointment only. Acceptance of unannounced visits will be at the discretion of the respective DRC employee.

B. After Issuance of the ITB or RFP

1. DRC may determine that it is necessary to meet with potential bidders to discuss the requirements or require a mandatory site visit at the location where services will be performed. A formal bidders conference or site visit will be scheduled for such discussions. Notice of the conference or site visit will be included in the bid documents and made available to all vendors registered with DAS or known to provide the required products or services at the determination of DRC. A record of the conference or site visit and all proceedings will be maintained as part of the procurement file.

2. If a bidder discovers an inconsistency, error or omission in the ITB or RFP, the bidder should request clarification from DRC using the process stated in the ITB or RFP. All inquiries or requests for clarification must be made in writing within the timeframe stated in the ITB or RFP. Bidders who attempt to seek clarification or ask questions verbally will be directed to reduce their questions to writing in accordance with the guidelines stated in the ITB or RFP. No other form of communication is acceptable, and use of any other form of communication or any attempt to communicate with the DRC staff to discuss the bid may result in the bidder being deemed not responsive.

3. If a request for clarification results in a need to alter any part of the ITB or RFP, then DRC will issue an addendum to the ITB or RFP to advise all interested bidders of the change. The addendum will be posted on the DRC web site, if original ITB or RFP was posted on the web site, and will be mailed to all vendors on the original ITB or RFP mailing list.

C. After Opening of the Bids or Proposals – During Evaluation of Responses

1. All bids or proposals will be date and time stamped as received but will not be opened until after the bid/proposal deadline stated in the ITB or RFP. After the opening of the responses, the formal evaluation process will begin. In order to protect the integrity of the evaluation and award process, responses will not be available for public viewing until after the contract has been awarded. If Controlling Board approval is required, then the contract will not be considered officially awarded until approval is received from the Controlling Board and all signatures are affixed to the contract. Bidders may not contact DRC staff to discuss their response or to discuss any of the other response to the ITB or RFP. Bidders who attempt to make such contacts may be deemed not responsive.

2. During the evaluation process, unless clarifying information is requested by DRC as part of the evaluation process, any attempt on the part of the bidder, the bidder's agent(s), or any other party representing the bidder to submit correspondence that is determined by DRC to be an attempt to compromise the impartiality of the evaluation, to influence the outcome, or to communicate with any members of the DRC regarding the evaluation process may be grounds for immediate disqualification of the bidder.

D. After the Award

1. All bidders will be notified of the award of the contract. If a contract requires Controlling Board approval, then a letter will be mailed to the preferred bidder stating that they are the preferred bidder pending approval of the Controlling Board. All other bidders will be notified in writing that they are not the preferred bidder.

2. Once the evaluation process has been completed and a contract awarded, the procurement file will be available for public viewing. A bidder may seek clarification regarding the evaluation and award process by sending a written request to the Project Representative listed in the ITB or RFP. A bidder who requests a verbal clarification will be directed to place the request in writing. No other form of communication is acceptable.