User Group Participation

Invitation to Bid

Government Support Services
website: gss.omb.delaware.gov

updated April 2014
Who Does What?

- ITB’s issued for central contracts
  - **Contract Officer:**
    - Develops ITB with input from User Group (subject matter experts)
    - Review bids for responsiveness
    - Determine if any bidders are on federal excluded parties listing
    - Analytical identification of lowest cost from responsible bidder
  - **User Group:**
    - Representing agencies that are the actual users of the contract, user group members provide information critical to a meaningful scope of work
      - Product requirements
      - Delivery requirements
      - Packaging requirements
        - Just to name a few

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Confidentiality

• The need for confidentiality is paramount!

• Initial drafts of the ITB and communications between the Contract Officer and the user group throughout the procurement process are not to be disclosed outside of the user group

• A confidentiality breach may, at a minimum, result in the need to cancel the procurement.
  • A breach could also expose the State to litigation
Determining Responsibility and Responsiveness

• **Responsiveness**
  - Does the proposal contain all of the basic requirements identified in the ITB
    - Correct number of copies of proposal in required format
    - Required forms (ITB attachments/exhibits)
    - Submission of or compliance with any other criteria established in the ITB

• **Responsibility**
  - DE Code identifies the following as considerations for responsibility of the offeror:
    - Offeror’s resources (financial, physical, personnel, or other)
    - Offeror’s record of performance and integrity (references)
    - Whether the offeror is qualified legally to contract with the State
    - Whether the offeror supplied all necessary information (responsiveness)
    - Any other criteria established in the ITB

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Remember It’s Public Information

- When reference is made to the Freedom of Information Act (FOIA) process most of us think in terms of public access to: Bid submissions, scoring forms, and contracts.

- E-mails related to a procurement and any notes that might be developed during the procurement process are also subject to disclosure through the FOIA and/or legal process.
Final Steps

• **Contract Officer pulls the results together:**
  - Assembles a bid tabulation
  - Seeks User Group approval of products bid as “equivalent to spec”
  - Provides User Group with award recommendation

• **User Group**
  - Reviews / approves award recommendation

• **Contract Officer brings the process to closure:**
  - Negotiates terms and conditions where applicable
  - Issues award notifications
  - Creates a permanent record