

Selling to the State

Outline

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- Business Intelligence Tips
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- Tips for responding to a proposal
- I submitted a proposal
- I was awarded a proposal, what next?
- I was not awarded the contract
 - *Debriefing*
 - *I missed the opportunity to bid, but I can provide the provide product or service*
- You were awarded a proposal, now what?
- You didn't win a proposal now what?
 - *Exploring subcontracting possibilities*
- Industry specific tips

How the State Buys Decision Hierarchy

1. Some Goods/Services are required to be provided in code by a State agency.
 - a. IE: Fleet Services, Printing and Publishing, Messenger Services, etc.
 - i. When required and available the State procures from these first.
2. Some procurements are required to follow special provisions or follow certain processes.
 - a. IE: Financial services may only be procured through Department of Finance and / or Treasurer's Office.
 - b. IT specifications must conform to those established by Delaware Department of Technology and Information.
 - c. Use of Federal Contracts where permissible must follow established processes from Government Support Services.
 - i. These requirements are followed by Agencies needing these goods/ services and may contain specific instructions on procurement methods.
3. Some goods/ services are established as a Set Aside?
 - a. Set Asides Contracts are developed pursuant to 16 Del. C., Chapter 96.
 - b. A list of Set Asides is available at the State's procurement portal:
<https://mymarketplace.delaware.gov> (Contracts / Contracts – Set Aside)
 - a. Set Asides apply to all State Agencies and School Districts.
4. Some goods or Services may be sold by a State Agency to another State Agency.
 - a. IE: Delaware Correctional Industries
 - I. Is it cost effective?
 - II. Is it also available on contract?
 - i. Agencies determine the most cost effective procurement method.
5. Small Purchase Procedures/ Above Threshold Contracts.

Under Threshold Procurement

Under Threshold Purchases

Thresholds are available at <https://mymarketplace.delaware.gov>
Vendor Resources / Bid Thresholds

- The Office of Supplier Diversity (OSD) database is available as a resource for vendors and Agency customers
- Contract list - Vendors under contract may offer similar commodities and can provide for an Agencies needs or offer a quote if appropriate. Agencies will often call the awarded vendors in a market niche – consider making your business known to them if a related market.
- Knowledge of Vendor community by Agency staff
 - *Did you market your company so you are known?*
 - *Procurement units contact list is available for you to connect and describe your services*
- Past experience with known vendors can be considered and is often a starting point for outreach.

Over Threshold Procurement

Over Threshold Purchases

- All formal solicitations for Executive Agencies must go through the bid solicitation process outlined on the GSS website

<https://mymarketplace.delaware.gov/documents/contract-new-fc.pdf>

- These are reviewed to:
 - *Determine aggregation opportunities.*
 - *Determine compliance with laws, policies, rules and regulations.*
 - *Identify best procurement practices and methods.*
 - *Identify if need is or should be met through Central Mandatory Use contracts*

Procurement Thresholds

	Under Threshold		Formal Bid Process
<u>Material & Non Professional Services</u>	Less Than \$10,000 (annual spend)	\$10,000-\$49,999 (annual spend)	\$50,000 & Over (annual spend)
	Open Market Purchase	3 Written Quotes	
<u>Public Works</u>	Less Than \$50,000 (per contract)	\$50,000-\$149,999 (per contract)	\$150,000 & Over (per contract)
	Open Market Purchase	Three Letter Bids	
<u>Professional Services</u>	Less than \$100,000 (per contract)		\$100,000 & over (per contract)
	Open Market Purchase		

Vendor Outreach

- At all procurement levels (open market, letter bids, formal bid process) Delaware reaches out across the vendor spectrum including: Small Businesses; Minority, Women, Veteran, Service-Disabled Veteran and Individual with a Disability owned businesses utilizing these resources
 - *Office of Supplier Diversity:*
<https://business.delaware.gov/directory-of-certified-businesses/>
 - *Veteran/Service Disabled Veteran:* <https://www.vetbiz.va.gov>
 - *SBA vendor database:* https://web.sba.gov/pro-net/search/dsp_dsbs.cfm
 - *MyMarketplace vendor listing:* <https://mmp.delaware.gov/Vendor>
 - *DFM Contractor Registry:*
<https://dfm.delaware.gov/prequal/index.shtml>

Central Contracts

Central Contracts are available to:

- Any organization, entity or person designated as the recipient of grant-in-aid shall be entitled to purchase material and/or nonprofessional services under any central contract negotiated by the Section during the fiscal year for which aid is appropriated, provided that:
 - *The organization, entity or person received an appropriation of at least \$100,000; and*
 - *The organization, entity or person has a staff of at least 5 people.*

- Any bona fide nonprofit organization, entity or person who is under contract with the State to provide goods and/or services shall be entitled to purchase materials and/or nonprofessional services under any central contract negotiated by the Section during the fiscal year for which said nonprofit contract is in effect, provided that:
 - *The organization, entity or person is a bona fide § 501(c)(3) [26 U.S.C. § 501(c)(3)] organization under the United States Internal Revenue Code; or*
 - *The organization, entity or person is a member in good standing of the Delaware Association of Nonprofit Agencies or a Delaware registered nonprofit corporation.*

Central Contracts

Government Support Services is required to:

- Act as the exclusive contracting agent for all purchases of materiel and nonprofessional services not subject to the small purchasing procedures made by contracting agencies and as outlined in this subchapter and made by 2 or more covered agencies except for lodging and interstate and international travel
 - *Responsibilities for central contracts include:*
 - Assembling the bid specification package
 - Conducting the advertising, bidding and awarding of each contract
 - Resolving disagreements between vendors and agencies
 - Assuring that vendors and products meet the requirements of awarded contracts

What does Mandatory Use mean?

- Mandatory State Use Contract:
 - *Every state department and agency within the Executive Branch and Judicial Branch of the state government shall procure all material, equipment and nonprofessional services through the statewide contracts administered by the Government Support Services.*
 - *Delaware State University, Delaware Technical and Community College, the operations funded by Public School Districts, Delaware Transit Corporation, Department of Elections, the Legislative Branch and the Board of Pension Trustees and their consultants are specifically exempted from the requirements of mandatory state use contracts*
 - While exempted from obligations to participate, these contracts are available for these entities use.
 - *Public School Districts are required to use certain mandatory use contracts*

How the State Advertises Opportunities

<https://mmp.delaware.gov/Bids>

Potential vendors are encouraged to register using The United Nations Standard Products and Services Code[®] (UNSPSC[®])

- Registering will allow receipt of e-mail notification when a solicitation tied to a specific UNSPSC code is advertised.

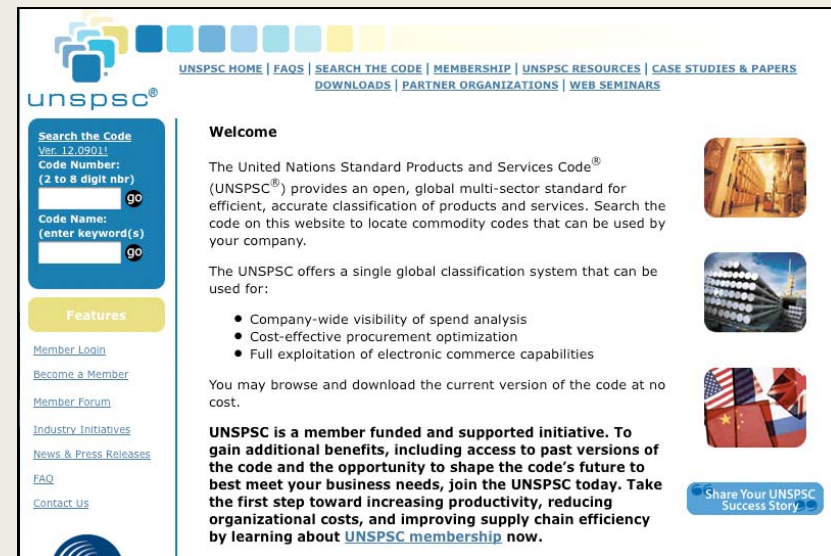
What is an [UNSPSC](#)?

- A more detailed purchasing code system than North American Industry Classification System (<https://www.census.gov/naics/>) code which provides an open, global multi-sector standard for efficient, accurate classification of products and services
- Register at the 4 digit level. Register for all codes that roll up into the 4 digit level in your area of interest.

How the State Advertises Opportunities

- Register for all potential codes
- Marketing
 - *80140000 Marketing & Distribution*
 - *82140000 Graphic Design*
 - *8212000 Reproduction Services*
 - *8210000 Advertising*
 - *82110000 Writing & Translations*
 - *80160000 Business Administration*
- * Your products or services may span more than one UNSPSC code

United Nations Standard Product & Service Code (UNSPSC)



The screenshot shows the UNSPSC website homepage. At the top, there is a navigation bar with links: UNSPSC HOME | FAQs | SEARCH THE CODE | MEMBERSHIP | UNSPSC RESOURCES | CASE STUDIES & PAPERS | DOWNLOADS | PARTNER ORGANIZATIONS | WEB SEMINARS. The main content area is divided into several sections. On the left, there is a search box titled 'Search the Code Ver. 12.0901!' with fields for 'Code Number: (2 to 8 digit nbr)' and 'Code Name: (enter keyword(s))', each with a 'GO' button. Below the search box is a 'Features' section with links for 'Member Login', 'Become a Member', 'Member Forum', 'Industry Initiatives', 'News & Press Releases', 'FAQ', and 'Contact Us'. The central 'Welcome' section contains a paragraph about the code, a list of features (Company-wide visibility of spend analysis, Cost-effective procurement optimization, Full exploitation of electronic commerce capabilities), and a call to action to join the UNSPSC. On the right, there are three small images: a warehouse, a factory, and a globe with flags. At the bottom right, there is a 'Share Your UNSPSC Success Story' button.

Business Intelligence Tips

- <https://mymarketplace.delaware.gov>
 - *This procurement portal provides a publicly accessible repository of all formal contracts*
 - Including, but not limited to contracts managed by all State Agencies, School Districts , Delaware State University and Delaware Technical & Community College.
 - Available information includes reporting of vendor usage including:
 - *Detail of the products or services purchased*
 - *Funds expended on a monthly basis*
 - *Agencies utilizing the contract*
- [Awarded Contracts](#)
 - *Over 250 purchasing contacts for state, school districts, cities, municipalities, and towns*
- Follow the money
 - [Checkbook.delaware.gov](http://checkbook.delaware.gov) & <https://www.usaspending.gov>
 - *Searchable/sortable vendor spend data for all GSS contracts is available at Delaware Open Data.*
 - <https://data.delaware.gov/Government-and-Finance/Central-Contract-Line-Item-Spend/75y3-eci7>

Business Intelligence Tips

If contract was awarded before, do not wait until the solicitation to request pertinent information

Review usage reports & total aggregate spend

- *Leverage for agencies that do not have to purchase off mandatory state use*

Have you missed the opportunity and provide a competitive product or service?

- [Opportunity buy](#)

Did you know approximately \$700 million annually is purchased on non contracted spend

- *Market, market, market*
- *A ready list of agency, school district and municipality purchasing staff is available through <https://mymarketplace.delaware.gov>*
 - Vendor Resources / Procurement Unit Contact List

I See an Opportunity! What Next?

Is there a prebid meeting?

- *If the prebid meeting is mandatory, you or a representative must attend or your company will not be able to bid*
- *All questions at the pre-bid meeting must be answered to the prospective bidders' satisfaction.*
- *All unanswered questions that need either further clarification or additional research shall be answered in writing and copied to each prospective bidder that attended the pre-bid meeting*

Is there a deadline for questions?

Is there an incumbent?

If applicable, can you handle the demand?

- *Review aggregate spend and usage reports*

Have you researched to identify if your pricing is competitive?

Have you explored potential partnering opportunities?

- *OSD vendor database*
- *Contracted Vendors List on Central Contracts*
 - Available through <https://mymarketplace.delaware.gov>

Tips for Responding to a Proposal

- The proposal response should contain at a minimum the following information:
 - *Brief history of the organization, including accreditation status, if applicable*
 - *Applicant's experience, if any, providing similar services*
 - At least three references are required
 - *Financial information (balance sheets and income statements) for the past three years*
 - *Description of the methodology/approach used for this project including a work plan and timeline*
 - *Any pre-printed forms or information specifically identified in the bid document as being required*

Tips for Responding to a Proposal

- Did you effectively explain the process?
 - *Are there any gaps in your strategy?*
 - *Is every requirement in the RFP fully addressed?*
 - *Do you have a clearly defined process on how to achieve scope of work?*
 - *Do not assume the reviewer reads minds*

- Does the proposal make sense?
 - *Is it easy to navigate?*
 - *Is the proposal consistent in terminology, measurements , format?*
 - *Is there a table of contents or headings?*
 - *Is your proposal clear and concise?*

Tips for Responding to a Proposal

Proposal Evaluation Criteria Typically Seeks:

- The understanding of the problem; details of the offering; how you plan to meet the requirements of this RFP
- The background, experience, resources, reputation, financial resources and years in business and references
- The price proposal/pricing structure or Total Proposed Cost
- The training plan and training facilities/staff relative to the requirements of this RFP
- The management reports and reporting requirements
- The provider's facilities and site visit evaluation

Tips for Responding to a Proposal

Proposal Evaluation Criteria Typically Seeks:

- The qualifications and experience of the persons to be assigned to the project
- The ability to provide the service or product in the time allotted for the project, as demonstrated by their proposed commitment of management, personnel and other resources. Project Management experience
- The approach to performing the tasks set forth in the Scope of Work as expressed in the Management Summary and Work Plan. Thoroughness and completeness of the proposal relative to the requirements
- The demonstrated experience in providing equipment/services of comparable specifications/scope and value

Tips for Responding to a Proposal

Software Related Proposal Evaluation Criteria Typically Seeks:

- Demonstrated experience in the development and implementation of integrated packaged software
- Responsiveness (degree of fit) with the requirements, and apparent overall quality of proposed software, hardware, communications and services
- Quality of technical environment
- Degree of interoperability with offeror's own or other supplier's software packages
- Ability to demonstrate adherence to and completion of timeline requirements for installation and full implementation
- Ease of customer use, accuracy, logic checking and flexibility of computer's operating system(s) with regard to client server mode of operation, local data access capabilities, local change/modification capabilities, ease of transition, local report writing capabilities, etc...

Tips for Responding to a Proposal

Before you submit the proposal, ask yourself

- Is your proposal clear and concise?
- Did you notify your references?
- Did you effectively explain the process?
- Did you Respond to each and every requirement outlined in the RFP?
- Did you sign and notarize the non collusion statement?
- Did you sign the proposal?
- Did you check your CD to ensure all required components are loaded and readable?
- Did you include the cover letter that briefly summarizes your company's ability to provide the services specified in the RFP?
- How can I deliver it by the deadline so it may be considered?
- Did I consider value added offerings outside of the proposal requirements?
 - *Supplier Diversity Commitments*
 - *Expedited deliverables*

I Submitted a Proposal

- Will I be notified if I do not win?
 - *Yes. Every entity that submits a proposal will receive written notification of the outcome of award.*

- I am a proposed subcontractor on the entire proposal
 - *Will I be afforded the opportunity to attend any negotiation meetings with the respective agency?*
 - No. Your relationship is with the awarded vendor. The prime vendor may be required to submit agreements or receive approval for sub-contractors prior to acceptance

I Submitted a Proposal

Best and Final Offer

- Vendors may be afforded an opportunity for discussion and revision of proposals
 - *Revisions may be permitted after submission of proposals and prior to award for the purpose of obtaining best and final offers*
 - *The contents of any proposal shall not be disclosed so as to be available to competing offerors during the negotiation process*

I Won the Contract! What's Next?

■ Compliance

- *Delaware business license*
- *Delaware W-9 Tax Form*
- *Mandatory insurance requirements*
- *Performance Bond (if applicable)*
- *Payment processing*
 - The contractor or vendor must accept full payment by procurement (credit) card and/or conventional check and/or other electronic means at the State's option, without imposing any additional fees, costs or conditions.
- *Submit required reports on contract you were awarded*

I Won the Contract! What's Next?

- Is the contract a multi source contract?
 - *You must market your company and communicate your value statement*
 - Superior customer service
 - Lower price
 - Ability to respond
- Target customers that do not have to purchase from mandatory state contract but may need your products/services
 - *School districts, higher education institution, municipalities etc*
- How to market
 - *Review usage reports and utilize this data to correlate strategic marketing*
 - Are there purchasing spikes in at the beginning of the fiscal year?
 - *Time your marketing to take advantage of these*

I Didn't Win the Award

- You have the opportunity to request a debriefing
 - *Vendors must wait until after the contract is signed to schedule a debriefing*
 - *A debriefing is an opportunity to learn how you can improve*

- Review the contract award information on <https://mymarketplace.delaware.gov>
 - *Are there future partnering opportunities?*
 - *Engage the awarded vendor(s) to seek partnerships*

- If you believe that there is an error in the required process you may seek a review
 - Protests will not automatically stop awards from moving forward

I Didn't Win the Award

Debriefing:

At a minimum, the debriefing information shall include --

- *The Government's evaluation of the significant weaknesses or deficiencies in the offeror's proposal, if applicable;*
- *The overall evaluated cost or price (including unit prices), and technical rating, if applicable, of the successful offeror and the debriefed offeror, and past performance information on the debriefed offeror;*
- *The overall ranking of all offerors, when any ranking was developed by the agency during the source selection;*
- *A summary of the rationale for award;*

I Didn't Win the Award

Debriefing

- This shall not include point-by-point comparisons of the debriefed offeror's proposal with those of other offerors
 - *The debriefing shall not reveal any information that is exempt from release under the Freedom of Information Act including –*
 - Trade secrets;
 - Privileged or confidential manufacturing processes and techniques;
 - Commercial and financial information that is privileged or confidential, including cost breakdowns, profit, indirect cost rates, and similar information; and
 - The names of individuals providing reference information about an offeror's past performance.
- This is not an opportunity to change evaluator scores or provide additional detail that was found to be missing

I Didn't Win the Award But...

- Consider partnering or subcontracting opportunities
 - *The contract details page for each contract includes information on the awarded vendor(s)*
 - *Contact information for ALL vendors awarded a contract is found on <https://mymarketplace.delaware.gov> under the Results Delaware tab - More Resources - Awarded Vendor Contact Info*

- Do you believe you have a finite window of time in which to offer an equivalent product at a lower price than listed on an awarded contract?
 - *Perhaps you – or your supplier – need to reduce inventory?*
 - Opportunity buy may present an option
 - *This is not intended as a way to circumvent the public bidding process*

I Didn't Win the Award

- What is opportunity buy?
 - *It is a special offer from a supplier that is usually associated with a limited time to respond.*
 - *A waiver from the use of a state contract may be granted by the Director of Government Support Services to take advantage of these offers, when deemed to be in the best interests of the [State \(29 Del.C., §6911 \(e\)\)](#)*
 - *If approved, it is intended for a one-time purchase*

Industry Specific Tips

- Professional Services (consultants)

- Material Commodities
 - *Register in bids.delaware.gov for UNSCPC Codes*
 - Window supplier – Construction
 - *You may want to register for Engineering and/or architecture services so when a bid is released for new or upgrading of buildings you can contact the bidding vendors to let them know what you can offer them*
 - *Non Professional Services*

- Construction
 - *Interested in opportunities less than \$50,000*
 - Facilities management contractor registration application (<https://www.dfm.delaware.gov>)
 - *Opportunities greater than \$50,000*
 - Facilities prequalification application (<https://www.dfm.delaware.gov/prequal/index.shtml>)

- Architects & Engineers

One Stop Information Repository

- <https://mymarketplace.delaware.gov>
 - *Bid Documents*
 - *Contracts*
 - *Vendor Usage Reports*
 - *Supplier Diversity*
 - *Procurement Contacts*
 - *Business Licensing and W-9 Filing*
 - *Strategies for Success*
 - *Additional Resources including Awarded Vendor Contact Info*