

PROCUREMENT INFORMATION MEMORANDUM

Date Issued: November 1, 2017

Number: 17-003

Effective Dates: Date Issued Until Modified or Retired

Subject: Receipt of Late Electronic Bids, Proxy Bid Entry

I. REFERENCE:

Wis. Stats. 16.75; PRO-C-5

II. PURPOSE:

The State of Wisconsin, Department of Administration (on behalf of State of Wisconsin agencies) has adopted new technology to streamline the State bidding process. This electronic bidding system will be part of the State Transforming Agency Resources (STAR)'s Wisconsin eSupplier Portal and is referred to as the Strategic Sourcing module (collectively referred to as the Strategic Sourcing System).

As of September 12, 2017, state agencies (not UW campuses) will post the following events in the Strategic Sourcing System:

- Official Sealed Bids (i.e. Request for Bids (RFB))
- Competitive Negotiation (i.e. Request for Proposals (RFP))
- Simplified Bids (*optional*)
- Request for Information (RFI) (*optional*)

Starting the same date, all bidders must maintain their official bidder record (basic information, NIGP code registration, etc.) in the Wisconsin eSupplier Portal.

Electronic bid responses are strongly preferred by the State of Wisconsin using this new system. However, bidders will still have the option to submit bids outside the system if the specific bid or RFP allows for that.

The purpose of this policy is to prescribe 1) the procedures for receipt of late bids submitted electronically due to a documented System Disruption and 2) proxy bid entry for bids received outside of the Strategic Sourcing System.

III. SCOPE

This policy applies to state agencies utilizing the Strategic Sourcing System; it does not apply to University of Wisconsin (UW) campuses or municipalities who may continue to use the State VendorNet System to post bidding opportunities. This policy also does not apply to bids solicited outside of the Strategic Sourcing System.



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IV. RECIEPT OF LATE BIDS

State Procurement Manual policy [PRO-C-5](#) stipulates that if a bid arrives after the due date and time, the purchasing office cannot accept it, as submission times will be strictly adhered to (to the minute) to maintain fairness to all bidders. This policy has not changed.

However, the State acknowledges that the implementation of an electronic bidding system carries a limited risk of system unavailability due to routine maintenance or otherwise. This policy defines the limited scenarios under which the State would waive strict adherence to bid due dates/times due to System Disruptions outside the control of the bidder.

A System Disruption as it applies to this policy and the procedures pertaining to it is defined as follows:

System Disruption: An unplanned event causing the Strategic Sourcing System to be unavailable for bidders to submit electronic bid responses by the prescribed due date and time of a solicitation. The disruption must be acknowledged by STAR technical support staff as a blocker issue. System Disruption will also include routine maintenance that is performed **during** published Business Hours which causes the system to be completely unavailable.

System Disruptions will be rare, and this policy will not cover bids that are not received by the due date and time for any other cause. Examples of other causes that are not covered by this policy include, but are not limited to:

- Bidder computer/device issues
- Bidder Internet connections
- eSupplier Portal login or password issues
- Routine maintenance of the Strategic Sourcing System **outside** published Business Hours
- Misunderstanding or confusion on the part of a Bidder in submitting a response
- Any other disruption that is not completely within the control of the State

V. PROCEDURES AND NOTIFICATION

State agencies manage bid due dates and times to the minute. However, there may be instances where the time required to post a public notification of a System Disruption on the Wisconsin eSupplier Portal will exceed the duration of the System Disruption itself. All extensions of due dates/times for electronic bids will be applied equally to bids received in hard copy outside the Strategic Sourcing System. Specifically, for bids subject to a public opening, no public opening will occur until the extension time has ended.

a) System Disruptions **Less Than** Thirty (30) Minutes, Occurring **Before** the Due Date

A notification will be provided to all agency Strategic Sourcing (SS) Managers to advise them of the duration of the disruption. STAR technical support staff will send this notice immediately upon a JIRA ticket being opened to notify everyone with a role of SS Manager and SS Approver that a System Disruption occurred and the duration of such.



Following the notification, agency SS Managers will then manage their bid due date/time (and subsequent public bid opening, where applicable) to account for the additional time the system was not available and will retain a copy of the notice for their procurement file.

b) System Disruptions **More Than** Thirty (30) Minutes, Occurring **Before** the Due Date

In addition to the notification responsibilities in section V (a) above, STAR technical support staff will post a notification on the Wisconsin eSupplier Portal Bidder homepage to alert bidders to the issue.

If an event due date/time falls during the period of an unresolved System Disruption, the State will reopen the affected event(s) and extend the due date/time to account for the time of the System Disruption. To re-open an affected event, SS Managers will work with STAR technical support staff (where necessary) to adjust the due date field of their event and will send a notification to their bidders list for the event, notifying them of the change.

For example, if a bid is due on October 2 at 2pm and a System Disruption is detected on October 1 at 1:50pm and is not resolved until October 2 at 1:50pm, the State agency will reopen the event to extend the due date and time by 1 calendar day plus 10 minutes (now due on October 3 at 2pm).

SS Managers for affected events have the same recordkeeping responsibility as V (a) above.

c) System Disruptions of Any Amount of Time Occurring **On** the Due Date

Bidders are highly encouraged not to postpone bid delivery to the last day that bids are due. However, if a System Disruption affects system availability for any amount of time on the due date of a bid, all affected bids must be extended to the same time on the following business day, or for the period of the System Disruption, whichever is longer.

STAR technical support staff have the same notification responsibilities as those described in V (b) above, and SS Managers with affected events have the same recordkeeping and bid opening responsibilities as those described in V (a) and (b) above.

VI. NOTIFICATION

The State will post an announcement about System Disruptions as provided in V (b) and V (c) on the Wisconsin eSupplier Portal Bidder homepage. Bidders that cannot submit bids due to a System Disruption are responsible for monitoring the extended due dates and times of bids they are interested in (see above) and for submitting timely bids after System Disruptions are resolved.

STAR technical support staff will post the schedule for routine maintenance on the Wisconsin eSupplier Portal homepage as well. However, routine maintenance performed outside of posted Business Hours will **not** be treated as a System Disruption.

State agencies are advised to take the maintenance schedule into account when planning bid due dates.



VII. PROXY BID ENTRY

Hard copy (paper) bids will still be allowed in response to the Portal's sourcing events. However, the State has no liability for errors made in inputting any information submitted via a paper bid (i.e. state employees entering bid information as a proxy for the Bidder).

