



State Procurement Manual

Department of Administration, State Bureau of Procurement

Number
PRO-304

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BIDDING POLICY AND PROCEDURE, OFFICIAL SEALED BID	1 of 7	

SCOPE: The purpose of this policy is to establish authority for official sealed bidding (commonly referred to as request for bids (RFB)), circumstances when official sealed bidding is used, and the procedures for solicitation, submission, and selection.

POLICY: The State Bureau of Procurement (Bureau) may solicit bids or may delegate responsibility to the purchasing agency. Agencies with such delegation have the authority to solicit official sealed bids without requesting additional approval from the Bureau to do so, unless otherwise required. See PRO-102, Delegation and PRO-201, Procurement Plans.

Competitive bidding is the preferred method for procuring materials, supplies, equipment and contractual services as outlined in PRO-301, Competitive Procurement Policy.

Official sealed bids must be constructed to permit the lowest responsible bid to be the principal basis of award per PRO-305, Basis for Bid Awards.

All RFBs will provide for consideration of bids from supplier-diverse businesses, and reporting requirements of contractors doing business with the same, in accordance with the requirements of PRO-606, Supplier Diversity Policy and Reporting.

Additional requirements unique to contractual services procurements will be followed as identified in PRO-204, Contractual Services Procurement.

- PROCEDURE:**
- I. Required Elements of an RFB
 - A. Provide potential bidders with a lead time for response which complies with, at least, the minimum number of days prescribed by PRO-601, Legal/Public Notice. Agencies will provide for lead times that meet their business needs and align with the complexity of the RFB.



Legal Authority

Wis. Stats. 16.72(2)(a)(b); (4)(a); 16.75(1)(a)(b)(c); 16.75(1m); (4); (5); 16.75(3m) (b)(2)(3); 16.754; 19.85(1)(e); 985.01(1), (2), (3); 985.04(1); 985.07(2)
 Wis. Adm. Code Chapter Adm 7.01-7.08, 8.02, 8.03, 8.04, 8.07, 10.15
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If appropriate, an extension of lead time will be given after amendment(s) are made by the agency.

- B. All specifications must comply with PRO-202, Specifications and Standards.
- C. Unless waived by the Bureau, all RFBs will contain all standard contractual terms and conditions as published by the Department of Administration. See PRO-404, Standard Terms and Conditions.
- D. All RFBs will contain special terms, conditions or specifications that are unique to the RFB being conducted. Special conditions or specifications include but are not limited to:
 - Pricing information
 - Delivery dates, methods and schedules
 - Product sample requirements
 - Method of bid and method of award
 - Method of ordering
 - Bidder qualifications
 - Rental and lease agreements
 - Bond and surety requirements as provided for in PRO-607
 - Form requirements
- E. The method of bid and method of award must match and be based on a quantifiable formulation derived using bid pricing. No RFB may include a stipulation that the method of award is solely based on the agency's best interest; any such statement must be coupled with a clear description of the quantifiable award basis (e.g. total cost, unit cost, etc.).



Legal Authority

Wis. Stats. 16.72(2)(a)(b); (4)(a); 16.75(1)(a)(b)(c); 16.75(1m); (4); (5); 16.75(3m) (b)(2)(3); 16.754; 19.85(1)(e); 985.01(1), (2), (3); 985.04(1); 985.07(2)
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Whenever such action is appropriate, life cycle cost estimates will be used as the basis for award, and established in accordance with PRO-208, Life Cycle Costing.

- F. For agencies using the RFB process to award contracts funded by approved federal grants or programs with additional or modified stipulations for the resulting contract as a condition of receiving funds, the agency will include those requirements and terms in the bidding documents.
- G. Where alternate bidding is allowed, the RFB will contain the provisions governing the acceptance of such. Each alternate bid is considered separately.
- H. All RFBs will prescribe the contract term resulting from the award, i.e. whether the RFB will result in a one-time purchase or a term contract including any provisions for renewal. Term contracts will be established in accordance with PRO-206, Length of Contracts and align with the terms of any applicable approvals obtained from the Bureau.
- I. Where the procuring agency intends to make the resulting contract available for use by other agencies, the RFB will contain provisions to allow for piggybacking and/or cooperative purchasing. Requirements for such arrangements are identified in PRO-502, Collaborative Contracting: Piggybacking and the Use of Contracts with Other Authorities.

II. Solicitation of Bids

- A. All official sealed bid opportunities will be posted on the system(s) required by the Department and be advertised according to the requirements in PRO-601, Legal/Public



Legal Authority

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Notice. By posting opportunities on required systems, procuring agencies are deemed to have provided access to the bidder community to such opportunities. See PRO-103 Procurement Systems and Bidders Lists.

- B. Procuring agencies will provide the requisite forms, information and instruction on how to submit a responsive bid. Procedural instruction in the RFB will identify how bids will be submitted (i.e. physical delivery, mailing, submittal using electronic systems and email options).

Complete RFB packages must be available to all bidders up to the specified due date and time.

III. Amendments to RFBs

- A. After a solicitation has been made public and the procuring agency determines the need for changes or clarifications, they must issue a written revision to the solicitation to all known recipients and posted in the same manner as II, A.
- B. The procuring agency may require the bidder to acknowledge receipt of the amendment(s) in the bid response.

IV. Withdrawal or Modification by Bidders

- A. Any bidder may withdraw, resubmit or modify a bid at any time prior to the bid opening. If the bidder requests to withdraw prior to the bid opening, the purchasing office simply considers that it did not receive that bid, and such bid(s) will not be reflected in the final abstract record.



Legal Authority

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V. Submission of Bids

- A. The bidder submits a written bid, using the forms and in the format provided for by the state.
- B. The procuring agency keeps all bids secure from access until the time of opening.
- C. If the bid arrives prior to the due date and time, the procuring agency documents the accurate date and time of receipt.
- D. If the bid arrives after the due date and time, the procuring agency documents the date and time of receipt and retains it in the bid file unopened or returns it unopened at the request and expense of the bidder. The bid cannot be accepted, but a record is kept in the bid file of its late receipt and its disposition.
- E. In fairness to all bidders, submission times will be strictly adhered to, to the minute.
- F. Receipt of a bid by the state mail system does not constitute receipt of a bid by the procuring agency. See PRO-103, Procurement Systems and Bidders Lists for information on electronic bidding policy and procedure.

VI. Public Opening and Reading of Bids

- A. Bid openings are public actions and are open to attendance by interested bidders and the public. No activity on the part of bidders at an opening of a bid, other than attendance and note taking, is permitted. Any attempt to qualify or change any bid



Legal Authority

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by any bidder in attendance may result in the rejection of that bidder's bid.

- B. The purchasing agent who invited the submission of bids, or their designee, opens and orally reads the bids as soon as practicable after the date and hour shown on the RFB and at the place designated.

Unless the procedures of section VI, C are exercised, the names of the bidders, the terms, and the prices bid will be announced at the bid opening. Bids need not be analyzed, or indication given as to successful award at the opening.

- C. When the length of a bid makes it impractical to read aloud, as determined by the purchasing agent, only the names of bidders are announced at the opening.

VII. Analysis and Abstracting

- A. Generally, no bidder may modify a bid after the opening. However, in its analysis of timely bids, the procuring agency reserves the right to clarify, through a written request to a bidder, components of a bid as follows:

1. Bidders may correct minor omissions or errors.
2. Modifications in form but not in substance are permitted.
3. It is reasonable to permit a bidder to correct errors of addition, multiplication, miscalculations or arithmetic mistakes.



Legal Authority

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- 4. In the case of substantial errors, the bidder may withdraw the bid after the opening. In the case of a bid that is withdrawn after the opening, the bid will be documented on the final abstract.

No change is allowed that would impair the interests of the state or would be inequitable to other bidders.

- B. An abstract is prepared which includes who bid, what was bid, and who was the successful bidder and why.
- C. For official sealed bids for services, a notice of intent to contract is issued. For bids for commodities, a notice of award is issued. See PRO-309, Notice of Award for Competitive Solicitations.
- D. To provide for analysis and abstracting, bid records and other information pertinent to the bids may not be available for public inspection before the notice of intent to award is issued or, in the case of requests for bids for commodities, before the contract is awarded.

VIII. Recordkeeping

- A. Competitive bidding requires documentation of the procurement process and the results of the action taken. A complete procurement file for official sealed bids will be created and retained in accordance with PRO-105, Procurement Record Retention and Access.



Legal Authority

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