



State Procurement Manual

Department of Administration, State Bureau of Procurement

Number
PRO-308

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COMPETITIVE SOLICITATIONS	9/16/19	PRO-C-39, D-27 Various Dates
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BASIS OF AWARD FOR COMPETITIVE NEGOTIATION (RFP)		1 of 5

SCOPE: The scope of this policy is to establish a basis for awarding contracts using the competitive negotiation (Request for Proposal (RFP)) process, and the use of the best and final offer (BAFO) option in determining such awards.

POLICY: It is the responsibility of the procuring agency to ensure that only those individuals with proper training in the request for proposal process be allowed to manage such functions, and that they exercise good judgment, due diligence, and to honestly and fairly manage the evaluation process.

Request for proposal awards shall be based on the evaluation committee recommendation. See PRO-307, Evaluation Committee (RFP).

The evaluation committee, and/or the procurement lead, may elect to conduct a best and final offer (BAFO) process to determine awards. The BAFO process represents an optional step in the selection process for an RFP and is not part of the contract negotiation process.

The considerations and scoring used to determine awards must correlate with the method of award as described by the procuring agency in the RFP.

- PROCEDURE:**
- I. Award Considerations
 - A. The evaluation committee will use predetermined scoring methods to score technical and functional proposal elements.
 - B. The committee may also consider RFP meetings, conferences, oral presentations, discussions, revisions, best and final offers, and reference check results into account in its scoring, consistent with the terms of the RFP. The procurement lead may seek clarification and permit revisions from any or all proposers.
 - C. Awards are based on the highest aggregate total of cost and technical or functional scores.



Legal Authority

Wis. Stats. 16.705(2);
 Wis. Adm. Code Chapter Adm 10.08(1)(f), (5)
 Agencies Affected: All, unless otherwise noted

Authorized:
 Sara Redford, Director
 State Bureau of Procurement



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II. Use of Best and Final Offers

- A. Where the evaluation committee and/or procurement lead determines which proposers are reasonably apt to be considered for award, the procuring agency may elect to use a best and final offer process.
- B. The purpose of a BAFO is to further determine the most advantageous proposal. Reasons to conduct a BAFO may include but are not limited to:
 - 1. No single response addresses all the technical or functional requirements.
 - 2. Cost proposal(s) require improvement or clarification.
 - 3. The scores of two or more proposers are very close after the evaluation process.
- C. The original RFP document must contain language indicating the BAFO process *may* be used.
- D. Proposer(s) deemed not likely to be awarded may be dropped from consideration and noted in the record.

III. Content and Structure of BAFO Process

- A. In order to develop content of the BAFO request, the procurement lead may collect questions about the proposals from the evaluation committee.
- B. BAFO(s) must contain specific information on what is being requested; however, the integrity of the original scope of the RFP must be maintained.



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- C. The procurement lead will send out the request for BAFO(s) in writing stating the areas to be covered and the date and time in which the BAFO(s) must be returned.
- D. BAFO request(s) must contain information on how the offers will be evaluated and the process used to determine the successful proposer(s).
- E. All communication to and from proposers regarding the BAFO will be coordinated by the procurement lead.
- F. All responses to a BAFO must be returned to the procurement lead. BAFOs submitted after the deadline may not be accepted. Only the original and that proposer's most recently submitted response may be used.
- G. Proposers who elect not to submit a BAFO response will be scored on their original proposal and any subsequent clarifications requested by the procuring agency.
- H. During the BAFO process, the procuring agency may not identify to proposers either the current rank of any of the proposers or the lowest costs currently proposed.
- I. Proposer(s) may be requested to make an oral presentation regarding their BAFO. The evaluation committee and/or procurement lead will have full discretion to accept or reject any information submitted in a BAFO.
- J. The procurement lead may elect to issue a BAFO for cost only to the proposer(s) reasonably apt to be considered for award by the evaluation committee.

IV. BAFO Scoring



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- A. Evaluation score sheets for the BAFOs will be developed, as needed, and provided to the evaluation committee members by the procurement lead.
 - B. Evaluation committee members score or rescore the technical portion of the BAFO using the format provided by the procurement lead.
 - C. All official scoring worksheets must be retained for inclusion in the procurement file.
 - D. Cost proposals (if requested) are rescored by the procurement lead or designee. Only the revised cost proposals from the proposer(s) asked to participate in the BAFO process will be used to calculate the cost proposal score.
- V. Award Modifications
- A. Awards shall be based on the evaluation committee recommendation unless, after review by the State Bureau of Procurement, a change in an award is approved because:
 1. Mathematical errors were made in scoring proposals;
 2. An award is recommended to a proposer who should have been disqualified as not responsive to all mandatory requirements of the request for proposal (RFP);
 3. Evidence of collusion or fraud involving either the proposer or an evaluation committee member is found; or
 4. The evaluation committee fails to follow the evaluation criteria as set forth in the RFP.



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5. Violations of Wis. Adm. Code Chapter Adm 10 or the statutes have occurred.



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