



## 2015 Purchasing Forum & Trade Show

# Preparing Responsive Bid Documents

*Opportunities on the Horizon*

May 20 & 21, 2015



# Overview & Purpose

## Why is it important to complete bid documents properly?

- In a competitive solicitation, requirements are established in order to ensure fairness and open competition.
- Properly completing bid documents improves chances for contract award and allows for more timely contract awards.
- Failure to comply with stated requirements may result in disqualification from contract award altogether.

### Today we will cover:

- Basics of competitive bidding
- Tips for successful bidding
- Statutory, regulatory & policy requirements
- Helpful resources



# Basics of Competitive Bidding



# Where to Find NYS Bid Opportunities

- Find bid opportunities for NYS agencies, public authorities, and public benefit corporations.
- State agencies must advertise their procurements of \$50,000 or more (including discretionary purchases).

The screenshot shows the homepage of the New York State Contract Reporter. At the top, there are navigation links for 'Services', 'News', and 'Government'. Below this, a statistics bar displays: 'Opportunities posted today: 41', 'Opportunities posted in the last 7 days: 196', and 'Total available opportunities: 816'. The main navigation bar includes 'Log In' and a 'Sign up and register for your free account!' button. Below the navigation, there are four large buttons: 'I want to find contracts to bid on', 'I want to advertise opportunities', 'Learn about the New York State Business Registry', and 'Learn about doing business with New York'. At the bottom, there are logos for 'EmpireState Development', 'NEW YORK STATE', 'NY WORKS', and 'STATEWIDE FINANCIAL SYSTEM'.

The screenshot shows the search results page for 'Open Ads: (816)'. The results are sorted by 'Issue Date (latest first)' and displayed in a table. The table has columns for 'Title', 'Agency', 'Issue Date', 'Due Date', 'Location', 'Category', and 'Ad Type'. There are three results visible:

Title	Agency	Issue Date	Due Date	Location	Category	Ad Type
LRRT - Escalator Replacement 2015	Niagara Frontier Transportation Authority	04/27/2015	05/21/2015		Work will be performed at all NFTA underground rail stations: Allen Station, Facilities, Maintenance, Repair & Building Operations - Construction General	
Bicknell Hall Link Rook Improvements	State University of New York (SUNY)	04/27/2015	05/19/2015	Morrieville State College	Construction Vertical: Building Construction: Rehabilitation & New Construction - Construction Professional Services	
East Campus Housing Boilers	State University of New York (SUNY)	04/27/2015	05/18/2015	Binghamton University	Construction Vertical: Building Construction: Rehabilitation &	

Each result has a 'Log in to view ad' and 'Register to view ad' button. On the right side, there are sections for 'Events' (2015 NYS Purchasing Forum & Trade Show) and 'Bulletins' (Proprietary Software Listing for 2015-16).

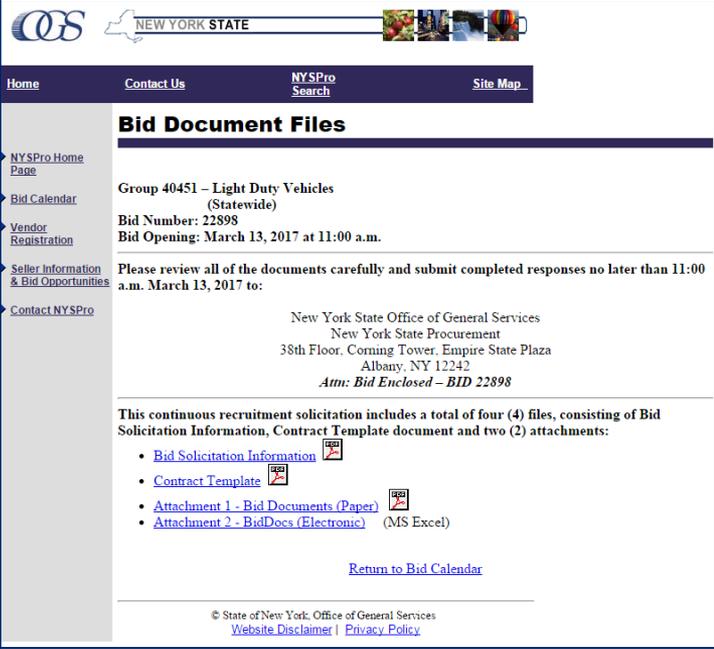
www.nyscr.ny.gov



2015 Purchasing Forum & Trade Show

# A Typical Bid Package Includes:

- Procurement documents
- Appendix A, Standard Clauses
  - <http://www.ogs.ny.gov/about/appendixa.asp>
- Appendix B, OGS General Specifications
  - <http://www.ogs.ny.gov/purchase/BidTemplate/AppendixB.doc>
- Solicitation Updates



The screenshot shows the NYS Pro website interface. At the top, there is a navigation bar with links for Home, Contact Us, NYSPro Search, and Site Map. The main content area is titled "Bid Document Files" and displays information for a specific bid: "Group 40451 - Light Duty Vehicles (Statewide)", "Bid Number: 22898", and "Bid Opening: March 13, 2017 at 11:00 a.m.". Below this, it instructs users to review documents carefully and submit responses no later than 11:00 a.m. on March 13, 2017. The contact information for the New York State Office of General Services is provided, including the address: 38th Floor, Coming Tower, Empire State Plaza, Albany, NY 12242. A note indicates that the bid documents are attached to the bid. A list of attachments is shown: "Bid Solicitation Information" (PDF), "Contract Template" (PDF), "Attachment 1 - Bid Documents (Paper)" (PDF), and "Attachment 2 - BidDocs (Electronic)" (MS Excel). A link to "Return to Bid Calendar" is also present. At the bottom, there is a copyright notice for the State of New York, Office of General Services, and links to the Website Disclaimer and Privacy Policy.

# Basic Principles of Competitive Bidding

- Derived from State Finance Law (SFL) Article 11, General Municipal Law Article 5-a, and case law
  - Fairness; level playing field
  - Encouraging open competition
  - Protection of taxpayer interests; prudent and economical use of public money
  - Avoidance of favoritism, extravagance, fraud, waste and corruption



# Responsiveness & Basis for Award

- Awards are generally made on the basis of lowest price (commodities) or best value (services) to a **responsive** and responsible offeror (S.F.L §163)
- To be responsive, a bid must comply with all essential requirements of the solicitation. Typically, this means any requirement that affects price, quality, quantity, delivery or any other elements deemed material or mandatory requirements of the solicitation.



# Responsiveness & Basis for Award

## What is responsiveness?

“a bidder or other offeror meeting the minimum specifications or requirements as prescribed in a solicitation for commodities or services by a state agency.” S.F.L. §163(1)(d)

## What is the significance of responsiveness?

- Only "responsive" bids can be considered for award.
- “Nonresponsive” bids must be rejected.



# Administrative Requirements

Solicitations often include strict administrative requirements to protect the integrity of the competitive procurement.

- Packaging requirements (each portion separately sealed and labeled)
- Bid submission deadline

## Pay close attention to:

- Format and content of bid submittal
- Number of electronic & hard copies
- Discrepancies between electronic & hard copies
- Bid solicitation updates (signed & submitted)
- Proper signature & notarization (on all applicable bid submission docs)
- Using correct forms & versions (including price pages)
- General bidder questions document
- Bid submittal checklist



# Understanding Noncompliance

- When an organization rates bidders based on best value and you are noncompliant it may negatively impact your ranking, you might be disqualified or it might result in delay of award.
- General principle: omission of a material term or failure to meet a material requirement is not curable, i.e., the bidder must be disqualified.
- At the agency's discretion, minor technicalities or immaterial noncompliance may be waived, where the waiver would not disadvantage the State or provide a competitive advantage to the bidder.
- Noncompliance may also lead to challenges from other bidders (bid protests over unfair disadvantage).



# Financial Proposals & Pricing Sheets

- Generally the most important part of your bid.
- Price is always “material” and except in very limited circumstances, may not be changed, corrected, or altered after bid submission.
- Carefully review pricing proposals prior to submission to ensure:
  - Fill out all required fields/cells
  - Use proper formatting (markup/discount, negative/positive, units of measure)
  - Take advantage of any built-in error messages to check for mistakes
  - In proper electronic format (in the required Excel workbook, rather than PDF)



# Tips for Successful Bids



# Common Bidder Mistakes

State of New York Executive Department Office of General Services – Procurement Services Corning Tower – 38th Floor Empire State Plaza Albany, NY 12242  <b>INVITATION FOR BIDS</b> IMPORTANT: SEE “NOTICE TO BIDDERS” CLAUSES HEREIN BIDS MAY BE SENT TO THE ABOVE ADDRESS ONLY (E-Mail or Facsimile Bid Submissions Are NOT Acceptable)	
<b>BID OPENING:</b>	<b>TITLE:</b> Group 05800 – LIQUID PETROLEUM (L.P) GASES - PROPANE (STATEWIDE)
<b>DATE:</b> April 23, 2015 <b>TIME:</b> 11:00 AM ET	<b>Classification Code:</b> 15
<b>INVITATION FOR BIDS NUMBER:</b> 22949	<b>SPECIFICATION REFERENCE:</b> As Incorporated in the Invitation for Bids
<b>CONTRACT PERIOD:</b> From All Necessary Approvals until June 30, 2017, with three (3) additional one (1) year renewal options	
<b>DESIGNATED CONTACTS</b>	
<b>Primary Contact:</b> Christopher Martinez <a href="mailto:christopher.martinez@ogs.ny.gov">christopher.martinez@ogs.ny.gov</a>	<b>Secondary Contact:</b> James Jasiewicz <a href="mailto:james.jasiewicz@ogs.ny.gov">james.jasiewicz@ogs.ny.gov</a>
The bid must be fully and properly executed by an authorized person. By signing you certify your express authority to sign on behalf of yourself, your company, or other entity and full knowledge and acceptance of this INVITATION FOR BIDS, Appendix A (Standard Clause For New York State Contracts), Appendix B (OGS General Specifications), and State Finance Law §139-j and §139-k (Procurement Lobbying), and that all information provided is complete, true and accurate. By signing, Bidder affirms that it understands and agrees to comply with the OGS procedures relative to permissible contacts as required by State Finance Law §139-j (3) and §139-j (6) (b). Information may be accessed at: Procurement Lobbying: <a href="http://www.ogs.ny.gov/aboutOgs/regulations/defaultAdvisoryCouncil.html">http://www.ogs.ny.gov/aboutOgs/regulations/defaultAdvisoryCouncil.html</a>	
<b>Bidder's Federal Tax Identification Number:</b> (Do Not Use Social Security Number)	<b>NYS Vendor Identification Number:</b> (See "New York State Vendor File Registration" clause)
Legal Business Name of Company Bidding:	
D/E/A - Doing Business As (if applicable):	
Street	City State County Zip Code
If applicable, place an "x" in the appropriate box <input type="checkbox"/> Small Business <input type="checkbox"/> Minority Owned <input type="checkbox"/> Women Owned (check all that apply): #Employees Business Business	
If applicable, place an "x" in the appropriate box: <input type="checkbox"/> Manufactured Within New York State <input type="checkbox"/> Manufactured Outside New York State (check all that apply):	
If you are not bidding, place an "x" in the box and return this page only. <input type="checkbox"/> WE ARE UNABLE TO BID AT THIS TIME BECAUSE:	
<b>Bidder's Signature:</b>	<b>Printed or Typed Name:</b>
<b>Title:</b>	<b>Date:</b>
<b>Phone:</b> Extension	<b>Toll Free Phone:</b> Extension
<b>Fax:</b> Extension	<b>Toll Free Fax:</b> Extension
<b>E-mail Address:</b>	<b>Company Website:</b>

- Late bids
- Blank CDs or thumb drives
- Intermingling technical & financial proposals
- Conflicting electronic & hard copies
- Missing forms
- Wrong versions of price sheets
- Omission of price
- Noncompliance with specifications
- Wrong number of copies



# Common Bidder Mistakes

- Improper labeling of bid packages
- Missing NYS Vendor ID# or FEIN (see sample handout)
- Failure to attend mandatory pre-bid conference
- Failure to file mandatory intent to bid
- Failure to provide required certification
- Improper bid delivery (email)

## Example Key Events/Dates List:

Office of General Services NYS Procurement		Group 73600 – Solicitation 22802 Information Technology Umbrella Contract Manufacturer Based (Statewide) <b>Solicitation Document</b>		Page 24 of 74
1.9 KEY EVENTS/DATES				
Event		Date	Time	
Solicitation Release		1/6/2015	N/A	
Closing Date for Pre-Solicitation Conference Registration		1/21/2015	11:00 AM ET	
Pre-Bid Conference		1/23/2015	01:00 PM ET	
Closing Date for 1 <sup>st</sup> Inquiry		1/27/2015	11:00 AM ET	
Anticipated Posting of Responses to 1 <sup>st</sup> Inquiry		3/24/2015	N/A	
Closing Date for 2 <sup>nd</sup> Inquiry		4/7/2015	11:00 AM ET	
Anticipated Posting of Responses to 2 <sup>nd</sup> Inquiry		5/5/2015	N/A	
Closing Date for Receipt of Attachment 10 - Vendor Submission Intent		5/26/2015	11:00 AM ET	
Submissions Due / Submission Opening		5/28/2015	11:00 AM ET	
Tentative Contract Award Notifications Commence		8/14/2015	N/A	



# Tips for Successful Bids

- Participate in activities seeking bidder input, such as Requests for Information (RFIs) and Requests for Comment (RFCs).
- Participate in activities providing bidder instruction, such as Pre-Bid Conferences.
- Pay close attention to mandatory vs. discretionary requirements in the solicitation.



# Tips for Successful Bids

- Carefully review specifications, bid packaging and delivery instructions, and timelines/calendar of events.
- Use tools provided in solicitations, such as question and answer periods and bidder checklists.
- Monitor for solicitation updates and amendments.



# Tips for Successful Bids

- Don't wait until the last minute...
- When in doubt, ask the designated contact(s).
- After unsuccessful bids, participate in bidder debriefings to learn from mistakes or improve bid for next reissuance of solicitation.



# Statutory, Regulatory & Policy Requirements



# Statutory, Regulatory & Policy Requirements

There are many laws, regulations and policies that bidders are required to comply with when bidding on a state procurement.

- Procurement Lobbying Law (S.F.L. §139-j; §139-k)
- Sales Tax Certification (ST-220)
- Insurance Requirements
- M/WBE/EEO Requirements
- Iran Divestment Act
- Encouraging use of NYS Businesses
- Consultant Disclosure
- Vendor Responsibility Questionnaire
- NYS Required Certifications
  - MacBride Fair Employment Certification
  - Diesel Emissions Reduction Act
  - Non-Collusive Bidding Certification



# Reviewing the Handouts

- Let's now talk about the handout.
- Keep in mind each bid is unique, but there are common elements.
- This is just one example.

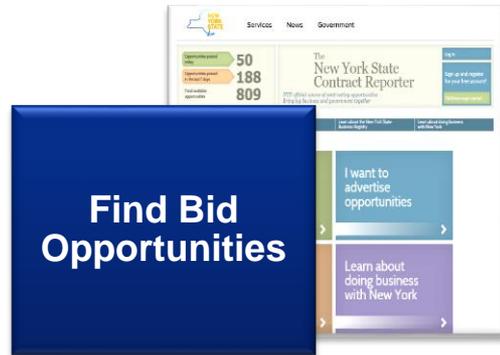


# Helpful Resources



# Helpful Resources

[www.nyscr.ny.gov](http://www.nyscr.ny.gov)



[www.osc.state.ny.us/vendors](http://www.osc.state.ny.us/vendors)



[www.ogs.state.ny.us/procurecounc/pdfdoc/guidelines.pdf](http://www.ogs.state.ny.us/procurecounc/pdfdoc/guidelines.pdf)



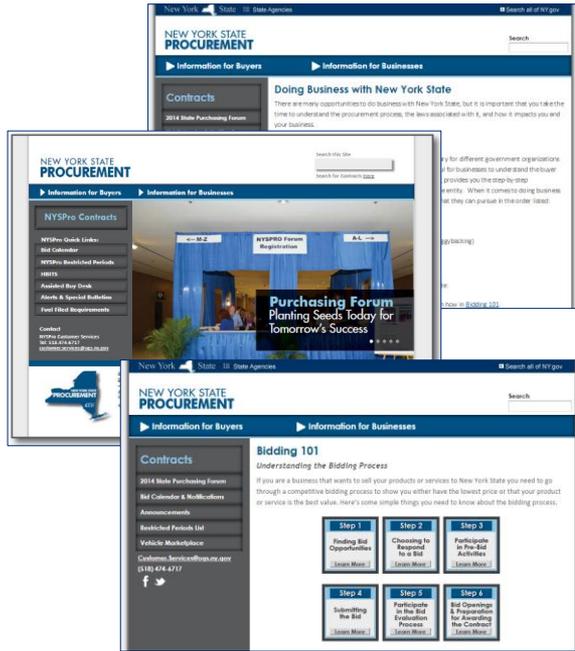
**2015 Purchasing Forum & Trade Show**

# Website & Contact Information

Contact us today

(518) 474-6717

[customer.services@ogs.ny.gov](mailto:customer.services@ogs.ny.gov)



Find procurement resources:

[www.nyspro.ogs.ny.gov](http://www.nyspro.ogs.ny.gov)



**2015 Purchasing Forum & Trade Show**

# Questions?



**2015 Purchasing Forum  
& Trade Show**