

Request For Proposals Solicitation Process Overview

- Majority of the work processed by Central Purchasing falls under Texas Local Government Code 252, Purchasing and Contracting Authority of Municipalities (*see attached packet for relevant sections*)
- Requesting department determines a need and writes a draft scope of work and preliminary evaluation factors
- If department determines that community involvement is needed, a public meeting is set up and a draft scope of work and evaluation factors are either sent in advance to community stakeholders or are available in the meeting
- Department takes information from community input meeting and incorporates into scope of work and/or evaluation factors.
- Department provides Purchasing Office with draft scope of work and preliminary evaluation factors
- The scope of work and evaluation factors are reviewed by the Purchasing Office and the Small Business Resource Department (SMBR) before publishing
- Solicitation must be advertised for a minimum of 14 days (including notice of the time and place at which the bids will be publicly opened and read aloud) once a week, for two consecutive weeks in a newspaper published in the municipality
- Solicitation is published for the public for a set amount of time. Questions asked during the solicitation process are answered via an addendum for everyone to see to ensure a level playing field
- After the solicitation closes, the Purchasing Office reviews the responses to determine the responsiveness and responsibility of Offerors. Those offers that are deemed both responsive and responsible are then given to an evaluation panel for review. Request for Proposals are awarded to the responsible Offeror whose proposal is determined to be the most advantageous to the municipality, considering the relative importance of price and the other evaluation factors included in the Request for Proposals
- Purchasing Office reviews department recommendation and works with the department to draft RCA for Council approval
- Once Council approves an RCA, the Purchasing Office finishes out the solicitation process by executing contract and collecting any remaining required forms

The Request for Proposals (RFP) Process used by the City is governed by Texas Local Government Code chapter 252 and the Purchasing Office's internal policy manual.

1. Chapter 252, includes the following requirements:

SUBCHAPTER C. PROCEDURES

Sec. 252.041. NOTICE REQUIREMENT. (a) If the competitive sealed bidding requirement applies to the contract, notice of the time and place at which the bids will be publicly opened and read aloud must be published at least once a week for two consecutive weeks in a newspaper published in the municipality. The date of the first publication must be before the 14th day before the date set to publicly open the bids and read them aloud. If no newspaper is published in the municipality, the notice must be posted at the city hall for 14 days before the date set to publicly open the bids and read them aloud.

(b) If the competitive sealed proposals requirement applies to the contract, notice of the request for proposals must be given in the same manner as that prescribed by Subsection (a) for the notice for competitive sealed bids.

(c) If the contract is for the purchase of machinery for the construction or maintenance of roads or streets, the notice for bids and the order for purchase must include a general specification of the machinery desired.

(d) If the governing body of the municipality intends to issue time warrants for the payment of any part of the contract, the notice must include a statement of:

- (1) the governing body's intention;
  - (2) the maximum amount of the proposed time warrant indebtedness;
  - (3) the rate of interest the time warrants will bear;
- and

(4) the maximum maturity date of the time warrants.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.  
Amended by Acts 1991, 72nd Leg., ch. 109, Sec. 2, eff. Aug. 26, 1991; Acts 1993, 73rd Leg., ch. 749, Sec. 4, eff. Sept. 1, 1993; Acts 1993, 73rd Leg., ch. 757, Sec. 6, eff. Sept. 1, 1993.

Sec. 252.0415. PROCEDURES FOR ELECTRONIC BIDS OR PROPOSALS. (a) A municipality may receive bids or proposals under this chapter through electronic transmission if the governing body of the municipality adopts rules to ensure the identification, security, and confidentiality of electronic bids or proposals and to ensure that the electronic bids or proposals remain effectively unopened until the proper time.

(b) Notwithstanding any other provision of this chapter, an electronic bid or proposal is not required to be sealed. A provision of this chapter that applies to a sealed bid or proposal applies to a bid or proposal received through electronic transmission in accordance with the rules adopted under Subsection (a).

Added by Acts 2001, 77th Leg., ch. 1063, Sec. 6, eff. Sept. 1, 2001.

Sec. 252.042. REQUESTS FOR PROPOSALS FOR CERTAIN PROCUREMENTS. (a) Requests for proposals made under Section 252.021 must solicit quotations and must specify the relative importance of price and other evaluation factors.

(b) Discussions in accordance with the terms of a request for proposals and with regulations adopted by the governing body of the municipality may be conducted with offerors who submit proposals and who are determined to be reasonably qualified for the award of the contract. Offerors shall be treated fairly and equally with respect to any opportunity for discussion and revision of proposals. To obtain the best final offers,

revisions may be permitted after submissions and before the award of the contract.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.  
Amended by Acts 1989, 71st Leg., ch. 1, Sec. 56(c), eff. Aug. 28, 1989; Acts 1995, 74th Leg., ch. 45, Sec. 2, eff. May 5, 1995.

Sec. 252.043. AWARD OF CONTRACT. (a) If the competitive sealed bidding requirement applies to the contract for goods or services, the contract must be awarded to the lowest responsible bidder or to the bidder who provides goods or services at the best value for the municipality.

(b) In determining the best value for the municipality, the municipality may consider:

- (1) the purchase price;
- (2) the reputation of the bidder and of the bidder's goods or services;
- (3) the quality of the bidder's goods or services;
- (4) the extent to which the goods or services meet the municipality's needs;
- (5) the bidder's past relationship with the municipality;
- (6) the impact on the ability of the municipality to comply with laws and rules relating to contracting with historically underutilized businesses and nonprofit organizations employing persons with disabilities;
- (7) the total long-term cost to the municipality to acquire the bidder's goods or services; and
- (8) any relevant criteria specifically listed in the request for bids or proposals.

(b-1) In addition to the considerations provided by Subsection (b), a joint board described by Section 22.074(d), Transportation Code, that awards contracts in the manner provided by this chapter may consider, in determining the best value for the board, the impact on the ability of the board to

comply with laws, rules, and programs relating to contracting with small businesses, as defined by 13 C.F.R. Section 121.201.

(c) Before awarding a contract under this section, a municipality must indicate in the bid specifications and requirements that the contract may be awarded either to the lowest responsible bidder or to the bidder who provides goods or services at the best value for the municipality.

(d) Except as provided by Subsection (d-1), the contract must be awarded to the lowest responsible bidder if the competitive sealed bidding requirement applies to the contract for construction of:

(1) highways, roads, streets, bridges, utilities, water supply projects, water plants, wastewater plants, water and wastewater distribution or conveyance facilities, wharves, docks, airport runways and taxiways, drainage projects, or related types of projects associated with civil engineering construction; or

(2) buildings or structures that are incidental to projects that are primarily civil engineering construction projects.

(d-1) A contract for construction of a project described by Subsection (d) that requires an expenditure of \$1.5 million or less may be awarded using the competitive sealed proposal procedure prescribed by Subchapter D, Chapter 2269, Government Code.

(e) If the competitive sealed bidding requirement applies to the contract for construction of a facility, as that term is defined by Section 2269.001, Government Code, the contract must be awarded to the lowest responsible bidder or awarded under the method described by Chapter 2269, Government Code.

(f) The governing body may reject any and all bids.

(g) A bid that has been opened may not be changed for the purpose of correcting an error in the bid price. This chapter does not change the common law right of a bidder to withdraw a bid due to a material mistake in the bid.

(h) If the competitive sealed proposals requirement applies to the contract, the contract must be awarded to the responsible offeror whose proposal is determined to be the most advantageous to the municipality considering the relative importance of price and the other evaluation factors included in the request for proposals.

DRAFT

2. We also have an internal policy manual which gives the following guidance:

City of Austin FSD Purchasing Office



## Operating Policies and Procedures Manual Request for Proposal (RFP)

### Policy

A Request for Proposal (RFP) is used to solicit proposals from potential providers for both goods and services when a method to achieve a desired outcome cannot be clearly defined and where price is not the dominant evaluation factor. RFP's allow the negotiation of all terms, including price, prior to contract award and may include a provision for the negotiation of Best and Final Offers. The recommendation for award is to the best evaluated proposal.

The RFP can consider evaluation criteria including but not limited to: proposed solution, demonstrated applicable experience, equipment/facilities, personnel qualifications, schedule, total evaluated cost, local business presence and financial viability/stability.

RFP's often result in a negotiated agreement with non-standard provisions, terms and language. This will typically require early input from Contract Administration/Legal for development of the contract and negotiation of the final terms. Due to these additional requirements, the RFP process will usually require considerably more time to complete than other solicitation process.

### Governing Policy

[Texas Local Government Code, Chapter 252](#)

[Senate Bill 7](#) as implemented by [Council Resolution 040610-02](#)

[Texas Local Government Code, Chapter 2254](#)

### Requirements

Depending on risk level, Contract management assistance may be required.



# Operating Policies and Procedures Manual

## Request for Proposal (RFP)

### Procedure

Stage	Conditional Statement	Responsible Party	Step	Procedure
1		Department	1	Determines a need that requires a Request for Proposal
			2	Sends initial draft of specification/scope to Buyer for review
		Buyer	3	Reviews and edits specification/scope for completeness and accuracy; Works with Department to create a final draft of the specification/scope
2	If risk is a factor	Buyer/ Department	1	Completes Risk Assessment to determine if assistance in mitigating risk is needed
		Buyer	2	Contacts Contract Administration or appropriate office (e.g. Legal, AE Contract Management) for assistance
		Buyer/ Department/ Contract Admin.	3	Conducts planning sessions to finalize Scope of Work (SOW)
3		Department	1	Submits requisition with supporting documentation (SOW, evaluation factors, etc.) to appropriate Buyer and recommended evaluation committee
		Buyer	2	Drafts an initial solicitation timeline and generates solicitation number
4		Buyer	1	Validates requisition commodity codes using Advantage 3 Search to determine if appropriate codes and an adequate number of vendors will be notified of the solicitation <a href="http://purchweb.ci.austin.tx.us/search/SVCode.cfm">http://purchweb.ci.austin.tx.us/search/SVCode.cfm</a>





Stage	Conditional Statement	Responsible Party	Step	Procedure
	If Buyer determines that the notification pool is inadequate	Buyer/ Department	2	The steps listed below can be used to help the Buyer and Department increase the number of vendors that will be notified about the solicitation, beyond those identified in the initial requisition
		Buyer/ Department	3	Identifies any additional vendors that could be a potential bidder for the solicitation
	If additional vendors are notified	Buyer	4	Adds vendor email address to the Free Form Vendor screen for vendors identified by the department or Buyer as potential bidders
		Buyer/ Department	5	Works to determine additional commodity codes that may be applicable to the solicitation to expand the vendor notification list
	If additional commodity codes are identified	Buyer	6	Adds additional commodity codes to the solicitation on the Commodity Email Push screen in Advantage
5	If subcontracting opportunities are not anticipated	Buyer	1	At least five (5) business days prior to advertisement, submits specification and request with assigned solicitation number to SMBR for determination of potential MBE/WBE goals
	If subcontracting opportunities are anticipated		2	At least ten (10) business days prior to advertisement, submits specification and request with assigned solicitation number to SMBR for determination of potential MBE/WBE goals for development of compliance plan, if required
		Buyer/ Department	3	Completes final review of documentation for completeness and accuracy
	If documents are incomplete	Buyer	4	Works with department contact to achieve desired language including SOW and Evaluation Criteria



Stage	Conditional Statement	Responsible Party	Step	Procedure
			5	Develops solicitation documents including assigned solicitation number using standardized templates located at [O:\DOCUMENT\FRONT END DOCUMENTS\Purchasing Office Buyer Documents]
6		Buyer	1	Submits solicitation draft to Purchasing Supervisor for approval
		Purchasing Supervisor	2	Reviews solicitation for completeness and accuracy, makes recommendations for changes
	If not approved	Buyer	3	Updates solicitation documents according to Purchasing Supervisor directives (this could take multiple iterations)
			4	Uploads solicitation documents into eCAPRIS
7		Buyer	1	Submits solicitation to final in Advantage Ensure the language in the Document Description field on the Header is what the Buyer intends to display in the advertisement Within approximately 5 minutes, the batch job should copy the solicitation information to eCAPRIS for use by the Buyer
8		Buyer	1	Uploads solicitation documents into eCAPRIS
	If solicitation requires a pre-proposal meeting		2	In eCAPRIS, adds information about Pre-proposal meeting
			3	In eCAPRIS, adds language to 'Scope of Work' field and publish solicitation
			4	Emails final solicitation documents to user department for their files



Stage	Conditional Statement	Responsible Party	Step	Procedure
9		Buyer	1	Facilitates the pre-proposal
			2	Gets clarifications and answers from Department on questions from pre-proposal meeting if required
			3	Issues addendum with Q&A and attendance sheet from pre-proposal
10	If solicitation changes are made or questions are submitted outside the pre-proposal meeting	Buyer	1	Gets clarification and answers from Department if required
			2	Issues addendum to respond to questions and clarifications (may take multiple iterations)
11		Central Purchasing	1	Prepares Bid Log
		Buyer	2	Prior to the solicitation due date, Buyer checks to determine if there are any responses
	If adequate responses are not received		3	Evaluates whether RFP should be extended or cancelled and process accordingly
	If adequate responses are received		4	Conducts solicitation closing if any vendors are present, reading aloud only names of respondents
12		Buyer	1	Reviews proposals for deliverables, exceptions, and responsiveness
	If clarifications are required		2	Contacts respondents for clarifications
	If a respondent is determined to be		3	Gets management approval prior to disqualifying any proposal



Stage	Conditional Statement	Responsible Party	Step	Procedure
	non-responsive or non-responsible		4	Contacts respondents to inform them on non-responsiveness and that their respective proposal will not be considered. Notification can be via phone call, followed by written notification (NOTE: This step can happen at multiple points during the process)
13	If aggregate purchase >\$25,000	Buyer	1	Gets SAM for Contract file <a href="https://www.sam.gov/portal/public/SAM/">https://www.sam.gov/portal/public/SAM/</a>
	If solicitation requires a Compliance Plan		2	Obtains the approval of the Department of Small and Minority Business Resources (SMBR) on plan submitted with proposal
			3	Checks the State Comptroller's website <a href="https://ourcpa.cpa.state.tx.us/coa/Index.html">https://ourcpa.cpa.state.tx.us/coa/Index.html</a> to verify name and address of recommended vendor
14		Buyer	1	Confirms the commitment of Evaluation Committee members and the evaluation schedule
			2	Secures a signed Non-Disclosure Agreement from each committee member; Distributes proposals and provides detailed instructions to committee members about their obligations and responsibilities
15		Buyer / Dept.	1	Works with Department to schedule evaluation meeting(s)
		Evaluation Committee	2	Reviews proposals
	If technical review is required	Buyer/ Evaluation Committee	3	May seek the resources of a consultant for technical review, if needed
		Buyer	4	Scores the cost component of the proposals (Buyer may seek additional resources for financial review, if needed)



Stage	Conditional Statement	Responsible Party	Step	Procedure	
		Evaluation Committee	5	Scores proposals and recommends vendor or a short-list of finalist(s) (may require multiple meetings to complete the evaluation process)	
		Buyer	6	Checks references of short-list (may include evaluation team)	
	If interview / presentation is held	Buyer	7	Schedules interviews or other required activities (e.g. demos, presentations, site visits) with "short-list" of respondents	
		Buyer/ Evaluation Committee	8	Conducts interviews and/or other required activities	
		Evaluation Committee	9	If appropriate, re-scores proposals and recommends a vendor(s)	
	If Best and Final Offer (BAFO) is desired	Buyer/ Evaluation Committee	10	Develops BAFO request	
		Buyer	11	Requests BAFO from short-list	
		Evaluation Committee	12	If appropriate, re-scores proposals and recommends a vendor(s)	
	16	If pre-positioning is needed	Buyer/ Contract Admin	1	Coordinates contract Pre-Positioning process
	17	If Contract exceeds administrative authority	Buyer	1	Submits an RCA along with the RCA Detail Summary and evaluation matrix for approval
				2	Attends RCA Summary meeting to explain and/or justify purchase
				3	Notifies all proposers of recommended award on the date that the City Council preliminary agenda is published (or the date that the board or commission agenda is published, if applicable)
City Council			4	Approves the negotiation, execution and award of contract	



Stage	Conditional Statement	Responsible Party	Step	Procedure
		Council Agenda Coordinator	5	Provides proof of Council approvals to Purchasing
		Buyer	6	Secures Council approval documentation for file
18	If negotiations to finalize contracts are needed	Buyer/ Contract Admin	1	Contacts appropriate subject matter expert (e.g. Legal)
		Buyer and/or CA team	2	Completes negotiations
19		Buyer	1	Creates final system document in Advantage3
			2	Completes contract documentation – file copy
			3	Awards contract
			4	Emails a copy of Award Letter to the Office of the City Clerk using the email address “Contracts”
			5	Destroys extra copies of proposals

At this time, any type of Community involvement is done prior to the solicitation issuance. This is done through stakeholder meetings, mail-outs etc. soliciting feedback in regards to items including the scope development, the criteria which should be evaluated, as well as the relative weight of the different criteria. This allows the community input and values to be incorporated into the requirements and used by the City during the development of the solicitation and determining the recommended firm. A procurement would have to be exempted from the procurement process (Texas Local Government Code chapter 252 and

the Purchasing Office’s internal policy manual) in order for community involvement to happen during the solicitation process. This would be done on an exception basis and the process would have to be developed specific to each situation.

While there can be many unanticipated factors that affect the timeline, below is a general timeline for an average RFP:

**Cycle Times - Formal Solicitations**

Procurement Phase	(Business Days)	
	No Goals	Goals
<b>1. Pre-Solicitation (Requirements Development)</b>	<b>RFP</b>	<b>RFP</b>
Department determines a need		
Department provides RQS/RQM, draft specification/scope of work to Buyer. Buyer reviews/edits specification/scope/bid sheet for completeness and accuracy; works with department to create a final draft of specification/scope. Buyer estimates solicitation timeline. Buyer reviews risk assessment of project. If found risk, Buyer contacts Contract Administrator for assistance. For RFPs, the Contract Administrator reviews scope of work and help assess and mitigate risk of project. When SOW/specification is final, Buyer submits goal determination document to SMBR for approval.	14	14
Standard SMBR timeline	7	14
Buyer develops solicitation documents. Purchasing Manager/Peer reviews solicitation package for completeness and accuracy. Buyer develops finalized solicitation timeline. Buyer and department set up and schedule evaluation committee.	14	14
<b>Pre-Solicitation Total</b>	<b>35</b>	<b>42</b>
<b>2. Solicitation (Source Selection)</b>		
Advertise solicitation online and newspaper. If prebid/pre-proposal meeting held, the solicitation is published at least 28 days on the street.	35	42
Solicitation closes. Buyer evaluate bids/proposals for accuracy and reviews bids for deliverables, exceptions, and responsiveness. If needed, Buyer contacts vendors for clarifications. Buyer forwards responsive bids to department for review.	7	7
SMBR reviews 0900/Compliance Plans.	7	14
Department reviews IFB /RFP-Evaluators review and Evaluation meeting	14	14
If necessary, Buyer/Department develop interview questions, conduct an interview / demonstration	14	14
Department provide award written recommendation and begins drafting RCA language	7	7
<b>Solicitation Total</b>	<b>84</b>	<b>98</b>
<b>3. Post-Solicitation (Contract Authorization)</b>		
Buyer/Contract Administrator submits RCA draft to department for final approval and to peer/team/manager for review. Manager forwards RCA to Agenda Coordinator for review at RCA review meeting.	14	14
RCA Presented and reviewed by Council	49	49
Buyer/Contract Administrator collects all required forms, insurance etc. and executes contract	28	28
<b>Post-Solicitation Total</b>	<b>91</b>	<b>91</b>
<b>TOTAL TIME</b>	<b>210</b>	<b>231</b>