

April 11<sup>th</sup>, 2023

## Overview

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The State of Kansas seeks to procure the highest quality products and services to serve both the agencies and citizens. The Office of Procurement and Contracts is charged with achieving this goal, following state statutes and procedures in a standardized fashion. Although there are various methods of procurement, this document is designed as a guide to assist with a **Request for Proposal (RFP)**. Alternate methods of bidding include a **Request for Quotation (RFQ)** and **Invitation for Bid (IFB)**.

The Negotiated Procurement process is based upon the concept of “Best Value” and enables agencies to consider many factors in the evaluation of bid responses beyond cost, including vendor qualifications, past performance, methodology, among others.

## Request for Proposal (RFP) Overview

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The Request for Proposal is the most flexible and interactive bidding mechanism. With this flexibility comes the responsibility to document the actions throughout the bid process; thus, ensuring the process is fair and equitable for all bidders and the needs of the agency are met. The evaluation of proposals is performed by a (3) three-person Procurement Negotiating Committee (PNC), who examines both the technical and cost proposals. After all contributing factors of the bid event are examined, the PNC will prepare a written justification for actions taken and award recommendations to the Director of Purchases.

## PNC Definition and Requirements

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The requirements for a PNC are defined in [K.S.A 75-37§102](#). The members of the committee are:

- Director of Purchases, or designee who is responsible for ensuring the process follows statutory requirements. This individual is the primary contact and will shepherd the project through the procurement process. (Whereafter referred to as the Procurement Officer).
- Secretary of Administration, or designee
- Agency Head, or designee

Others may be involved in bid evaluation, negotiations, program planning, but the three designated members are statutorily responsible for the final decision.

All parties that will recommend, review, comment, or inspect documents associated with the RFP are required to sign a Non-Disclosure and Conflict of Interest Agreement. The signed agreements must be sent to the Procurement Officer before any documentation associated with the RFP will be released to the agency. Agencies may submit the signed documents in a scanned copy.

Parties associated with the event are required to:

- Sign the associated Non-disclosure and Conflict of Interest agreement.
- Will keep the RFP bid responses confidential,
- Will safeguard the information to insure it's not inappropriately made available, and
- Acknowledges that they have no conflict of interest regarding the RFP.

# Kansas Information Technology Office (KITO) Requirements

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Information Technology (IT) projects above \$250,000 require approval from the Kansas Information Technology Office (KITO). KITO approval is required for any IT project bid (IFB, RFQ, or RFP) that exceeds the designated amount as defined in K.S.A. Detailed information regarding the KITO process can be found on the [KITO home page](#). Additional information regarding IT statutes (K.S.A 75-7201 – K.S.A. 75-7212) and Executive orders are available [here](#).

## Agency Pre-RFP Processing

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### Pre-RFP Requirements

Agency submits the following as attachments to a SMART requisition:

- Request letter to Director of Purchases to establish the Procurement Negotiating Committee (PNC).
- Specifications document
- List of suggested bidders, including name, address, e-mail address, and FEIN if available.
- Template for vendor responses (pricing, specifications, questions)

### Specification Requirements

- Background/History\*
  - Scope of Work
  - Requested services and/or products with part numbers and detailed specifications.
  - Notation if equivalent products can be submitted for consideration.
  - Requested Quantities
  - Any other deliverables.
  - Timeline for purchase
  - State resources to be provided\*
  - Requested contract term and renewal options.
- (Items marked with \* are optional)

## Office of Procurement and Contracts (OPC) Processing

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### Review

Once all documents are submitted (and KITO approval has been given if needed), the procurement officer will examine the submitted documents for clarity. Please note that OPC cannot verify that the specifications are correct or suitable for the project. It is the responsibility of the agency to ensure that the submitted specifications meet the needs of their project. The bid specifications must provide written guidance for vendors to ensure that responses will provide the agency with adequate detail to properly evaluate submissions and select the most appropriate solution.

### RFP Creation and Publication

Once all documents are verified, the OPC procurement officer will create the official RFP package using the documents provided by the agency and standard templates within the state procurement system. This document will be posted to the [eSupplier](#) site and sent to each of the requested vendors as provided by the agency including known bidders from previous events providing the contact information is still accurate. Additionally, any vendors who have registered will be notified of the new bid event if their category code(s) matches the RFP. Per statute, the RFP information will be advertised in the Kansas Register.

The timeline for an RFP will vary depending upon the requested product and/or service, complexity, and the scope of the project. The overall length of the event is determined by several factors:

- 1) [K.S.A. 75-3739](#) requires that bids in excess of \$50,000 be posted ten (10) days prior to the bid closing date.
- 2) Pre-bid conference events.
- 3) Question and Answer Periods. RFP events allow for a vendor to ask questions to the office of OPC regarding the bid event. These questions are then passed to the agency, who provides responses in writing to the procurement officer. These responses are then posted to as an amendment to the RFP to allow all vendors equal access to all responses. This process usually requires two to three weeks, depending upon the complexity of the project. For more technical or involved projects, this process may be repeated multiple times.
- 4) Time for vendor response after final questions can vary from two to four weeks depending upon complexity.

The entire process is typically six to nine weeks before the agency receives a response.

**It is critical that the agency has no contact with the vendor during this time. Vendors cannot reach out to the agency for questions, nor can the agency talk with any vendor to provide detail. All communications must be through OPC.**

## Post Response Processing

All bids are submitted to OPC and are due by the bid closing date within the event. Vendors must include all requested documentation to be considered. Bidders are instructed to provide both a technical proposal and cost proposal in separate documents.

At bid opening, only names of bidders are announced.

OPC will examine the responses and determine the validity of the submissions. Once compiled, agency PNC members will be sent the technical proposals from each of the valid bidders. The agency is not provided with any cost proposals to ensure their evaluation is unbiased regarding pricing.

The technical evaluations are not limited to PNC members; however, anyone viewing the bid documents must execute an NDA Non-Disclosure Agreement. The PNC is responsible for the creation and submission of the technical review. Any consultant or source external to the State of Kansas must be disclosed to OPC prior to viewing submissions. The agency cannot contact any vendor for clarification, all communication must remain through OPC.

The agency will then review the proposals and respond to the OPC procurement officer with a complete and detailed Technical Evaluation for each of the proposals submitted.

This review should include (but is not limited to):

- Response format as required by the RFP.
- Adequacy and completeness of proposal.
- Vendor's understanding of the project.
- Compliance with the specifications, terms and conditions of the RFP.
- Experience in providing like services.
- Qualified staff.
- Methodology to accomplish tasks.
- Pros / Cons.
- Strengths / Weaknesses.

The agency can select the top vendors who have a solution that closely aligns to the project, based only on the technical presentation. Once OPC receives a complete technical evaluation, the Cost Proposals are released to the PNC for review. The PNC reviews the cost proposals in concert with the technical evaluations and recommends to OPC one or more vendors to invite to negotiations. The Agency is encouraged to examine the bids according to cost, starting with the lowest bid.

In the event the lowest bid is not selected, [K.S.A. 75-37§102.e](#) requires an explanation why.

If required, negotiation session(s) are scheduled by OPC.

- Preparations for negotiations sessions should include the development of Q&A and any discussion points for negotiations. OPC will send to the vendor in advance of the negotiations to allow the vendor to be better prepared for the meeting.
- Demonstrations of systems or equipment may be necessary.
- At the end of negotiations, the PNC may request that OPC ask for a revised offer. If revised offers are requested, OPC will provide these to the PNC for consideration.

The PNC submits a formal written recommendation for award to OPC, providing full documentation of the recommendation. This includes rationale for excluding lower cost bidders. OPC may require additional documentation or justification before proceeding with the award.

## Award

- Contract documents are prepared by OPC.
- Documents are routed for signatures.
- OPC will finalize the contract and enter it into the system.
- Once the contract is entered, the agency may begin work on the project or work with the vendor for the creation of the detailed-level KITO project plan.
- The bid file becomes available for review under the Kansas Open Records Act.

OPC, based upon their experience with the transaction, remains available for follow-up, including answering contract questions, assisting with vendor performance issues, and, standing ready to assist with termination, should the situation warrant this action.

## Typical Request for Proposal (RFP) Development Schedule

1 to 2 weeks	<ul style="list-style-type: none"> <li>- Writing the RFP / Agency Review / Scheduling</li> <li>- Bid is Posted to the DOP Internet Website</li> </ul>
1 week	<ul style="list-style-type: none"> <li>- Pre-Bid Conference (if desired, to discuss the concept with potential bidders)</li> <li>- Addendum is issued clarifying any outstanding issues</li> </ul>
2 weeks	<ul style="list-style-type: none"> <li>- Vendors Submit questions about the scope of work</li> </ul>
2-3 weeks	<ul style="list-style-type: none"> <li>- Bid Preparation by Vendors</li> </ul> <p>The following steps will impact the overall timeline depending upon complexity, quality of the specification, efforts of the evaluation team, etc.</p> <ul style="list-style-type: none"> <li>- Review of Technical Proposals</li> <li>- Evaluation Document prepared by PNC and submitted to OPC</li> <li>- Cost Proposals are shared with PNC</li> <li>- Re-Evaluation of technical and Cost proposals</li> <li>- Recommendation of vendors for negotiation by PNC to OPC</li> <li>- Negotiations</li> <li>- Revised Offers submitted by vendors from Negotiations</li> <li>- Final recommendations for award by PNC to OPC</li> </ul>

## Request for Proposal (RFP) Timeline

All timelines are approximate and may need to be modified depending on the complexity of each procurement.

ACTION	RESPONSIBLE PARTY	TIME NEEDED
Purchase Requisition, Specifications, PNC Request Letter and Suggested Vendor List submitted to Procurement and Contracts (P&C)	Agency	
RFP Posted and Advertised	OPC	7- 14 business days from receipt. If specs require more than minimal changes, may be longer.
Questions Due from Vendors	P&C forwards to agency	14 days from Advertise Date
Responses to Questions prepared	Agency w/ OPC review	1-7 days
Amendment issued reflecting Answers to Vendor Questions and/or Pre-Proposal Discussions	OPC	5-7 days from Questions deadline or Pre-Proposal Conference, whichever is later
Bids Close	OPC	10-14 days (typical) after the last bid Amendment
Review of Technical Responses **	PNC (and others as selected by agency)	3-30 days
Narrative Technical Review submitted to OPC	PNC	
Receipt and Review of Cost Proposals	PNC	1-2 days from Review submission
Technical and Cost Review submitted to OPC, along with recommendation of Vendor Selection for Negotiations	PNC	
Negotiations	OPC	Varies by complexity of issues
Revised Offers Due	OPC receive and forward	1-10 Days, depending on complexity
Review of Revised Offers and Final Selection Made	PNC	2-10 Days
Recommendation for award submitted to P&C	PNC	
OPC Contract Award	P&C	

Request to Establish PNC Template

*(Prepare document on agency Letterhead)*

Date

Todd Herman, Director  
Department of Administration  
Procurement and Contracts  
900 SW Jackson, Room 451  
Topeka, KS 66612-1216

Dear Mr. Herman:

On behalf of the *Department/Division Name*, I am requesting that you convene a Procurement Negotiating Committee in accordance with KSA 75-37,102. The purpose of the committee is to secure a contract to provide *Name of Contract or Services*.

I have delegated *Name of Agency Purchasing Representative* as my designee for this committee. Additionally, I would like to recommend *Name of Agency Subject Matter Expert* as the Secretary of Administration designee on the Procurement Negotiating Committee.

Thank you for your consideration and assistance in this matter.

Sincerely,

Name  
Title

Notes (delete before preparing letter):

*Per statute, the request to establish a PNC is to be requested by the Chief Administrative Officer of the agency*