INTRODUCTION
You have been selected to serve in the Proposal Evaluation Team for a Request for Proposal (RFP). The RFP process measures economy and quality when purchasing goods and services, and it ensures fair treatment of vendors desiring to do business with the University of North Dakota (UND). The evaluation team and its functions are an essential part of the process leading to the award of an RFP.

It’s important for you as an evaluator to know what will be expected during this process. Being on an evaluation team will require long hours of concentrated effort.

- **Role of the Team.** The role of the evaluation team is to award points to the proposals so that they may be ranked. Once ranked, the proposals will be ushered through the remaining process by the procurement officer until an award can be made or the procurement is canceled.

- **Role of Team Members.** You will be one of several evaluators on the evaluation team. Your duty is to apply judgment in awarding points to the proposals for the purpose of ranking them. You will be limited to considering only the evaluation criteria published in the RFP.

- **Role of the procurement officer.** The procurement officer has overall responsibility for all matters involving the procurement and its procedures, and they are responsible for seeing that applicable state laws, rules, and policies are followed. Evaluators should contact the procurement officer if they have any questions about the evaluation process:

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CONFLICT OF INTEREST
Once the proposals have been received and it is clear which companies are involved in the RFP, each member of the evaluation team must make sure that they do not have a potential conflict of interest. An example of a conflict of interest is a situation in which a university employee (or family member) owns a business that is competing for a university contract, and that university employee participates in the decision-making process to award that contract. It is important to avoid even the appearance of impropriety in the evaluation process.

Disclose potential problems at the earliest possible time and make adjustments to keep the process fair to all competitors. Your awareness of a potential conflict may not arise until you are well into the evaluation process. If there is any question about a potential conflict of interest, notify the procurement officer immediately and consult legal counsel. If a conflict of interest exists, that person cannot be a member of the evaluation team.

REQUEST FOR PROPOSAL
It is very important that all Proposal Evaluation Team members read the Request for Proposal and have a clear understanding of the requirements and evaluation criteria before attempting to evaluate proposals. The Request for Proposal is a document that describes all the requirements of this project, how proposals must be prepared, and how proposals will be evaluated. After all deadline for receipt of proposals, all proposals received must be evaluated against the criteria set forth in the Request for Proposal.
We recommend that evaluation team members read each proposal twice—the first time for understanding, without evaluating. Then, review and evaluate each proposal to measure the quality and degree of compliance with the evaluation criteria. Make notes and give tentative ratings on the evaluation score sheet. Remember, these forms become public documents after the contract award.

RESPONSIVENESS
The procurement officer will review all proposals for responsiveness before distributing them to the Proposal Evaluation Team. This will prevent the evaluation team from reading a proposal that can’t be considered for award. An offeror, an individual or firm that submits a proposal, is considered “responsive” if their proposal has been prepared in full compliance with the requirements of the RFP. The evaluation team cannot evaluate proposals deemed non-responsive.

INITIAL MEETING OF THE EVALUATION TEAM
During the initial meeting the team will discuss the proposal review and scoring process to ensure each team member has a clear understanding of the scoring process and how points will be assigned. Provide evaluators with a copy of each proposal, this instruction sheet, and the evaluation worksheets to be used when scoring proposals. The procurement officer will develop a schedule for the evaluation process, based upon the tentative schedule laid out in the RFP.

EVALUATION PROCESS
Each evaluator scores each proposal and records their ratings on an evaluation worksheet. Compile the resulting evaluations from all team members, resolve any factual oversights, make sure the resulting team member notes are legible and produce a summary that constitutes the evaluation team’s recommendation.

PRICES MAY NOT BE REVEALED UNTIL AFTER FIRST SCORING
The evaluation team will not know the price until after it has compiled its first scoring. In general, this is done to avoid the possibility of the prices influencing the scoring when technical criteria are being considered.

EVALUATION FORM
An evaluation form is used to guide evaluators in their review and evaluation of proposals. An evaluation form provides a listing of individual evaluation criteria and the rating scale to be used. The evaluation form does not include pricing. The resulting evaluation framework is very important because it:

- Provides a means for all evaluators to review and evaluate proposals in a consistent and objective manner;
- Helps the evaluation team discuss differences in their initial review and, for those differences that are based on an incomplete or incorrect reading of the information presented, resolve them; and
- Documents the results of the evaluation team's work and provides support for the final recommendations.

Any notations made on the evaluation worksheet will become public record. Each evaluation worksheet should be completed in full, signed, and dated by the evaluation team member.
RATING SCALE FOR USE IN EVALUATION

The rating scale establishes standards by which points are assigned to proposals, and it ensures that evaluators score each proposal with consistency. An example of a rating scale is presented as follows:

<table>
<thead>
<tr>
<th>Value</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-10</td>
<td>None/Low. Not addressed or response of no value</td>
</tr>
<tr>
<td>11-20</td>
<td>Fair. Limited applicability</td>
</tr>
<tr>
<td>21-30</td>
<td>Good. Some applicability</td>
</tr>
<tr>
<td>31-40</td>
<td>Excellent. Substantial or total applicability</td>
</tr>
</tbody>
</table>

A zero value typically constitutes no response or an inability of the vendor to meet the criterion. In contrast, the maximum value should constitute a high standard of meeting the criterion. Each intermediate value should be set to cover some intermediate condition.

COMMUNICATIONS WITH PROPOSER OUTSIDE TEAM

You must only discuss this procurement within the activities of the procurement team. If the procurement officer has provided for the offerors to have communication with the evaluators, it will be done while the team is together so all members can benefit from the communication at the same time. It’s not appropriate for you to have direct communication with any of the proposers outside of the formal in-session communications arranged by the procurement officer. Any attempt by one of the proposers to have direct or indirect communication with you outside of a team session should be avoided and reported to the procurement officer.

INDEPENDENT JUDGMENT

In evaluating proposals, you must exercise “independent judgment.” You have been entrusted with an essential part of an important public decision. Exercise your judgment in a manner that is not dependent on anyone else’s opinions or wishes.

You can seek to increase your knowledge before you award points by asking questions and seeking appropriate information. Ensure, however, that you do not allow your actions to be influenced by another person’s wishes (i.e. a desire that you award more points to a particular offeror.)

It’s possible you will hear from other persons not on the evaluation team (even if you don’t want to) about what you should do in awarding points to this or that proposal. For the most part these contacts by others will not rise to the level of serious concern unless you feel your independence is being compromised in some manner or your decisions are being influenced to the point of being dependent on another person’s desires. Report any attempts by others to improperly influence you to favor or disfavor a particular proposer to the procurement officer immediately.

The exercise of independent judgment applies not only to possible influences from outside the evaluation team, but also to influences from within the team. It’s normal and acceptable for there to be debate, even passionate debate, within the team about how well a proposal meets the evaluation criteria. As an independent evaluator you may be swayed by debate in making your judgment about many points you wish to award, and that is perfectly OK. However, evaluators may not act in a concerted way to either favor or disfavor a particular proposal or group of proposals, as the evaluation would not be based upon the independent judgment of the individual evaluators.
COMPARING OFFERS
At first glance it may seem obvious that proposals should be compared to one another in order to select the best one. While it's true that a certain amount of comparison naturally occurs during the evaluation process, proposals must be evaluated or scored using the criteria set out in the RFP. In addition, evaluation team members should record brief comments that lend insight on why they awarded points or failed to award points based on RFP evaluation criteria for a particular item.

CLARIFICATION OF OFFERS
In order to determine if a proposal is reasonably susceptible for award, communications by the procurement officer or the evaluation team are permitted with an offeror to clarify uncertainties or eliminate confusion concerning the contents of a proposal and determine responsiveness to the RFP requirements. Clarifications may not result in a material or substantive change to a proposal. The initial evaluation may be adjusted because of a clarification.

CONSOLIDATION OF INDIVIDUAL EVALUATION SCORES
After every one has completed the evaluation process, the evaluation team can meet as a group to discuss the proposals and identify and make clarifications. If aspects of a proposal need to be clarified, the procurement officer or the evaluation team may communicate with an offeror to clarify uncertainties or eliminate confusion. This communication may not result in a material or substantial change to the proposal, but evaluation team members modify their scores during the discussion/clarification period. The individual scores will then be submitted to the procurement officer, and a total of the combined scores will be calculated. If any scores appear unusual, the procurement officer should ask the evaluator to explain their scores, or reconsider if an error seems apparent. Evaluators should always have a reasonable, rational, and consistent basis for your scores, as the evaluator might be required to explain the scores in the event of a protest.

PRESENTATION TO THE EVALUATION TEAM
After any discussions for clarifications and the initial evaluation of proposals received, offerors whose proposals receive the highest scores and are determined to be reasonably susceptible for award may be required to make a presentation for the evaluation team.

BEST AND FINAL OFFER
On occasion, the evaluation team may not be satisfied with the proposals or feel that the proposals could be improved upon. The evaluation team may determine that it is in the best interest of the university to request best and final offers. The university initiates the request for best and final offer; the process is not initiated by an offeror’s request for an opportunity to submit a best and final offer. Best and final offers are not necessary when the evaluation team is satisfied with the proposals received.

APPLYING PREFERENCE LAWS
Before evaluating the cost proposal, the procurement officer must identify any proposals received from out-of-state offerors and apply North Dakota’s preference law, as required by N.D.C.C. 44-08-01. Determine whether the state of the non-resident offeror has a preference law. Visit the State Procurement Office website: https://www.nd.gov/omb/agency/procurement/reciprocal-preference.

N.D.C.C. 44-08-02 defines a resident North Dakota bidder, seller, or contractor as “a bidder, seller, or contractor who has maintained a bona fide place of business within North Dakota for at least one year prior to the date on which a contract was awarded.”
COST EVALUATION
Cost does not need to be evaluated by everyone on the evaluation team. It is recommended that cost be evaluated by at least two people, and discussed with the team.

After making any adjustments for reciprocal preference, convert the price to points. The proposal with the lowest cost receives the maximum points allowed. All other proposals receive a percentage of the points available based on their cost relationship to the lowest cost proposal. Divide the lowest cost proposal received by the cost of the proposal being rated, and multiply the results by the maximum points. The result is the awarded points.
This is determined by applying the following formula:

\[
\text{Price of Lowest Cost Proposal} \times \frac{\text{Maximum points available}}{\text{Price of Proposal Being Rated}} = \text{Awarded Price points}
\]

Example: The total point available for cost in the RFP was forty (40) points. The cost of the lowest acceptable proposal is $100,000. Therefore, the lowest proposal cost of $100,000 would be awarded forty (40) points. The second lowest acceptable proposal submitted a cost of $125,000. The second lowest proposal cost of $125,000 would be awarded thirty-two (32) points.

\[
\frac{100,000}{125,000} = .80 \times 40 = 32 \text{ points}
\]

The points awarded for cost are combined with the total points awarded for the technical proposal to determine the successful proposal.

NOTICE OF INTENT TO AWARD
After the successful proposal is selected, a notice of award will be sent to all offerors and any other interested parties.

REQUESTS FOR PUBLIC INFORMATION
After the Notice of Intent to Award is issued, the proposals and contents of the procurement file become subject to state open records laws. You can expect to receive requests for copies of proposals and evaluation documents. Remember, information can only be confidential if determined to be so under state or federal law.

Offerors will very commonly mark their proposals as “confidential.” Before releasing the proposal to the requestor, contact the firm that submitted the proposal and inform them that you have received a request for public information. Tell them that ND has an open records law, so information can only be kept confidential if it determined to be so under North Dakota or Federal law. Then, point out that their whole proposal is marked “Confidential.” Ask them to indicate specifically what information or sections they consider confidential. Requests for public information must be answered promptly, so give the firm a deadline to respond to you. You can also send the offeror the link to the Office of the Attorney General’s open records brochure on their website at: http://www.ag.state.nd.us/OpenRecords/ORM.htm.

If the request for public information includes the section that the offeror feels is confidential, contact your assistant attorney general to help determine whether or not that section can be made open or must be kept confidential.
PROTESTS, APPEALS, AND LAWSUITS
Protests, appeals, and lawsuits are a part of procurement life. It is possible that one or more of these actions could occur over the procurement for which you serve as an evaluator. Such actions may or may not center on your activities as an evaluator, but generally they are not. Most actions are related to procedural issues and involve only the decision of the procurement officer. However, it's not uncommon for a protester to review the scoring of individual evaluators. That's why it's essential that you work hard to score the offers in a consistent and explainable manner.

Thank you for your participation in this RFP process!