

## **Chapter 4:**

### **Advertising**

#### **Solicit Bids**

The SFA must solicit bids/proposals in accordance with Federal, State, and local procurement procedures. To comply with Federal standards, State and local procedures must provide a sufficient amount of time, prior to the date for opening of bids/proposals, to allow for the preparation and submission of bids/proposals.

If, after solicitation of a number of sources, competition is determined inadequate, a contract may be awarded by noncompetitive negotiation. Since noncompetitive negotiation is limited to specific situations, it should not be used unless expressly approved by the SA. In such instances, the SFA must maintain documentation of its efforts to solicit bids.

#### **Time Allowed**

Unless otherwise specified by State or local procurement standards, it is suggested that at least 45 days for IFBs and 60 days for RFPs be allowed from the time bids/proposals are solicited to the time that they are due. (It should be noted here that substantially more time overall must be allotted for a procurement under a RFP to allow for such things as proposal evaluation, negotiation with offerors, contract development, etc.) Provided that the IFB/RFP has been properly prepared, an adequate amount of solicitation time works to the advantage of both the SFA and the offeror and contributes to an effective and efficient procurement process.

#### **Advertising Methods**

Under either the IFB or RFP procurement method, bids/proposals must be solicited directly from an adequate number of qualified FSMCs and the IFB/RFP must be appropriately publicized in order to provide for maximum open and free competition. To accomplish this, the bids/proposals should at the very least be published in a regional news source. In addition, copies of the complete IFB/RFP should be mailed to prospective offerors, i.e., those FSMCs that are believed to be qualified and that might reasonably be expected to respond to the solicitation. This may include FSMCs that are currently doing business with other SFAs in the State, in adjoining states, or elsewhere. SA guidance should be requested and SA requirements in this matter must be followed including any FSMC registration requirements. Any amendments or changes to the IFB/RFP as well as any questions and answers resulting from written offeror inquiries or from a pre-bid/pre-proposal meeting must be

submitted to all prospective offerors. No information regarding the IFB/RFP should be considered official or binding on the SFA until and unless it is provided in writing.

Publicizing of the IFB/RFP should be accomplished in accordance with Federal/State/local procurement procedures. Generally, this would be done by advertising in major newspapers/trade journals that are normally used by the SFA for publicizing other procurements. It is not necessary that the entire IFB/RFP be published. At a minimum, however, the advertisement should include the IFB/RFP number and date, a brief description of what is being proposed for procurement, and instructions for obtaining a copy of the IFB/RFP.

### **Pre-bid/ Pre-proposal Meeting**

A SFA may be required to conduct a pre-bid/pre-proposal meeting under State/local procurement procedures or may simply wish to do so, particularly if this is the first procurement of FSMC services by the SFA. It is recommended that such a meeting be conducted and that it be held approximately two weeks after the IFB/RFP is issued but prior to the date bids/offers are due. There are two important reasons for holding a pre-bid/pre-proposal meeting:

**Provide Information**—to provide information concerning contract performance requirements that may be helpful in the preparation of bids/proposals.

**Answer Questions**—to answer any questions prospective offerors may have regarding the solicitation.

Furthermore, the meeting may bring to light ambiguities, errors, or omissions in the IFB/RFP, which may later be corrected through written amendments to the IFB/RFP. (The meeting should not be held, however, as a substitute for formally amending a deficient or ambiguous specification or to disseminate performance requirements in addition to those contained in the solicitation.)

The following are some items to consider in planning and conducting a pre-bid/pre-proposal meeting:

**Information Regarding Meeting**—information regarding the meeting should be a part of the IFB/RFP solicitation package. It need not be publicly advertised but it must be provided to each FSMC that has received a copy of the IFB/RFP either directly or upon request. The information should include a request that questions be submitted several

days prior to the meeting to enable the SFA to do research and prepare to respond at the meeting.

**Recommended Attendance of Offerors**—attendance at the meeting by prospective offerors is strongly recommended but generally should not be required for submittal of a bid/proposal.

**Recommended Attendance of SA**—in accordance with SA procedures and particularly for first-time FSMC procurements, the SA should be invited to attend the meeting and should receive a copy of all information relevant to the meeting.

**Information Provided in Writing**—information provided by the SFA at the meeting should not be considered official until provided in writing to all FSMCs that have received the IFB/RFP. Following the meeting, the SFA should prepare a set of questions and answers that were covered at the meeting and should mail this information simultaneously to all prospective offerors.