

Pre-Bid Kick-Off Meeting

MEETING AGENDA

1. COMMITTEE EXPECTATIONS

- a. Committee team/chair roles and responsibilities
- b. Review the Solicitation Process

2. REVIEW THE PROPOSED SOLICITATION

- a. Scope of work
- b. Evaluation criteria
- c. Timeline

3. QUESTIONS OR CONCERNS

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I. BACKGROUND INFORMATION

- Formal competitive bids or proposals (ITB/RFP/ITN) are required on purchases of commodities, contractual services, and deferred payment contracts in excess of \$149,999.99 unless otherwise exempt, and revenue generating contracts upon request.
- The formal bid process typically requires 60 – 90 days starting with the draft of the specifications/statement of work until a final award decision is made. This time includes review and approval of draft specifications, statutorily required public notice posting times, 30 days for supplier bid responses, and the proposal evaluation process. The formal bid process for complex commodities and services will take longer than a standard ITB, RFP or ITN, especially where the award evaluation is comprehensive and negotiations with the Offerors will be conducted. The End User Department should contact Procurement as far in advance of any major purchase to allow sufficient time to plan and accommodate the formal bid process.
- The contents of Requests for Proposal, Invitations to Bid and Invitations to Negotiate shall be kept confidential by the University until the University provides notice of an intended decision or as otherwise provided in Section 119.071, F.S.
- Any supplier wishing to use the marks, logos and symbols of the University must obtain a trademark license. All trademark products will be considered and must be approved by the Licensing & Marketing. No products will be licensed without the approval of the Licensing & Marketing.

Source: FAU Procurement Manual

II. ROLES & RESPONSIBILITIES:

(1) Procurement (Sole Point of Contact)

- Accepts and/or initiates the competitive solicitation process with end-user departments
- Analyzes the market review provided by committee chair
- Confirms there are no available contracts to utilize
- Ensures the committee drafts a robust scope of work
- Develops the solicitation timeline with the committee chair
- Oversees the committee's formation, ensuring that it has an odd number of members and involves key stakeholders
- Conducts the competitive solicitation Pre-Bid Meeting
- Drafts the Letter of Instruction (LOI)
- Provides the Conflict of Interest (COI) form to the committee members
- Identifies potential suppliers
- Evaluates the ability of any supplier to remain on a competitive supplier list, based on their responsiveness to competitive solicitations, the ability to fulfill the duties specified in contracts, or any disruptive or unprofessional conduct or conduct which is not conducive to the University environment on the part of the supplier or its agents, and bars suppliers from doing business with the University for demonstrated cause as determined by the President, including previous unsatisfactory performance
- Posts and advertises the competitive solicitation
- Hosts a pre-proposal conference (if necessary)
- Assists the committee, ensuring compliance with all requirements of the competitive solicitation process, including, but not limited to, record keeping and retention of all documents and communications.
- Sole point of contact for all questions and all other forms of communication.
- Posts Answers supplier questions- (answers provided by Committee Chair)
- Receives and logs proposals
- Negotiates on the best terms and conditions in the event no bids are received Rejects or cancels any or all competitive solicitations, in whole or in part, when determined to be in the best interest of the University
- Conducts supplier presentations or site visits (if necessary)
- Hosts negotiation sessions (if necessary)
- Posts intent to award on public platform

(2) Committee Chair

- Accepts and/or initiates the competitive solicitation process with Procurement
- Drafts the initial scope of work
- Performs a market review related to the project scope
- Confirms there are no available contracts to utilize
- Forms a solicitation committee of 3, 5, or 7 members that includes key stakeholders, with input from Procurement. At least one member must report to a different FAU Vice President (*see FAU Purchasing Manual*)

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- Gathers input and feedback from department/committee members
- Finalizes a detailed scope of work, including timeline, priorities, preferences, qualifications, pricing format, and evaluation criteria
- Reviews the Letter of Instruction (LOI) provided by Procurement
- Reviews and signs the Conflict of Interest (COI) provided by Procurement, and notifies Procurement of any real or perceived conflicts of interest prior to first committee meeting
- Identifies potential suppliers
- Answers supplier questions during the Q&A phase and sends answers to Procurement point of contact to post.
- Leads the committee through the solicitation process
- Attends all committee meetings and conferences
- Does not have outside conversations with any suppliers regarding, proposals, or any aspect of the process
- Forwards any inquiries regarding any aspect of the solicitation directly to Procurement (the sole point of contact) for response
- Closely reviews all submitted proposals
- Recommends shortlisted suppliers
- Evaluates proposals based on the predetermined criteria
- Develops negotiation strategies
- Leads negotiation conferences with shortlisted suppliers (if necessary)
- Reviews best and final offers
- Negotiates final contract terms with awarded supplier and Office of General Counsel
- Recommends the final intent to award - this includes the authority to make awards to multiple suppliers, awards in multiple year terms, or award contracts on behalf of multiple institutions or entities. Procurement post intent to award on public platform.

(3) Committee Members

- Accepts invitation to join the solicitation committee
- Reviews the Letter of Instruction (LOI) provided by Procurement
- Reviews and signs the Conflict of Interest (COI) provided by Procurement and notifies Procurement of any real or perceived conflicts of interest prior to first committee meeting
- Provides input on the proposed scope of work
- Identifies potential suppliers
- Actively participates in the solicitation process
- Attends all committee meetings and conferences
- Does not have outside conversations with any suppliers regarding, proposals, or any aspect of the process
- Forwards any inquiries regarding any aspect of the solicitation directly to Procurement (the sole point of contact) for response
- Closely reviews all submitted proposals
- Evaluates proposals based on the predetermined criteria
- Recommends shortlisted suppliers
- Develops negotiation strategies

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- Participates in negotiation conferences with shortlisted suppliers (if necessary)
- Participates in negotiation of final contract terms with awarded supplier
- Reviews best and final offers

❖ NOTES:

- Committee members may not confer with other members about the competitive solicitation outside of publicly noticed meetings (including emails, texts, phone calls, etc.).
- Defer any contact from an outside party regarding the solicitation to the Procurement Sole Point of Contact
- Keep responses and notes secure and confidential
- Use only the information provided in the proposals for evaluations.
- All meetings are recorded and will be part of the public record. Be mindful of what is said during these meetings.
- All aspects of the ITN process are confidential until thirty (30) days after Best and Final Offers are opened or upon award, whichever is first.

III. SOLICITATION PROCESS

STEP (1): Needs Are Identified

- ❖ Procurement and/or the Committee Chair identifies the University's needs and initiates the competitive procurement process.

STEP (2): Committee Formation & Preparation

- Committee members are identified by the Chair, in consultation with Procurement
- Each Committee member shall identify possible conflicts by completing the provided Conflict of Interest (COI) form and submit to Procurement **prior** to the 1st committee meeting.

STEP (3): ITN Drafting

- The committee chair should work together with the committee, their own unit/department, any other key stakeholders, and Procurement to draft a robust scope of work for the solicitation.
- The purpose, expectations, timeline, goals, etc., should all be clearly outlined in the solicitation so that each potential supplier understands the University's requirements.

STEP (4): ITN Posting

- Procurement posts the solicitation for the number of required dates, on the locations required by law and/or regulation.
- Any changes to the scope of work required or requested by the Committee after the solicitation has been posted will be communicated by Procurement to the interested suppliers by issuing an addendum while the solicitation is still open. Changes should not be made by the Committee after the deadline to submit responses. If changes are made after the deadline, the solicitation may have to be cancelled and re-issued.
- Suppliers submit their response by the posted deadline.

STEP (5): Submission Review

- Each Committee member should review the letter of instruction (LOI), in its entirety, prior to reviewing the submitted proposals.
- Each Committee member should independently thoroughly review and evaluate all submitted proposals and be prepared to discuss each submission at Committee meetings.
- Committee members should be looking for completeness, consistency, experience, understanding of the requirements outlined in the SOW and how the supplier meets the requested criteria when reviewing proposals.
- **Evaluation of the proposals shall not be discussed amongst selection committee members except during a committee meeting.**

STEP (6): 1st Committee Meeting: Supplier Shortlist

- A public meeting will be held to review individual evaluations and discuss proposals.
- At this meeting, the committee must decide which suppliers are shortlisted and will move to the negotiations phase, as applicable.

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- The chair will send the Procurement sole point of contact a memo indicating the suppliers to be shortlisted. The memo shall include the committee's reasons for selecting the shortlisted suppliers.
- The committee will determine the negotiation points and strategy during this meeting.
- Procurement will post a public notice of the shortlist for 72 business hours before negotiation meetings can begin.

STEP (7): Negotiation Phase

- The Committee shall review each Supplier's submission in their entirety, in advance of the meeting, to prepare for each negotiation session.
- The Committee will meet with each of the shortlisted suppliers to discuss each Supplier's submission.
- This is the Committee's opportunity to ask the Supplier questions to ensure they understand the Supplier's submission, and whether it aligns with the solicitation's scope of work. This is also the Committee's opportunity to NEGOTIATE with the supplier. The Committee can request improvements or modifications to the Supplier's submission, whether it be in pricing, timelines, quality, warranties, etc. However, the Committee can not make any alterations to the scope of work.
- The Committee should ensure that they are comfortable with the submissions and work toward getting the best possible final submission from each supplier.
- Meetings for the purposes of developing negotiation strategies and negotiations with suppliers are not public meetings during this phase, but they are recorded and may be shared in the future
- The committee may schedule additional negotiation sessions depending upon the complexity of the solicitation, to be conducted under these same guidelines.

STEP (8): Receipt of Best and Final Offers (BAFOs)

- After completion of the negotiation phase(s), shortlisted suppliers will submit their Best and Final Offers (BAFO).
- Once BAFOs are received, each Committee member must ***independently*** and thoroughly review each of the submissions prior to the next meeting.
- The committee should ensure they are knowledgeable about and comfortable with all the terms in each supplier's BAFO.
- Whatever is in the BAFO becomes part of the final contract, and no further changes can be made. If the committee conducted robust and thorough negotiations with the suppliers during the negotiation phase(s), the committee should not be surprised by any terms in any BAFO.

STEP (9): Final Evaluation Meeting

- The Committee will meet for a final public evaluation meeting. The purpose of the meeting will be for the Committee to make a final award recommendation.
- The Committee Chair will send the assigned Procurement team member (point of contact) a memo indicating the Committee's recommendation for award. The memo shall include the

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committee's reasons for the award recommendation and why other shortlisted suppliers were not recommended for award.

STEP (10): Solicitation Award is Issued

- Procurement posts the award for 3 Business Days.
- Procurement collates the documents and sends the package to the awarded supplier for review. The cover page indicates any exceptions to the BAFO that were agreed upon in the final negotiation session.
- If there are any outstanding terms that were not finalized (e.g., the supplier did not agree to all legal terms in their submissions), those terms are settled and negotiated by the Committee Chair and Procurement, in consultation with legal.
- Upon completion of all negotiations, the full award is signed
- Committee chair oversees implementation of the contract.

❖ NOTES

- A competitive solicitation is a confidential process; however, the public is allowed to attend certain meetings. In addition, all documents, communications and other materials are subject to public record requests after an award is posted or 30 days after Best and Final Offers (BAFOs) are received, whichever is first

RESOURCES

Exhibit 1: Competitive Solicitation Checklist

COMPETITIVE SOLICITATION CHECKLIST:

- ☐ Define the project scope and objectives
- ☐ Perform a market review related to the project scope
- ☐ Confirm there are no available contracts to utilize (*See Exhibit 2*)
- ☐ Identify internal key stakeholders
- ☐ Form the solicitation committee
- ☐ Hold the Solicitation Committee Pre-bid Meeting
- ☐ Review the Pre-Bid Meeting Package
- ☐ Draft the solicitation document, including all five key components
- ☐ Develop a timeline for the solicitation process
- ☐ Determine a weighted rubric for evaluation
- ☐ Review and approve the solicitation internally
- ☐ Identify potential suppliers
- ☐ Distribute the solicitation to potential suppliers
- ☐ Host a pre-proposal conference (if necessary)
- ☐ Procurement answers supplier questions
- ☐ Procurement receives and logs proposals
- ☐ Evaluate proposals based on predetermined criteria
- ☐ Conduct supplier presentations or site visits (if necessary)
- ☐ Select the winning proposal
- ☐ Negotiate final contract terms
- ☐ Award the contract
- ☐ Debrief unsuccessful suppliers

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Exhibit 2: ITN vs. Piggyback

Scenario	Solicitation	Piggyback
Unique or highly specialized needs	✓	
Standard, commonly purchased goods/services		✓
Need for immediate or emergency procurement		✓
Limited internal procurement resources		✓
Complex, multi-year projects spanning multiple suppliers	✓	
Regulatory requirements mandate competitive bidding	✓	
Seeking innovative solutions to localized problems	✓	
Bulk purchases of common items		✓
Need for ongoing contract management		✓
Desire to leverage collective buying power		✓
Seeking a strategic, long-term partnership	✓	
Need for extensive customization	✓	
Limited market knowledge of suppliers and pricing		✓
Emphasis on cost savings		✓
Need for flexibility in contract terms	✓	
Focus on time and resource efficiency		✓
Requirement for extensive supplier vetting	✓	

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Exhibit 3: Code of Ethics; Standards of Conduct; Conflict of Interests

- (1) **CODE OF ETHICS AND STANDARD OF CONDUCT.** All University personnel engaged in purchasing and related activities shall conduct business dealings in a manner above reproach in every respect. Transactions relating to expenditure of public funds require the highest degree of public trust to protect the interests of the University and the taxpayers of Florida. All University personnel engaged in the purchasing cycle, including the President, Vice Presidents, Deans, Chairpersons, Directors, budget committee members, initiators of requirements and their supervisors, receiving personnel, finance and accounting personnel, P-Card holders, and all members of a purchasing activity are bound by the standard of conduct for public officers and employees set forth in Chapter 112, Part 3, Florida Statutes and Florida Atlantic University Regulations 5.011, University Ethics.
- (2) **EMPLOYEE CONFLICT OF INTEREST AND GRATUITIES.**
- A. Conflict of Interest - Except as may be permitted by the regulations of the Florida Atlantic University, it shall be a breach of ethical standards for any employee of the University to participate directly or indirectly in the purchasing process when the employee knows that:
 - 1. He/she or any member of his/her immediate family, will benefit from a university purchasing transaction;
 - 2. A business or organization in which he/she, or any member of his/her family, (spouse, children, parents, brothers and sisters) has a financial interest and will benefit from a university purchasing transaction; or
 - 3. Any other person, business, or organization with whom he/she or any member of his/her immediate family, is negotiating or has an arrangement for employment and will ultimately benefit from a university purchasing transaction.
 - 4. All employees having a financial interest in a private concern shall file a statement annually with the university disclosing such interest.
 - 5. All individuals taking part in the development or selection of criteria for evaluation, the evaluation process, and the contract award process in any purchase shall be independent of and have no conflict of interest in the entities evaluated and selected.
 - B. It shall be a breach of ethical standards for any employee of the university to accept, solicit, or agree to accept a gratuity of any kind for personal gain in connection with any contract for commodities or services. Current or potential contractors are prohibited from offering an employee of the university a gratuity of any kind for the employee's personal gain to influence the development of a contract or potential contract for commodities or services.
 - C. All individuals taking part in the development or selection of criteria for evaluation, the evaluation process, and the contract award process in any purchase shall be independent of and have no conflict of interest in the entities evaluated and selected. The university shall not accept a competitive solicitation from, or purchase commodities or contractual services from a person or affiliate who has been convicted of a public entity crime and has been placed on the State of Florida's convicted vendor list for a period of 36 months from the date the person or affiliate was added to the convicted vendor list.
 - D. A person or firm who receives a contract to perform a feasibility study for potential implementation of a subsequent contract, participates in the drafting of a competitive solicitation, or develops a program for future implementation shall be ineligible to contract with the University or compete for such procurements dealing with the specific subject matter.
 - E. University employees and university direct support organization employees participating on a procurement selection committee for commodities or services are prohibited from soliciting donations from responding vendors during the selection process, except for donations or other benefits expressly stated in the procurement document.

PRE-BID MEETING

Exhibit 4: Reference Links

- FAU Solicitations - <https://www.fau.edu/procurement/bid-info/>
- Purchase Order Terms & Conditions - <https://www.fau.edu/procurement/files/potermis.pdf>
- Office of the President – Procurement - <https://www.fau.edu/policies/documents/files/11-2-contract-review-policy.pdf>
- Office of General Counsel – Procurement forms - <https://www.fau.edu/generalcounsel/procurement/>
- Procurement Regulation 6.008 - <https://www.fau.edu/generalcounsel/procurement/>
- Procurement Guidelines & Manual - <https://www.fau.edu/procurement/files/purchasing-manual.pdf>
- FL BOG Regulation Ch 18 - https://www.flbog.edu/wp-content/uploads/2023/09/18.001-Procurement-Regulation_FINAL.pdf