



TO: John K. Gardner, Chief Financial Officer
FROM: Darlyn B. Adams, CPPO, Procurement Officer
SUBJECT: RFQ for Professional Design Services for Production Architecture
DATE: October 24, 2014

I would like to address the issue from the vendor's point of view. We rely on the vendor community to meet our needs and in return they expect to be treated equitably.

An RFQ (Request for Qualifications) was issued by the District for Professional Design Services for Production Architecture. This was the second of a two part process. The vendor community has shown interest in both solicitation processes. Vendors replied to the RFQ based on the District's integrity in conducting solicitations.

The District Procurement Code which governs the District in procurement manner states in Article 1:A. Purposes and Policies:

1. A.4. To ensure the fair and equitable treatment of all persons who deal with the procurement system of the District which will promote increased public confidence in the procedure followed in public procurement.

1. A.6. To provide safeguards for the maintenance of a procurement system of quality and integrity with clearly defined rules for ethical behavior on the part of all persons engaged in the public procurement process.

To further state the District's policy on equitability in the procurement process, Article 1.B Obligation of Good Faith reads, Every contract or duty within this code impose an obligation of good faith in its negotiation, performance or enforcement. "Good faith" means honesty in fact in the conduct or transaction concerned and the observance of reasonable commercial standards of fair dealing.

Offerors submitted their proposals in response to the RFQ. Offerors invested many hours of personnel time, equipment, and supplies to compile a proposal that met the District's responsive requirements. Offerors bear the financial burden for the preparation of responses.

Offerors submitted their offers based on the belief and past experience that the RFQ process had been approved and that a Notice of Intent to Enter into Negotiations would be issued.

Although the Code does state that any solicitation can be canceled, it also states that "unless there is a compelling reason to reject bids, a notice should be issued. This RFQ process followed the guidelines of the District's Procurement Code. There was sufficient notification to the vendor community that the RFQ was available and vendors were given the opportunity to submit questions and/or protest the specifications.

The Procurement Code provides that a date and time be established for the receipt of bids/proposals. Responses received after the advertised date and time cannot be accepted. An exception is proof that a proposal was received at the District as specified (sealed, prior to date/time on solicitation) and documented as to the reason why Procurement did not have the response.

I have concerns about how the vendor community will react if the District decides on a different action plan. Vendors are the District's life-lines when it comes to providing goods and/or services that meet the needs of the District.