

Section 2.30

Evaluation and Awards

Evaluation

An award is made through an evaluation process to the respondent offering the best value for the state while conforming to the specifications or statement of work required. Complying with the specified time limit for submission of written data, samples, or models is essential to the acceptability of a proposal.

In some instances the safety record of the respondent may be considered in determining the best value. If considered, an adopted written definition and criteria for accurately determining the safety record must be provided to prospective respondents in the solicitation documentation. The criteria must not be arbitrary or capricious and must be specifically addressed in the solicitation pursuant to the provisions of Texas Government Code §§ 2155.074 and 2155.075.

Any of the criteria listed below may be considered as long as provisions are outlined in the solicitation. The evaluation criteria must be in the solicitation when it is advertised and should specifically outline what will be considered and what weight the criteria will have in the evaluation process. Any criteria must have objective definitions and identified measures. For more complex solicitations, an evaluation team should be utilized and should include individuals with working and industry knowledge regarding the procurement. Examples of evaluation criteria used in conjunction with the Request for Proposal (RFP) process can be found in the [Contract Management Guide](#).

Typical criteria that should be used in determining the proposal offering the best value in addition to price are:

- the quality, availability, and adaptability of the supplies, materials, equipment, or contractual services to the particular use required;
- the number and scope of conditions attached to the respondent's proposal;
- the ability, capacity, and skill of the respondent to perform the contract or provide the service required;
- whether the respondent can perform the contract or provide the service promptly, or within the time required, without delay or interference;
- the character, responsibility, integrity, reputation, and experience of the respondent;
- the quality of performance of previous contracts or services;
- any previous or existing noncompliance by the respondent with specification requirements relating to time of submission of specified data such as samples, models, drawings, certificates, or other information;
- the sufficiency of the financial resources and ability of the respondent to perform the contract or provide the service; and
- the ability of the respondent to provide future maintenance, repair parts, and service for the use of the contract.

Additional general best value evaluation factors found in Texas Government Code § 2155.074(b)

- (1) installation costs;
- (2) life cycle costs;
- (3) quality and reliability of the goods and services;
- (4) delivery terms;

- (5) indicators of probable vendor performance under the contract such as past vendor performance, the vendor's financial resources and ability to perform, the vendor's experience or demonstrated capability and responsibility, and the vendor's ability to provide reliable maintenance agreements and support;
- (6) cost of any employee training associated with a purchase;
- (7) effect of a purchase on agency productivity;
- (8) vendor's anticipated economic impact to the state or a subdivision of the state, including potential tax revenue and employment; and
- (9) factors relevant to determining the best value for the state in the context of a particular purchase.

Aids to Evaluation

The WRITTEN DATA RULE applies:

1. If written data is required in order to evaluate proposals, a solicitation that expressly requires the submission of written data with the response must include the following statement or its substantial equivalent.

"Failure to provide the required information with the response may disqualify the response from consideration for award."

2. When evaluating proposals, primary consideration may be given to the written data already provided.

The following are options when considering an award:

AWARD: Contract issued to the respondent that offers the best value and meets **all** the specifications and requirements of the solicitation is selected.

NO AWARD: A "no award" is based on the following circumstances:

- no responses received;
- no respondents met the specifications and requirements; or
- agency decides it does not wish to make an award due to:
 - budgetary constraints or
 - change in agency requirements.

RE-AWARD: An award may be made to the next lowest respondent meeting the specifications and requirements if the original awarded respondent cannot meet the conditions of the contract/purchase order, or permission is granted to cancel the contract/purchase order.

When applicable, see Section 2.28 Tie Bids.

DOCUMENTATION REQUIRED FOR THE CONTRACT/PURCHASE ORDER FILE PRIOR TO AWARD:

Federal Excluded Persons List System (EPLS):

Pursuant to TPASS rules, the state may consider debarment actions by other government entities as possible indicators of vendor responsibility. Prior to awarding any contracts, state agencies and qualified local government purchasing entities are reminded to check the list of vendors excluded from doing business at the federal level by utilizing the **Federal Excluded Persons List System (EPLS)** at <http://www.epls.gov>.

Additionally, in compliance with Executive Order #13224 - "Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit or Support Terrorism," state agencies are

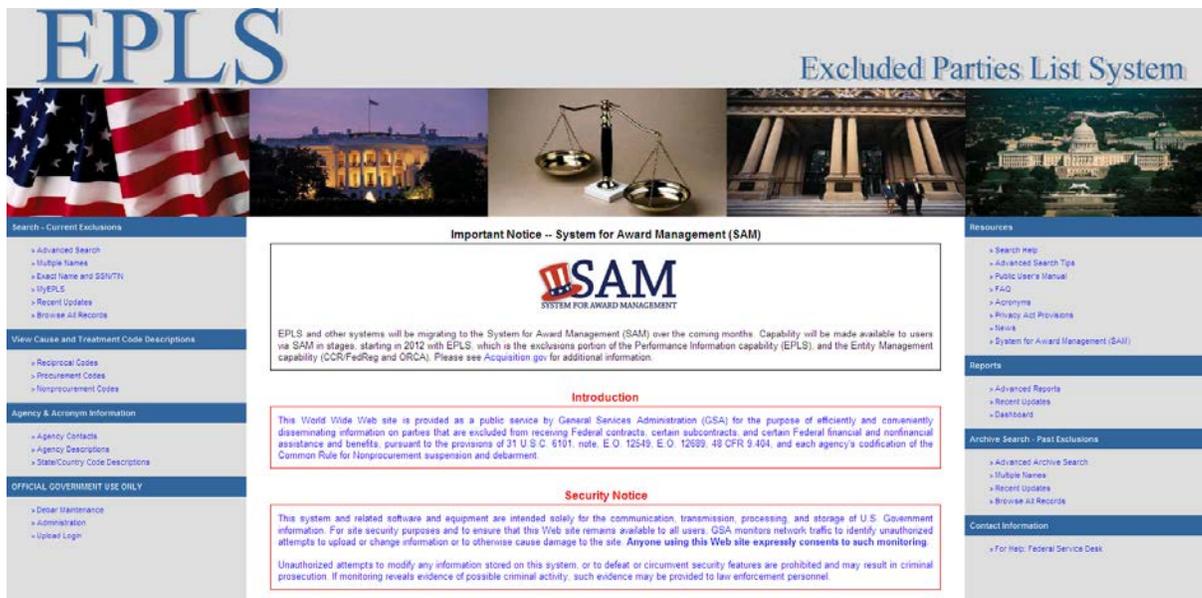
responsible for ensuring they do not enter into transactions with or issue payments to those individuals or organizations identified in the **Office of Foreign Assets Control list of Specially Designated Nationals (SDN) and Blocked Persons**. The list may be found at <http://www.ustreas.gov/offices/enforcement/ofac/sdn/>.

The EPLS check must be conducted, preferably no more than seven (7) days prior to the award date. It is also recommended that the check be performed prior to the renewal of a contract.

FOR OPTIMAL EPLS SEARCH SELECT MULTIPLE NAMES

This search must be done prior to award.

Utilizing Exact Name and SSN/TIN is not recommended



CHOOSE SEARCH OPTIONS FROM THE “DROP DOWN” MENU

Search should include the company name including DBAs and all individuals listed in the response.

- **FIRM, ENTITY OR VESSEL:** Enter company name with AND between each part of the name(s). Include “DBA’s” as well. Ex: Company AND Inc.
- **INDIVIDUAL (BASIC):** Enter name(s) without middle initial
If a “find” is obtained, it is recommended to contact the respondent and obtain the middle name(s) or initial(s) to perform a thorough search.
- **INDIVIDUAL (FULL):** Enter name(s) with verified middle name or initial - Provides optimal search

PRINT SEARCH RESULTS USING “PRINTER FRIENDLY” OPTION

Search Results for Parties Excluded by

Firm, Entity, or Vessel : Company AND Inc
Individual : John Doe
Individual : John Q Doe
As of 24-Jun-2011 11:10 AM EDT
Save to MyEPLS

Your search returned no results.

[Back](#) [New Search](#) [Printer-Friendly](#)

PRINTER-FRIENDLY

Printer should be set up to include date printed on document

It is recommended the search be processed no more than seven (7) days prior to award.

EPLS

Excluded Parties List System

Search Results Excluded By
Firm, Entity, or Vessel : Company AND Inc
Individual : John Doe
Individual : John Q Doe
as of 24-Jun-2011 11:11 AM EDT

Your search returned no results.

NOTE: EPLS checks are not required for awards made to TIBH Industries Inc. and Texas Correctional Industries (TCI) as these entities hold statutory and contractual responsibilities under the state's set aside program.

WARRANT HOLD STATUS

All state agencies and institutions of higher education are required to notify the Comptroller's office of every person or debtor with an outstanding state debt (indebtedness, tax delinquency, or student loan default). Reporting these debts enables the Comptroller to hold state payments issued to these individuals or entities in accordance with [Texas Government Code § 403.055](#). (Junior colleges are excluded from this requirement.) Reference Section 8 of the [Fiscal Management Hold Procedures](#).

You may make an award to a respondent that is on warrant hold. Prior to making an award, it is recommended that a warrant hold check be performed for the potential respondents receiving an award. Agency personnel must request to obtain access to TINS, USAS and USPS through their security coordinator.

Reference [Texas Identification Number System Guide – Chapter 4 – TINS Inquiry Screens](#).

To determine the warrant hold status, use (PYHOLD) - PAYEE HOLD INFORMATION on the menu and enter the Texas Vendor Identification number or the Federal EIN No. preceded by a 1.

Provide the information to the respondent regarding their hold status by providing the identity of the agency that placed them on hold or refer them to TPASS at 1-800-531-5441 Ext. 68138.

To determine which agency to reference, use (RSNINQ) - AGENCY HOLD REASON INQUIRY.

Note: The rationale for making an award to an otherwise qualified respondent (other than warrant hold) is that by making the award, an obligation to compensate the contractor is created by the receipt of a good or service by the state. Once the request for warrant is processed by the Comptroller's office, compensation for the warrant hold is collected.

Issue the Contract/Purchase Order:

Award the contract to the respondent offering the best value while conforming to the required specifications, terms, and conditions. Issue a Notice of Award letter or purchase order with the following required information:

- agency name and address;
- agency contract or purchase order number;
- date of the order
- term of contract (delivery period after receipt of order or beginning and ending dates of service);
- contractor's name, payee/vendor identification number, and address, including zip code;
- NIGP Class and Item number;
- Purchase Category Code (see Section 2.47 Purchase Category Codes (PCC));
- Include the contract precedence on the Notice of Award or Purchase Order:
 - (1) this Notice of Award or Purchase Order, with Listing of Awarded Items;
 - (2) the original solicitation documents, as modified by addenda;
 - (3) the Proposal submitted by your company as modified by any Best and Final Offer.
 - (4) the Assumptions and Exceptions as agreed upon by the agency and the contractor.

- Listing of awarded items with quantity, unit of measure, and unit price with extended totals
- Signature of authorized/certified purchasing representative.

Internet Sources:

<http://comptroller.texas.gov>

<http://comptroller.texas.gov/taxinfo/coasintr.html>

tax.help@cpa.texas.gov