# **Solicitation**

## What is a Solicitation?

A solicitation is a process of notifying prospective or qualified offerors that a SFA wishes to receive bids or proposals on the specified product or service. A “solicitation document” is a formalization of this process in a written format. An Invitation for Bids (IFB) or Request for Proposal (RFP) is required to be made public through newspaper notice and/or posting to the SFA’s procurement webpage. Solicitation documents will vary greatly depending on the procurement method chosen. Regardless of procurement method, all solicitation documents should contain enough information to permit the potential offeror to submit an adequate response.

## What is a Solicitation Document?

Solicitation documents generally contain the following areas of importance:

* General Information:
  + the name and contact information of the contact person at the SFA,
  + general descriptions of the goods or services to being procured
  + how the goods and/or services will be used
  + eligibility requirements of offerors
  + estimated quantities of goods or services
  + purchasing method (Invitation for Bid (IFB), or Request for Proposals (RFP))
  + type of contract (i.e., fixed-price, cost-reimbursable with a fixed fee)
  + payment provisions including invoice and billing procedures, method, and schedule of payments
  + duration of the contract
  + bonding requirements, if applicable
  + the laws and regulations that govern the procurement and the awarded contract
* Procedural Issues:
  + how and who to contact at the SFA
  + the date and time by which the bid or proposal is due
  + allowable methods for offerors to submit a response (i.e., by mail, hand delivery, fax, electronic mail, in a sealed envelope with the solicitation number and due date and time on the outside)
  + a request for the signature of the authorized representative that can bind the offeror contractually
  + pre-bid meeting and conference information, including a notice when attendance is mandatory, if applicable
  + clarification procedures that the SFA will use to explain the solicitation and respond to questions
  + required forms and certifications that must be completed and submitted with the bid or proposal (i.e., non-procurement debarment and suspension, or anti-lobbying, etc.)
  + an explanation of how the SFA will proceed if a contract cannot be executed with the apparent successful offeror
  + cancellation, withdrawal, and reissuance procedures that the SFA will use when the solicitation is withdrawn for cause or convenience
  + protest procedures that are available to offerors to resolve disputes, objections, and procurement protests
  + an explanation of what method and criteria will be used for evaluating responses, including factors and weighting information
* Technical Requirements and Evaluative Criteria:
  + specifications that describe the required characteristics of the goods and/or services (remember that when one known brand name or product is used as the "quality standard," regulations require the solicitation to say "brand name or equal")
  + cost requirements/pricing mechanism of goods and/or services (i.e., costs will be evaluated based on unit prices)
  + offeror's years of experience
  + offeror's past performance
  + delivery terms such as time or days of delivery, unloading and shelving services, distribution of materials, location(s) of delivery, etc.
  + whether subcontracting will be permitted
  + offeror responsibility

## Responsive vs. Responsible Offeror

Only offerors that are responsive and responsible offerors can be considered for awarded contract. An offeror who is responsible and submits a responsive offer is one who:

* clearly indicates compliance without material deviation from the solicitation's terms and conditions
* possesses, at the time of contract award, the experience, facilities, reputation, financial resources, and other factors necessary to fulfill the terms of the contract successfully.

The solicitation document must include a description of how an offeror demonstrates compliance for this requirement.

## Advertising a Solicitation

Formal procurement method requires public announcement of the solicitation. This is a critical part of the procurement process. The SFA must announce its solicitation in way that does not restrict free and open competition. When advertising a solicitation, a SFA needs to consider the following:

* the content of the solicitation announcement
* the due date of the offer
* the manner in which the solicitation will be advertised.

Types of public announcement methods may include:

* state designated newspapers
* trade periodicals
* designated SFA Procurement webpage
* direct mailings to known vendors (see "Note" below)
* other print media that serves the business community and general public.

SFAs may want to consider using more than one announcement method to reach the widest possible audience.

## Content of the Solicitation Announcement

The content of the solicitation announcement should be sufficient enough in scope to allow offerors to identify:

* the general nature of the goods or services to be procured
* the method of procurement that will be used (IFB or RFP)
* how they can obtain the solicitation or more information
* the due date for responses to the solicitation

## Due Date for Responses to the Solicitation

The solicitation must be advertised sufficiently in advance of the due date to permit potential offerors the opportunity to obtain the solicitation and prepare a response. The following must be taken into consideration when determining the due date:

* the complexity of the solicitation requirements
* the time needed for pre-bid/award meetings, site visits, etc.

Federal due date requirements:

* FSMC solicitations for all Child Nutrition Programs, except the Summer Food Service Program (SFSP), must be announced at least 21 days (10 days prior to the pre-bid meeting and 10 days after the pre-bid meeting) in advance of the due date
* SFSP FSMC solicitations must be announced at least 14 days in advance of bid opening, and
* In absence of applicable State and local rules, other solicitations should be publicly announced at least 21 days before the response is due, unless an emergency or good cause exists for expediting the acquisition.

Providing ample time between the advertisement and date of submission may make the difference in receiving many effective responses versus few ineffective responses. SFAs should be cognizant of holidays and not build in short timeframes that restrict competition. SFAs can potentially open themselves up to a bid protest if respondents believe the timeframes were set too quickly to eliminate competition.

