

**SECTION 7: ACQUISITION PROCEDURES**

**SUBJECT: FORMAL COMPETITIVE PROCESS**

**PROCEDURE 7.3.7**

**POLICY:** It is the policy of the University of Washington Procurement Services to comply with all formal competitive procurement process requirements mandated by the State of Washington when conducting its formal competitive procurements, specifically [Chapter 39.26 RCW](#) and the relevant portions of [Title 200 WAC](#).

**PROCEDURES:**

**1. Formal Competitive Process Threshold**

The formal competitive process is mandatory for all procurements that exceed the formal competition threshold contained in [RCW 28B.10.029\(c\)\(iii\)](#), [Procedure 2.1](#) and which is not subject to an exception<sup>1</sup>. [Chapter 39.26 RCW](#) sets forth the minimum requirements to be followed for formal competitive procurements.

**2. Statutory Requirements for Formal Solicitations**

- a. UW must provide public notice for all competitive solicitations by posting them on WEBS and set forth the UW's requirements and the criteria that will be used in evaluating bids<sup>2</sup>
- b. All bids must be submitted either electronically or in sealed envelopes. No disclosure of bids or bid information may be made before bid opening.<sup>3</sup>
- c. All bids must be received by the time indicated in the solicitation document and late bids may not be considered.<sup>4</sup>
- d. The University must have a process for accepting supplier complaints that complies with DES Policy #170-00. Complaints must be accepted throughout the bidding process, up to 5 business days prior to the deadline for submitting bids, promptly respond to complaints and writing and post the University's responses in WEBS.<sup>5</sup>
- e. After reviewing all bids, UW may enter into negotiations with the lowest responsive and responsible bidder.<sup>6</sup>
- f. The University must provide for a protest process in accordance with DES Policy #170-00. After all bids have been submitted and evaluated, the protest procedure must

---

<sup>1</sup> Exceptions Include: emergency purchases; sole source purchases; specialized equipment, instructional and research material; services contracts for collaborative research, where the use of a specific contractor is a condition of granting funds; special facilities, services or market conditions where direct negotiation is in the state's best interest; purchases from master contracts; services where the tariff is established by a public entity; intergovernmental agreements; off-contract purchase of Washington-grown food when not available through an existing contract; expert witnesses for litigation; purchase of materials, supplies and equipment for resale other than to public agencies. See: RCW 39.26.100, 39.26.125, 39.26.130, 39.26.140

<sup>2</sup> RCW 39.26.150, 39.26.160(4)

<sup>3</sup> WAC 200-300-010(16)

<sup>4</sup> WAC 200-300-010(16), 200-300-025

<sup>5</sup> DES Policy #DES-170-00

<sup>6</sup> Responsible bidder defined in RCW 39.26.160(2).

- provide for a debriefing conference upon request within 3 days of announcement of the ASB and permit protests by bidders within 5 days of the debriefing conference. The University must investigate and respond in writing to protests within 10 business days.<sup>7</sup>
- g. Enter the name of each bidder and name the successful bidder on WEBS.<sup>8</sup>

### **3. Formal Competitive Procurement Process Outline**

Formal solicitations must meet the above legal requirements and follow the appropriate UW processes, listed below

#### Solicitation document:

- a. Campus client sends Procurement Services the specifications for a desired product or service need.
- b. The buyer reviews the specifications to ensure that client's needs are met without unnecessarily restricting competition, and incorporates the specifications into a written solicitation document, such as the Request for Quote (RFQ), Invitation to Bid (ITB), Request for Proposal (RFP), etc.
- c. The buyer then builds the sourcing document in Ariba, ensuring that any special terms and conditions, such as the unique insurance requirements, federal flowdowns, or other special requirements are incorporated into the written solicitation. These requirements will vary depending on the funding source, type of product/service being procured and/or University department procuring the good/service.
- d. The buyer develops scoring and evaluation criteria and methodology for incorporation into the solicitation document.
- e. Incorporate a procurement schedule into the solicitation document and for certain complex procurements, schedule a pre-proposal conference at which the buyer answers potential bidders' questions.

#### Release of the solicitation:

- a. Once the written solicitation is completed, the buyer must post the Solicitation Notification and Solicitation Detail Attachment summarizing the solicitation in WEBS. Once these documents have been posted in WEBS, the buyer opens the bidding process within Ariba.
- b. Ensure that the document posted in WEBS contains a clear and conspicuous notification to vendors that the solicitation is being completed in Ariba, the University of Washington's eProcurement site, and that interested vendors should register in Ariba to bid on the solicitation. Include directions for accessing Ariba and for registering as a vendor. Invite any known suppliers that could provide the goods or services to be purchased.

---

<sup>7</sup> DES Policy #DES-170-00

<sup>8</sup> RCW 39.26.160(7)

- c. If a pre-proposal conference<sup>9</sup> or a site visit is scheduled, the buyer shall ensure that the appropriate arrangements were made to accommodate all suppliers interested in attending the event.

Receiving and Opening Bids:

- a. The time of receipt of all bids submitted in the Ariba eProcurement system will be automatically recorded, and any bids not submitted prior to the communicated deadline shall not be considered, unless caused by a technical error.<sup>10</sup>
- b. Bids will be opened contemporaneously as soon as is reasonable and practicable after the time designated in the solicitation document for the closing of the solicitation.
- c. If requested, a list of companies that have submitted a proposal shall be provided to the requesting entity by the procurement coordinator identified in the competitive solicitation document.
- d. All non-confidential or non-proprietary information for the specific competitive procurement shall become available as public records after the announcement of the Apparent Successful Bidder (ASB) and may be accessed via public records request through the [Office of Public Records and Open Public Meetings](#)

Evaluation<sup>11</sup>: Once all proposals are received by the buyer, they will be evaluated for the evaluation criteria communicated in the solicitation. Preferably, at least three evaluators<sup>12</sup> should participate in proposal evaluation.

Announcement of the Apparent Successful Bidder(s): After evaluators determine the winning proposal, the announcement identifying the proposer of the winning proposal as the ASB should go out to all suppliers that have submitted a proposal. This announcement states that the proposer identified has been determined as the best offer in accordance with the evaluation criteria; it does not mean that the contract has been awarded to the ASB. The University may then begin negotiations with the ASB.

Debriefing: UW must offer and, if requested, provide debriefing to all bidders. [DES Policy #DES-170-00](#). A period of 3 working days must be allocated for potential requests for a debriefing. If a debriefing is requested, a period of 5 working days must be allocated for potential protests.

---

<sup>9</sup> During the pre-proposal conference, it should be made clear to all of the interested parties that only answers in writing, released after the pre-proposal conference, represent Procurement Services' official response to such questions. The buyer should allow suppliers at least 10 days, after the release of the written answers, to submit their proposals.

<sup>10</sup> For more information, see UW Procurement Policy 7.3.12.

<sup>11</sup> All proposals and vendor information, including qualifications and references, must be in English to be appropriately evaluated. If a proposal is not in English, the department is responsible for appropriately translating the proposal.

<sup>12</sup> It is important that each proposal shall be evaluated by the same criteria, so to ensure equal opportunity and unrestricted competition.

Protest: If the award is protested, negotiations may continue, but the contract may not be formally awarded until the protest has been resolved.

Award: After the time allocated for debriefings or potential protests has passed, the buyer may award the contract by signing the purchase order/contract.

#### **4. Documentation Requirements**

The following documentation should be in the purchase order/contract file:

- a. Documentation of the solicitation document release method.
- b. Submitted proposal responses to the solicitation.
- c. Documentation of the evaluation process (score sheets, etc.)
- d. Copy of the Purchase Order or a signed contract.
- e. Other documents that the buyer deems important to acquisition.

Once these steps have been completed, the file is ready to be archived.