



Guidelines for Competitive Solicitation Processes and Interaction with the Office of General Counsel

These Guidelines are intended to assist and inform implementation of the various solicitation processes set forth in the Cleveland State University Purchasing Policy, 3344-65-18, pertaining to Requests for Proposals, Requests for Quotations and Invitations to Bid. Templates will be available for each of the three methods of solicitation and will not require legal review, unless a change is made to the template language. The Office of General Counsel is always available as a resource to discuss and assist with any novel or complicated transaction even if a template is being utilized.

1. As set forth in Rule 3344-65-18(B), it is important to always consult with a purchasing agent **prior to** making any transaction for assistance with process identification and selection, drafting the solicitation document, pricing and other selection criteria and potential vendors.
2. Potential vendors should not be involved in the development of solicitation specifications for products or scopes of work for services; information regarding product specifications and capabilities may be obtained from vendors, but development of the scope of work should not involve potential vendors. **Potential vendors that “assist” in developing specifications for products or scopes of work for services are generally disqualified from bidding or proposing on those projects in which they are involved.** Again, contact a purchasing agent before commencing the process for guidance.
3. When seeking a price quote for services, be sure to include language that price and other enumerated criteria will be evaluated. The Request for Quotations and the Request for Proposals should include a description of the scoring system to be used, specifying all selection criteria, including price, CSU will consider and identifying the weight to be given to each criterion.
4. Departments shall send Invitations to Bid, Requests for Proposals and Requests for Quotations to the Purchasing Department for review as a Word document to facilitate revisions.
 - a. An Invitation to Bid (“ITB”) is used to procure goods and supplies (and rarely services) with an estimated purchase price of \$25,000 or more; when CSU intends to acquire goods and supplies with a maintenance agreement as a component of the acquisition, the ITB should be employed in most cases. The contract resulting from an ITB is awarded to the lowest responsive and responsible bidder. A bid will be considered responsive if it meets the ITB’s requirements in all material respects and contains no irregularities or deviations that would affect the amount of the bid or otherwise give the bidder a competitive advantage. The University’s determination of a bidder’s responsibility may include, without limitation, the following factors: quality of the bidder’s work, experience in the field, conduct and performance of the bidder on previous contracts, bidder’s ability to execute the contract properly, bidder’s financial condition, bidder’s management skills, and bidder’s facilities.
 - b. A Request for Proposals (“RFP”) is used to procure professional services with an estimated purchase price of \$50,000 or more; when CSU seeks professional services that may include incidental goods or supplies as a component of the scope of services, the RFP should be employed. Proposals are reviewed by an evaluation committee using the criteria specified in the RFP. Proposals are judged not only on price; lowest price will not necessarily be

- accepted. The proposal receiving the highest score is the one judged to best serve the interests of the University.
- c. A Request for Quotations (“RFQ”) is similar to an ITB but is used to procure specific items or a small project with an estimated purchase price under \$25,000. The format typically covers defined item(s) to be purchased, number of items, and per unit cost. As set forth in Rule 3344-65-27, a RFQ is also used to procure a public improvement project with an estimated cost over \$50,000 but below \$200,000; the University Architect’s Office (“UAO”) prepares the work scope defined in a public improvement project RFQ.
 - d. As set forth in Rule 3344-65-04(A), for goods and supplies to be purchased below the bid threshold, a minimum of three quotes are acquired when possible; one or more quotes are to be provided by the department and the others by Purchasing, with the lowest, most responsive becoming the vendor of choice.
 - e. As set forth in Rule 3344-65-04(B), for purchase of services below the RFP threshold, the department should supply a minimum of three quotes where possible for the identical scope of work, reviewable by Purchasing, with the lowest, most responsive becoming the vendor of choice.
5. As noted above, when using a template, legal review of the solicitation document is not required unless a change is made to the template language. If the solicitation award is subject to CSU terms and conditions pursuant to a CSU Purchase Order or CSU is not a signatory, legal review is not necessary. Also, for an Invitation to Bid only involving supplies, equipment or tangible products, legal review is not necessary.
 6. The Office of General Counsel will review solicitation documents as to form and substance, and is not charged with drafting such documents. Documents should be proofed for substantive and clerical errors before submitting for legal review.
 7. **If an apparent low bidder is to be rejected based on a nonresponsive bid or a determination that the bidder is not responsible, contact the Office of General Counsel prior to finalizing any decision or action to reject the bid as there may be legal ramifications regarding such actions that need to be analyzed, weighed and discussed.** Additionally, if there is any question regarding interpretation of the award standard “lowest, responsive and responsible” or whether the apparent low bidder is responsive or responsible, you should contract the Office of General Counsel.
 8. The Purchasing Department should convene annual or bi-annual meetings with fiscal officers, deans and chairs to review the Purchasing Policy, these Guidelines and provide an opportunity to ask questions of purchasing agents and representatives of the Office of General Counsel regarding process and procedure.