



The Association of Charter School Education Services

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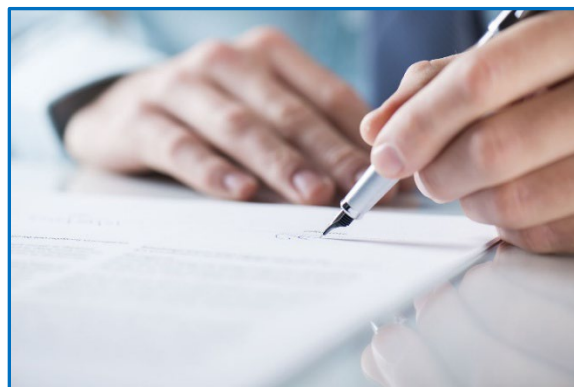
Albuquerque, New Mexico 87191

Are you unfamiliar with the Request for Proposals (RFP) process?

Do you have little or no experience writing and submitting formal proposals in response to RFPs?

ACES is interested in your participation and would like to help!

Effective responses to Requests for Proposals (RFPs) can allow you or your company to increase the possibility of earning more customers or clients. ACES is continuously striving to bridge the gap between vendors and ACES Participating Agencies by awarding contracts that are solicited through formal processes. Understanding how to effectively write proposals in response to RFPs is valuable. It is important to know the right information to include and to have general knowledge about the process. This document will provide information regarding both the RFP process and steps and tips to help you write your own proposal in response to an ACES RFP.





About ACES:

The mission of ACES is to assist ACES Participating Agencies in providing better education to their students and to take advantage of streamlining procurement opportunities by utilizing ACES contracts. ACES was established through a Joint Powers Agreement, signed by member charter schools, and approved by the Department of Finance and Administration of the state of New Mexico on July 5, 2013. Each ACES Participating Agency shall have the option to purchase services and items established through ACES procurements.

There are approximately 100 charter schools in New Mexico. Over 90% of the charter schools in New Mexico are Participating Agencies with ACES. Under all awarded contracts, there is no guarantee of participation; and all awards are made as indefinite quantity. The awarded contract is then made available to all ACES Participating Agencies. All non-charter public education entities and other state and public entities can use ACES contracts as well, by becoming an ACES Participating Agency.

ACES is an entrepreneurial public entity whose only source of income is from a 1.5% administrative fee imbedded in the cost of items or services. This fee is usually retained by ACES through payments managed by ACES between the Contractor and the ACES Participating Agency. When ACES receives payment from the Participating Agency, ACES retains 1.5% and makes payment to the contractor in the amount of 98.5% of the total payment due. Whenever a direct payment waiver is authorized, orders and payments may be made directly to Contractor and the Contractor will be required to submit the applicable administrative fees along with a report on services rendered and/or products purchased to ACES on a scheduled basis (determined by ACES).

The Solicitation/RFP

Learning about the RFP process:

The RFP is a formal process mandated under NM law and applicable to the expenditure of public funds in NM. It is a process required for solicitation of contracts by public agencies involving professional services and in certain instances, other types of services and/or commodities, valued at over \$60,000. Public agencies include state government, legislative and judicial branches, counties, cities/municipalities, schools and school districts.

The jargon:

It is important when reading and responding to an RFP to understand some basic terms used. Usually, the RFP document will contain a list of definitions of terms used in the document, but not always. Here is a list of common terms associated with RFPs:

- **Addendum (plural Addenda)** – Written document containing changes to the RFP document or providing additional information regarding an RFP.
- **Agency** – a public entity; may be a school, school district, state, county or city government entity; In RFPs, it can refer to the entity issuing the RFP and may also refer to entities who utilize an awarded contract to issue orders to contractors (Participating Agency)
- **Contractor** – Individual or company that has been awarded a contract under an RFP.
- **Local Public Body** - every political subdivision of the state of NM and the agencies, instrumentalities, and institutions thereof, including two-year post-secondary educational institutions, school districts and local school boards and municipalities, except as exempted pursuant to the Procurement Code.
- **Offer** – a proposal submitted in response to an RFP
- **Offeror** – An individual or company that submits a proposal in response to an RFP



- **Procurement Code:** NM State law; Chapter 13 of the NM State Statutes; specifically defined as §13-1-28 through §13-1-199, NMSA 1978. All public agencies are required to follow the Procurement Code for purchases using public funds
- **Proposal** – a written document prepared specifically as required in response to an RFP
- **Responsible offeror:** an offeror who submits a responsive proposal and who has furnished, when required, information and data to prove that they have the financial resources, production or service facilities, personnel, service reputation and experience adequate to make satisfactory delivery of the services or items of tangible personal property described in a proposal.
- **Responsive offer:** an offer which conforms in all material respects to the requirements set forth in the RFP. Material respects of an RFP include, but are not limited to, price, quality, quantity or delivery requirements.
- **RFP** – Request for Proposals

The RFP Document:

The RFP document includes specific language as set forth by law, agency policy and funding agreements. The RFP also includes a list of criteria that will be used as the basis for evaluation of proposals submitted in response to the RFP. The law requires that all terms and conditions applicable to the purchase be included in the RFP. The RFP document serves as the primary basis for the contract that will be entered into following award. An RFP, together with an awarded proposal become the main components of the contract. Generally, RFPs contain the following sections:

- General information about the solicitation, including a list of activities, dates/timeframes/deadlines, and contact information for the procurement manager or otherwise a point of contact for questions or clarifications regarding the RFP.
- Any applicable definitions
- General conditions or specifications (usually applicable to all solicitations for the agency)
- Specific conditions or specifications (specific to the services and/or items being solicited in that particular RFP)
- Scope of work and/or technical specifications
- Evaluation criteria (specific to the services and/or items being solicited in that RFP)
- RFP forms (forms required to be completed and returned in or with the proposal)

The most important sections of an RFP are (but are not limited to): the scope of work, evaluation criteria and proposal submission instructions.

The RFP document sets forth all details and requirements applicable to whatever is being purchased/contracted for. It is important that the offeror ensure they have read and understand all terms, conditions and specifications set forth in the RFP prior to submitting a response. If something is unclear, does not make sense, requires more detail etc., it is the responsibility of the offeror to submit a written request to the procurement manager listed in the RFP. Questions and requests for clarification or additional information must always be made in writing and submitted directly to the procurement manager listed in the RFP, unless they are brought up during the pre-proposal conference.

Pre-proposal conference

A pre-proposal conference is a meeting that may be held (in-person, live online or both) specifically regarding an RFP. Although they are common in the process, not all RFPs will have a pre-proposal conference. The conference may be mandatory or optional/non-mandatory. If the conference is specified as mandatory, any offeror interested in submitting a proposal must attend to be eligible to submit a proposal. Failure to attend a **mandatory** pre-proposal conference will render the offeror ineligible to submit. If a proposal is submitted by an ineligible offeror, it will be rejected. If key personnel cannot attend a mandatory pre-conference, it is highly recommended that anybody be sent to represent the company and take notes so that a proposal may be submitted if desired. If the conference is non-mandatory, attendance is highly



encouraged, but optional. Most ACES pre-proposal conferences are recorded, and a copy of the recording may be requested if desired.

The pre-proposal conference is the opportunity for potential offerors to ask questions and get a better understanding of the specific requirements for the RFP. Attendance at a pre-proposal conference does not obligate the submission of a proposal. It is primarily a forum to ask questions without having to submit them in writing and get real-time answers for most questions.

Addenda

An addendum is a written document issued after the RFP is posted and before the deadline for submission. An addendum is a document that becomes part of the RFP. It may make changes to the RFP by revising language anywhere in the document or it may add, delete, or modify requirements, clarify ambiguities, provide additional forms required to be included in the proposal, provide additional information or a list of questions asked by potential offerors and answers to those questions so that all interested can have the same information. It is important that anyone considering responding to a proposal ensure they have received and read all addenda that may have been issued under an RFP prior to submitting. ACES RFPs have a section for the offeror to acknowledge any addenda issued on of the Proposal Forms that are required to be submitted with the RFP.

Putting together a proposal

A proposal is a written response to an RFP. It is an offer that will be evaluated based on the criteria set forth in the RFP. An RFP specifies the item(s) and/or service(s) that are needed, and a proposal is the offeror's response stating how they propose to provide what is needed.

Understanding the needs is the first step. Carefully read through the RFP and take the time to understand what is being asked for. It is important to ask questions about anything that you don't understand. All questions must be submitted in writing via email to the Procurement Manager listed in the RFP (unless otherwise stated). Questions can also be asked verbally during a pre-proposal conference if one is scheduled.

After reviewing the requirements with any applicable stakeholders to ensure you can meet them, and gathering all the answers and insights you need to respond, a first draft can be created. The first draft should be distributed among any team members or given to someone who has agreed to review the document for you for comment and to provide information for edits. It is important to ensure clear language is used and that the response conforms to the requirements of the RFP. **Most ACES RFPs will have a section that is titled "Response Format and Organization". This section states how proposals shall be formatted.**

It is imperative that the proposal address all items listed under the "Evaluation" section of the RFP, as well as contain a response to any other mandatory or other requirements set forth. It is also important to ensure that all forms titled "Proposal Form" are included in the proposal, as failure to do so may cause the proposal to be deemed non-responsive and rejected. Other documents or information that is not specifically in response to mandatory requirements may be included as desired. Often the best place for brochures or support documentation not specifically requested is at the end of the proposal.

The offeror should list any exceptions to, or deviations from, the RFP specifications on a separate sheet titled "Exceptions to Specifications" and indicate such on the proposal form titled "Exceptions to Specifications". Any exceptions shall reference the section number being referred to whenever applicable.



Most ACES RFPs require proposals be formatted something like the following (refer to RFP document for **actual** requirements):

1. Cover letter
2. Letter of Transmittal Form (RFP Appendix form)
3. Table of Contents
4. Narrative response to RFP specifications/requirements/scope of work, and evaluation criteria. Arrange in the order specified in the RFP as closely as possible. Ensure that each section and scope of work is titled or labeled clearly.
5. All forms titled “Proposal Form” contained in this RFP (required appendices)
6. Copies of any required and supplemental supporting documentation and information (copies of resumes, letters, certificates, licenses, etc.)

IN SUMMARY, MOST IMPORTANT WHEN PUTTING TOGETHER A PROPOSAL IS TO:

- Read and make sure you understand all requirements.
- If any requirements are unclear, submit questions and/or requests for clarification in writing to the Procurement Manager through email by the deadline indicated in the RFP.
- Refer to the RFP sections titled “Response Format and Organization” and “Evaluation Criteria” to get specific information about what needs to be in the proposal and how it should be formatted.
- Make sure to completely fill out all pages in the RFP titled “PROPOSAL FORM” and include those pages in the proposal. (Failure to do this correctly will result in the proposal being rejected.)

Pricing

Pricing information may be requested, or it may not, depending on the type of services being solicited in the RFP. If pricing information is requested, offeror shall provide as much detail as possible. Gross receipts or local option taxes should not be included in any pricing set forth in the proposal, unless a lump sum figure is being requested, in which case gross receipts tax *may* be listed separately from the lump sum cost(s). Public agencies such as ACES cannot consider tax when determining award of contracts. That said, agencies are required to pay tax on services when invoiced. When invoicing under any ACES contract, the vendor shall include applicable tax as a separate line item on the invoice. Otherwise, if pricing is not requested in the RFP, it will be negotiated with offers expected to receive award after evaluation is completed.

ACES requests that offerors consider providing pricing, terms and/or conditions that offer **unique value to ACES Participating Agencies**. This can be offered in the form of discounted pricing or terms and/or conditions that are advantageous to ACES Participating Agencies in comparison to standard pricing, terms or conditions. Having an ACES contract provides free marketing opportunities and increased visibility to ACES Participating Agencies, as well as a direct contracting opportunity for purchases valued over \$60,000 in return for contracts of advantageous value.

Requirements for use of Federal Funding and Construction Related Services

Offerors need to be aware that if federal funding is to be used by ACES members to pay for services under any contract, the contractor must be registered as a vendor with the federal government and listed as “active” on the federal database at the time of award. If the RFP you are responding to states that federal funding



may be used, and you are not already registered with the federal government, you can go to www.sam.gov to register and receive a unique entity ID.

In addition, any RFPs for construction related services will usually require the offeror to be registered and active with the NM Department of Workforce Solutions. If the RFP you are responding to has this requirement, and you are not already registered, you can go to New Mexico Department of Workforce Solutions > Labor Relations > Labor Information > Public Works (state.nm.us) for information on how to get registered. Offerors must be actively registered and in compliance **prior** to submitting a proposal or it may be cause for the proposal to be deemed non-responsive and rejected or may cause award of a contract to be limited to work opportunities of only less than \$60,000 per year, per Participating Agency.

Submission

After it is complete, the proposal and any supporting documents/information shall be uploaded online to the [ACES Procurement Portal](#) administered by Beacon Bids. Using the portal requires the offeror to sign up free of charge. If there is any problem encountered either registering or uploading documents to the portal, contact Beacon Bids at 1-888-402-2231 or by email at suppliersupport@beaconbid.com for assistance.

Evaluation

Criteria

All RFPs contain specific criteria that will be used for evaluation of all proposals submitted. The RFP sets forth the maximum value/score that may be obtained. A committee (usually comprised of ACES staff and representatives from ACES member schools or entities) of 3 or more people will individually review and evaluate all proposals deemed responsive to specifications and assign a score for each of the criteria listed to each proposal. After evaluations are completed, they are submitted back to ACES. During evaluation, the committee may ask for clarification from offerors regarding proposal contents. Proposals submitted are opened and evaluated confidentially and at no time are the contents of any proposal shared with other offerors during this stage of the process. Only after a contract is awarded do all proposals, along with evaluation scores, become public information.

Negotiations

After evaluation is complete, ACES may choose to conduct negotiations with the top-ranking offeror(s). This may include negotiating the scope of work, pricing, etc. Although the law allows for revised proposals or “best and final offers” to be submitted at this stage in the process, ACES encourages offerors to submit their best offer in the initial proposal and rarely requests any revisions to proposals be made.

Contract Award

Once evaluations are complete and any negotiations/request for revisions has transpired (if applicable) ACES will contact all offers and let them know if they have received award of a contract or not*. It is customary for ACES to make multiple awards under most RFPs, although only one award may be made if in the best interest of ACES and its members. The number of contracts awarded depends on the amount of need for the products and/or services being requested by ACES Participating Agencies.

Offerors who are awarded a contract will be asked to sign some paperwork (usually done digitally through email). Once contractual paperwork is completely executed, the “offeror” becomes an “ACES contractor” and services are ready to commence on the start date indicated in the Notice of Award. ACES announces new contract awards in its monthly newsletter and will profile the contractor’s business/services on its website. Contractors are eligible to do business with any ACES Participating Agency, and the Participating Agency does not have to obtain multiple quotes or bids from other vendors (unless they desire to).



Multiple-Term Contracts

All contracts that are awarded through ACES for use by its members and participating entities are multiple term contracts. The first term is usually for a period of up to one year. Renewals will be considered after each term. Most ACES contract renew automatically without notice unless non-renewal is desired however notice may be made formally if requested. Contract terms are usually for up to one year initially, with the option to renew for up to three additional one-year terms, but the total number of renewals available may differ depending on the contracted service and other conditions. After the total term has expired, including all renewals, ACES will usually re-solicit through the RFP process again.

