

**Request for Proposal
Evaluation Totals**

Name of RFP: <u>10-124</u>						
Name of Offeror: <u>Larkin</u>						
Date: <u>6/9/10</u>						
Technical Evaluation Criteria	85 POINTS Maximum	Evaluator	Evaluator	Evaluator	Evaluator	Evaluator
1. Understanding of the Project	20	19	14			
2. Methodology Used for the Project:	40	38	30			
3. Experience and Qualifications:	20	18	17			
4. Quality of Written Proposal	5	5	4			
Evaluator Totals		80	65			
Grand Total		Note: Sum of all individual scores				115 145
Technical Proposal Score		Note: Total of individual points divided by the number of evaluators (85 POINT MAXIMUM)				57.5 72.5
Cost Propose Score		Note: (15 POINT MAXIMUM)				13
TOTAL						90.5 85.5

Bendish, Annette M.

From: Bendish, Annette M.
Sent: Tuesday, July 06, 2010 12:19 PM
To: 'Tina Miller'
Cc: Diller, Michael R.
Subject: RE: Emailing: 018-010.pdf

Tina,

You are correct. I reviewed each of the individual score sheets and verified the numbers. An error was made when transferring the sum of the individual scores to the total sheet.

In the case of a tie the North Dakota Rules provide:

4-12-11-05. Tie bids or proposals. In the event of a tie bid or proposal, the procurement officer will ensure that any applicable preference has been applied to price in accordance with North Dakota Century Code section 44-08-01. If a tie remains, award shall be determined as follows:

1. If the tie is between an approved vendor and vendor that is not approved, preference will be given to the approved vendor in accordance with North Dakota Century Code section 54-44.4-09.
2. If the solicitation specified delivery as soon as possible, the bid or proposal with the earliest delivery time will be accepted. In all other cases, delivery time will not be considered in making award, provided the bid or proposal states that delivery can be made within the required time.
3. If a tie remains, a split award may be made or award will be made through a random drawing.

History: Effective August 1, 2004.

General Authority: NDCC 54-44.4-04

Law Implemented: NDCC 44-08-01, 54-44.4-04, 54-44.4-05, 54-44.4-09, 54-44.4-10

The Century Code states:

44-08-01. Preference to North Dakota bidders, sellers, and contractors.

1. The office of management and budget, any other state entity, and the governing body of any political subdivision of the state in purchasing any goods, merchandise, supplies, or equipment of any kind, or contracting to build or repair any building, structure, road, or other real property, shall give preference to bidders, sellers, or contractors resident in North Dakota. The preference must be equal to the preference given or required by the state of the nonresident bidder, seller, or contractor.
2. A state entity authorized to accept bids shall give preference to a resident North Dakota bidder when accepting bids for the provision of professional services, including research and consulting services. The preference must be equal to the preference given or required by the state of the nonresident bidder.
3. The office of management and budget, any other state entity, and the governing body of any political subdivision of the state in specifying or purchasing any goods, merchandise, supplies, or equipment, may not specify any trademarked or copyrighted brand or name, nor the product of any one manufacturer, nor any patented product, apparatus, device, or equipment, when the same will prevent proper competition, unless bidders also are asked for bids or offers upon other articles of like nature, utility, and merit. When it is advantageous that the purchase be of a particular brand of product or products of a particular manufacturer to the exclusion of competitive brands or manufacturers, the purchasing board or entity must document those circumstances and provide written justification for the proprietary specification or purchase. The purchasing board or entity shall procure the proprietary product through a competitive process unless the needed product is available exclusively from one source of supply or other circumstances exist under which competition can be waived.

54-44.4-09. Approved vendors.

1. The office of management and budget shall establish and maintain current lists of persons that desire to provide commodities or services to the state. Every person that desires to bid or submit a proposal on contracts for commodities or services awarded under this chapter must be an approved vendor in order to be placed on the bidders list. The office of management and budget or the purchasing agency shall use the list when issuing invitation for bids or request for proposals over the amount established for small purchases, except as otherwise provided in this section. The office of management and budget or the purchasing agency shall use the list when sending notice of intent to make cooperative, limited competitive, noncompetitive, and negotiated purchases.

I again verified the preference law and there is no applicable preference.

Larkin was not listed on the bidders list. I searched again today to verify and they are not listed. Therefore, if the tie is between an approved vendor and vendor that is not approved, preference will be given to the approved vendor in accordance with North Dakota Century Code section 54-44.4-09.

Annette

From: Tina Miller [mailto:tmlarkinassociates@gmail.com]

Sent: Tuesday, July 06, 2010 11:46 AM

To: Bendish, Annette M.

Subject: Re: Emailing: 018-010.pdf

Hi Annette,

Thanks for sending the proposals. They will be helpful in preparation of future proposals. However, I noticed an error on Larkin's evaluation sheet. The sum of Larkin's scores should be 145 not 115. Correcting this ties our overall score with Mathai's, the winning bidder.

Tina Miller

Larkin & Associates, PLLC

On Tue, Jul 6, 2010 at 12:20 PM, Bendish, Annette M. <abendish@nd.gov> wrote:

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Tina Miller

Regulatory Analyst

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