

# **MANAGING THE RISKS**

## **A Guide for Improving RFP and Procurement Practises In Justice Technology Acquisitions**

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## Overview

### How This Handbook Can Help Your Agency

The Request for Proposal (RFP) process is highly effective when used to acquire complex information technology systems and services. It differs from a bid or request for quotation in that the RFP describes the problem that the buyer is trying to solve. RFPs are used regularly for projects that involve complex technology systems, installation, training, and other services. They are almost always used when the desired solution is not available as an off-the-shelf product, especially when the basis for selection will be made on more than just cost. In many public agencies, especially in those jurisdictions governed by state and local procurement laws, the RFP process *must* be used for large technology system purchases.

When used correctly, an RFP sets the stage for a successful technology project. The RFP should clearly communicate to vendors the buyer's present and future technology needs; their installed technology base; financial, political, and other limitations; and the buyer's expectations for the performance of the vendor and the proposed solution. This handbook is intended to help law enforcement purchasers understand how to use an RFP to communicate effectively with vendors and begin the process of developing shared expectations for the project. It provides instructions on how to use the RFP process to reduce risk, how to draft the RFP document, how to prevent vendor complaints and protests, and when and how to choose consultants. It also provides numerous examples from RFPs previously used by justice agencies to procure information technology systems.

### Chapter by Chapter: What You Will Find in This Handbook

For ease of use, this handbook is broken down into several sections. If you are looking for specific information related to a certain portion of the procurement process, you should find the following information helpful in guiding your research.

**Chapter 1: Introduction** provides an overview of the procurement process, including the specific challenges that face law enforcement and the various avenues available for purchasing new technologies. It also includes some tips on managing a successful procurement process.

**Chapter 2: The RFP Process** deals with a number of common questions: What is an RFP? When is it used? It then provides an overview of the RFP process. It leads you through each step in the process from start (someone has an idea for a new application) through to the end (debriefing the vendors). It pays particular attention to the evaluation process and illustrates commonly used approaches.

**Chapter 3: The RFP Document** contains Tables of Contents from representative RFPs. It explains the purpose and content of each section of these RFPs. The examples used are relatively simple in order to illustrate various features.

**Chapter 4: *Using and Choosing Consultants*** helps the reader understand the value of a consultant; what a consultant can and cannot accomplish; and how to find, evaluate, hire, and manage consultants.

**Chapter 5: *Summary*** provides tips on working with vendors, learning from other agencies' experiences, and conducting a critique of your own procurement process.

There is no single book that can ensure that your acquisition of a new system will be risk free. However, the material in this handbook should make your voyage less confusing and more effective. The “best practices” and examples can be used to reduce your risks and make a better decision. For either the first-time buyer or the experienced technology professional, this handbook is a good place to start when building a successful RFP process and document.

# Chapter 1

## Introduction

The pressure is on.

Within the span of a decade, law enforcement agencies have seen an explosion of new computer-based applications and technologies designed to improve their ability to do everything from tracking caseloads to mapping crime. Just as these new technologies are bringing law enforcement new tools, they are presenting new challenges as well. In the procurement of government technology systems, vendors have always had the edge. Through necessity, law enforcement procurements are often led by line officers who have little experience with the process and even less experience with the technologies they are acquiring. The results, understandably, are mixed.

In 1998, the Department of Justice (DOJ), through the National Institute of Justice (NIJ), commissioned the Technology Acquisition Project (TAP). The TAP team examined the process by which law enforcement agencies acquire information technology (IT) systems, and developed case studies which highlighted the common practices that led to both failures and successes. Our review focused on the decisionmaking, procurement, implementation, and impact phases of the acquisition process. The project did not attempt to research how support, maintenance, and the employment of the technologies contribute to success or failure.

We hope that the project's products, including best practice guidelines, case studies of successful acquisitions, and this handbook, will become indispensable tools for all levels of law enforcement. New technology should result in new tools for law enforcement agencies, not bog them down in endless cycles of negotiation and implementation, or break limited budgets. This handbook should serve as a guide for preparing the complex Request for Proposal (RFP) document often necessary in the high-tech procurement process. The final TAP report will provide a broader understanding of what is working for agencies of all sizes when embracing the tools offered in a new millennium.

### **Benefits and Risks in Information Technology Acquisition**

High-tech crime fighters are no longer the future vision; they are the present. Law enforcement is an information-driven profession, yet as recently as just a few years ago agencies that had crime mapping and analysis capabilities or integrated computer aided dispatch (CAD) and records management systems (RMS) were considered cutting edge. Today, the agencies without are considered behind. These systems are extremely complex, providing a greater range of tools than have ever been available before. CAD systems can track numerous law enforcement activities in real time and may include mapping and analysis tools as well as connections to NCIC and other important databases. RMS is available with numerous modules, like incident, traffic accident and criminal report writing, pawn shop records, evidence tracking and case management. Yet, despite this complexity, IT systems are within the reach of virtually every police department in the country today.

Information technology and integrated justice systems improve the management of paperwork and data, creating efficiencies through paperwork reduction, elimination of data input redundancy, and seamless interfaces. Electronic databases mean quicker access to information and the ability to link with other agencies to promote information sharing.

Still, there are risks that follow the many benefits of embracing new technologies. As mentioned before, many law enforcement agencies have no staff experienced in the process of acquiring new technologies. It is rare in fact—except in the largest jurisdictions—that there is even a single individual dedicated to the task on a continuous basis. In many cases, police departments rely on assistance from their local city or county IT department. If they decide to manage the process themselves, agencies will typically assign a civilian manager, a line officer, or a police manager to the task. In almost every case, internal staffers turned project managers must use caution. IT professionals will know how the new technology fits in with existing systems, and they may have a clear understanding of the process of implementing new IT systems. Yet they often lack an appreciation for the business processes and practices of a police agency. Police personnel will have a better appreciation for their needs but will not normally have experience acquiring and implementing IT systems. Police staff members are often expected to maintain their usual duties. The competition between police duties and project management can leave the technology project wanting. Despite these dangers, you can take steps to minimize the risks associated with the high-tech procurement process and create a successful procurement record for your agency.

While it is impossible to totally eliminate the risks of a particular project, you can help mitigate some of the risks by doing your homework before committing to a course of action. Educate yourself about what others have done, both successfully and unsuccessfully. If your agency has implemented IT systems before, talk to the individuals who led those acquisitions. Talk to neighboring jurisdictions to ascertain how they've acquired and implemented new technologies. Examine their different approaches and the amount and types of information they gathered for their decisions. There is no reason to reinvent the wheel—you can and should learn from the experiences of others. This handbook is a good place to start looking for those experiences, but it should not be your only source. Network at conferences and training sessions; ask potential vendors for lists of their law enforcement customers, including contact names and numbers; and seek out the project leaders for agencies profiled in magazine articles.

## **Available Acquisition Strategies**

Although this handbook's purpose is to provide guidelines for creating an RFP document, in truth, there are many different options available to agencies. The exact route you take to purchase new information technology depends on your organization's policies, your funding vehicle, the urgency of your needs, the nature of your existing systems, and the amount of risk you are willing to take on as an organization.

The RFP document is the most commonly used procurement method, generally has the highest correlation to project success, and is the least risky. But RFPs are not the solution for every agency or every procurement. A well-crafted RFP takes time to develop and time must be allowed for vendors to respond. For the agency that requires an information technology solution quickly, an RFP process may be too time consuming, and responding to an RFP is a time

consuming and expensive process for vendors as well. An RFP is inherently designed to stimulate competition. In rare cases, only one vendor will be able to meet an agency's IT needs. In these cases, developing an RFP and responding to it may be misplaced effort for both the agency and the vendor. For these and other reasons, agencies should understand that there are alternatives to the RFP. The main options are described below.

### ***Sole Source***

**Sole Source** is an award of a contract to a vendor without formal competition. Some agencies will sole source when they feel their project is too small to garner the attention of most vendors. In such cases, the project team usually spends considerable time prior to the award researching potential solutions. The data necessary to make the vendor selection is gathered through the team's own research, using information obtained from other law enforcement agencies, magazine articles, research papers, and site visits to manufacturers or agencies where similar systems have been installed. Another reason to sole source is when only one product will fit an agency's needs. This might be the case if you have or are developing close information sharing ties with a neighboring department and want to obtain a similar system. It also might be an option if you have already seen exactly what you want in place at another agency and want to move quickly through the acquisition process. With the right project team in place—a dedicated group with few distractions and the willingness to develop and adhere to a written acquisition plan—this process can be the right fit; however, it should not be undertaken lightly. A sole source is sometimes misused as a way to avoid the hard work of preparing a formal statement of needs, performance standards, and IT planning. Agencies should avoid using the sole source in this manner. Without these necessary steps, the potential risks of the procurement process are magnified.

### ***Request for Information***

A **Request for Information** (RFI), unlike the sole source approach described above, is a formal written process used by some agencies to begin or include in the acquisition process. The RFI is most often used as a means of gathering information from vendors prior to the formal acquisition process. By issuing an RFI, the purchaser can develop cost estimates for the desired system and notify the vendor community that they will be seeking a new system.<sup>1</sup> The RFI also serves to qualify potential vendors. RFIs commonly ask for vendor references, project experience, and proof of financial stability as a means of pre-judging vendors. Some agencies will, in fact, use the RFI to manage the number of potential bidders by sending the RFP only to vendors who responded to the RFI. The RFI can also be used as a compromise between sole sourcing and an RFP. The RFI is used to generally describe the agency's needs and requirements. RFI proposals are then followed up with product demonstrations and site visits. Greater detail about project deliverables may then be added during the contract negotiations. Although this process often moves more quickly than an RFP, it tends to lack the detailed assessment of needs and articulation of requirements. As such, it is not recommended for more complex procurements.

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<sup>1</sup> Agencies will find that they get a better response from vendors if they notify them in advance of their project and allow the vendors an opportunity to get to know the agency's needs.

The RFI may also be used as a precursor to the RFP to qualify one vendor. In this case, the RFI includes all of the detail associated with an RFP. After the proposals have been evaluated and a vendor selected, a highly specific RFP will be issued to formally engage the vendor. The advantage of this method is that the procuring agency can modify the requirements of the RFP to its advantage to reflect new information that was gathered during the RFI process. The RFI/RFP combination method can also shorten the contract negotiation process by allowing the agency and the vendor to develop a shared understanding of the scope of work, contract terms, and other issues prior to the release of the RFP.

While it can be useful, the RFI, especially when issued for smaller projects, may garner a limited response from vendors, thereby undercutting its usefulness. If the RFI is to be used as part of the acquisition process, the importance of responding to the RFI should be clearly communicated to vendors. As with sole source and other less formal methods of procurement, the use of an RFI alone is not recommended. Without a detailed explanation of needs and performance requirements, the opportunity for misunderstandings and corner-cutting increases significantly.

### ***Request for Quotation***

A **Request for Quotation (RFQ)** is a sourcing technique in which all of the requirements are specific and mandatory and, therefore, the contract can be awarded on the basis of least cost. The RFQ includes the detailed requirements and performance statements of an RFP but allows little innovation or flexibility for the vendor. Because it describes a specific product, the RFQ could be used in place of the RFP in the previously described RFI/RFP combination method. Generally, however, the RFQ can be used for acquiring personal computers, or when several distributors carry the same product, but it is not appropriate for more complex acquisitions.<sup>2</sup>

### ***Request for Proposal***

A **Request for Proposal** is an acquisition technique in which the selection is based on a number of judgmental factors, such as how well a proposed system meets an agency's needs. An RFP is seldom used to select a product when price is the primary selection criteria. It is used when an organization is looking for a solution to a problem or a vendor to satisfy stated requirements. It is the most appropriate of acquisition processes for quickly evolving complex IT systems because it allows the agency to describe what they are trying to accomplish, and it asks the vendor to describe how it can meet those needs.

The RFP is generally the least risky procurement method for several reasons. By spending the time to define technological and operational needs, the solution is more likely to meet a majority of the agency's needs; and by developing a formal statement of goals and requirements, there is less opportunity for misunderstandings and corner-cutting. In addition, the RFP serves to define the criteria for success. As such, the success criteria can be effective in focusing the project. The specifications set forth in the RFP will follow the project through to its finish in one way or another. Because this process is thorough, inherently creates useful written documentation, and

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<sup>2</sup> In some cases, the RFQ can be used as a follow-up to an RFI. Through the RFI, the agency has selected the vendor with the best solution for their needs. The RFQ is then used to acquire the product by describing in detail, often using brand names, the exact items that are required.

is relatively low risk when managed properly, it is by far the main avenue chosen when procuring major law enforcement technologies.

### ***Other Options***

**Strategic Partnering** is a competitive process for selecting a private sector partner to jointly develop a solution and share the investment, risks, and rewards based on a common purpose.<sup>3</sup> For agencies that need a solution that is not commercially available, or for vendors who want to either enter the law enforcement market or develop a new product, strategic partnering is a frequent choice. Since the strategic partnering approach usually implies that an actual product does not exist, this is an inherently risky approach. Numerous problems can occur. Delivery schedules can slip by months and sometimes years. Key development personnel can leave. What looks good on paper doesn't always work in practice. While strategic partnering can allow an agency with little or no money to get a sophisticated information system, it can, in worst case scenarios, also result in years of wasted effort.

**Pre-negotiated Contracts** are becoming increasingly popular avenues for procurement. Under this option, agencies look to vendors that have already been approved by their respective city, county, or state governments. Essentially a form of sole source procurement, this method relies on a previous competition to maintain the fairness of the process.

### **Bulletproof Your Process**

No matter which route your agency chooses, there are some basic strategies that can help to bulletproof your procurement process:

- Develop or update a strategic IT acquisition plan for your agency before making any major purchase.
- Start with a solid description of your existing IT and operations environment.
- Create a clearly articulated vision, including why this project exists and what is to be done.
- Specify your goals for the project and the tangible accomplishments that will describe success.
- Identify a specific, preferably experienced, project leader.
- Provide the procurement manager with highly visible management support.
- Involve end users in the planning and design of the system's requirements portion of the process.
- Ensure that the vendor has installed a system of similar size and scope in another agency.
- Demand and research references. Travel to a reference site if possible.
- Create a realistic, written budget and timeline and stick to them.
- Do not start any work until you have a signed contract.
- Ensure that the contract ties payment to deliverables.

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<sup>3</sup> A very successful example of this process can be found in the TAP case study report involving the development of the State of California's CAL GANG investigative software in partnership with Orion Scientific Systems.



## Chapter 2 The RFP Process

### **A Process? A Document? What Is an RFP?**

An RFP is a document that represents a process.

It is a formal invitation from an agency to a vendor to submit a proposal to address a problem or need identified by the agency. The RFP describes the agency's IT and operational goals, existing systems, functional requirements, timeline, and other important information in a written document. The RFP serves to communicate the same information at the same time to multiple vendors, thus ensuring a fairer and more efficient process. The RFP helps potential vendors to get to know the purchaser and begins the process of developing a relationship between the two entities. The RFP is the foundation of the entire procurement and implementation process. An RFP also becomes a process through which the procuring agency is gathering the information necessary to judge a vendor's ability to perform based on the vendor's experience, qualifications and solution.

Understanding both the process and construction of the RFP is important to those who regularly procure technology. This chapter discusses the RFP process and what steps you should consider in designing your own. Chapter 3 focuses on the development of the RFP document itself.

### **Why Use an RFP?**

The RFP is the starting point for acquiring the most appropriate IT solution for your needs and developing a working relationship with the vendor. The RFP provides the vendor with a detailed description of every issue that they need to know in order to design a system to meet your needs. The RFP also tells vendors how their responses will be judged. The better the RFP describes the agency's goals and needs and the existing IT infrastructure, the more likely the proposed solutions will meet those needs. Properly used, the RFP also forces the agency to decide how they will use IT to support their operations and make choices about what technology to acquire. The RFP prompts your agency to systematically define the acquisition process and the basis on which the proposals will be assessed. The importance of clarifying your evaluation process is, on its own, quite significant. Complaints from unsuccessful vendors will be reduced and proposals will be more focused on meeting your objectives if your evaluation process is clearly articulated.<sup>4</sup> The RFP itself provides a standardized framework for vendor proposals. It highlights the business, technical, and legal issues that you expect to cover in the final contract.

Many agencies, especially at the state level, have developed detailed written guidelines for their respective RFP processes. These examples are often applicable to local agencies as well. Following is the State of Oregon's written statement of purpose for the RFP.

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<sup>4</sup> Naturally, this is a good reason to develop evaluation objectives that have some relationship to what is really important to you.

### **About Requests for Proposals<sup>5</sup>**

Oregon State Government competitively procures the hardware, software, and personal services it needs by following public contracting rules--often using requests for proposals. The RFP process is built on the assumption that an agency can describe its purpose, plans, problems, goals, and requirements in sufficient detail to give vendors an understanding of what the agency wishes to accomplish. The process assumes that vendors, in turn, will be able to propose viable solutions for meeting the agency's needs. This arrangement encourages competition, leads to lower prices, and permits the agency to act as an intelligent consumer by considering an array of possible solutions before selecting one.

### **When Is an RFP Used?**

In theory, an RFP can be used whenever there is a need for obtaining specific goods and services as a solution to a stated problem. The RFP process, however, can be expensive in terms of both hard costs and staffing and therefore may be counter-productive in procurements under \$10,000 in value.

The following decision points are intended as a guide for the reader in determining when an RFP is appropriate. In many cases, local laws and regulations may determine exactly when an RFP or competitive bid process is required.

An RFP is recommended when:

- Estimated system or project cost exceeds \$10,000.
- There are numerous vendors who can provide competitive products and services.
- The requested system is technologically complex, including a mix of hardware, software, and services.
- The requested system includes custom interfaces, functionality, or other products that are not available as off-the-shelf products.
- The project includes substantial tailoring of the software to meet your needs.
- The purchase involves multiple agencies or jurisdictions.
- The system is a replacement and not an upgrade or add-on to an existing system.

Sometimes the cost of preparing an RFP document can be small, especially if a similar one has previously been used by the organization. However, the cost of preparing the document is only one of many costs. Often, the costs of the RFP process far exceed the costs of the document. Costs incurred in the process include those for defining the requirements or the problem, typing documents and having them reviewed, formally issuing the RFP, answering vendors' questions, defining evaluation procedures and criteria, evaluating proposals, and preparing report memos.

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<sup>5</sup> Most of the state-level examples excerpted in this handbook can be found through their respective state web sites.

Generally, the cost of the procurement should be related logically to the cost of the ultimate product. However, even in relatively low-cost procurements, like those under \$10,000, you should still follow the best practices guidelines outlined in this handbook.

## **Design Your RFP Process**

While writing and releasing an RFP can be a challenging undertaking, careful attention to the steps in the RFP process can simplify the task. Every RFP process should include at least the following seven steps:

- 1) Develop a detailed list of your user requirements.
- 2) Write your RFP.
- 3) Release your RFP.
- 4) Hold a vendor's meeting.
- 5) Accept the proposals.
- 6) Evaluate the proposals.
- 7) Select a vendor and finalize your contract.

Within this framework, there is ample room for customization, allowing you to build a process that reflects your agency's needs and regulations.

In some cases, department guidelines or local regulations may affect this process. All local regulations should be reviewed before embarking on the development of a new RFP. Where do you begin? One way to start is by looking at your current procurement practices. Do you have established guidelines for handling RFPs? How does your practice comply with all the laws, regulations, and policies pertaining to procurement in your agency? Do you have a written evaluation protocol? Do you think your current process needs overhauling?

You'll probably discover that there are many ways to go. No matter what your particular situation, you should always think through your choices in advance, noting potential problem areas and allowing your team sufficient time to recognize potential problems and do a good job of managing the process. If you can incorporate these factors into your process, then the risks of failure will decrease dramatically. The procurement will be consistent with your organization's policies and public policy; and there will be less chance that objections will be raised by disgruntled vendors. The goal of the process is to select a responsible vendor offering a low-risk solution. When this occurs, there is a good chance that the vendor will perform as expected, an acceptable solution will be implemented on time and within budget, and the project will be a success. The key to reaching this result lies in

- Recognizing potential problem areas.
- Providing sufficient time to do a good job.

The next sections take a closer look at each of these two important factors.

### ***Recognize Potential Problem Areas***

Many organizations collect and distribute information to help improve the quality of the process. This information is often in the form of a table or checklist. Here is a page from the State of Washington's Information Technology Policy Manual identifying factors they have seen lead to problems in the RFP process.

### Potential Solicitation Problem Areas

Cause	Effect	Potential Risk
No RF(X) coordinator named.	Unorganized solicitation effort. Confusion within agency and from vendors. No accountability.	Complaints and protests. Solicitation may become invalid.
Unclear statement of need.	Proposers don't respond effectively or completely to RF(X).	Protested solicitation, possibly requiring reissue of documents.
Unclear proposal requirements.	Vendor confusion. Some proposals incomplete.	Complaints and protests. Solicitation may become invalid. Wrong item acquired. Agency loses responses from potentially good sources.
Document not organized effectively.	Proposers can't find requirements and details. Proposals incomplete or late.	Complaints and protests. Solicitation may become invalid. Agency loses response from potentially good sources.
Timeline too short or not properly defined.	Some proposers miss deadlines. Not enough time for proper demonstrations or proposal preparation. Agency loses responses from potentially good sources.	Complaints and protests.
Ineffective pre-planning for evaluation.	Confusion among agency staff and vendors. Difficulty in documenting process. Difficulty in selecting winner.	Complaints and protests. Legal action. Violation of law or policies.
Incomplete statement of evaluation criteria.	Uncertainty from proposers and evaluation team. Unfair evaluation.	Protested solicitation, possibly requiring reissue of documents. Legal action.
Incomplete, misapplied, or missing OMWBE (minority or women owned business enterprise) discussion.	Inappropriate or illegal application of OMWBE credit.	Protested solicitation, possibly requiring reissue of documents. Legal action.
Solicitation not advertised effectively.	Agency loses responses from potentially good sources. Possible non-competitive solicitation.	Complaints and protests. Legal action.
Ineffective pre-bid debriefing conferences.	Confusion from vendors over solicitation need or purpose. Agency loses responses from potentially good sources.	Complaints and protests. Legal action. Violation of law or policies.

## ***Provide Sufficient Time to Do a Good Job***

Most people involved in the RFP process for the first time underestimate both how long it will take to prepare the RFP and how long it will take vendors to provide a good response. There are numerous activity, review, and approval steps involved in preparing and disseminating the typical RFP, and you should always provide your team with more time than you think you need.<sup>6</sup>

Often the type of technology you are buying will affect the details of your timeline. For example, if you are attempting to procure a multi-agency (police, fire, and EMS) or multi-jurisdictional CAD system, expect your RFP to be complex and time consuming, and the vendor responses to be equally complex and detailed. On the other hand, if you are purchasing a few dozen mobile data computers, your RFP should be simple and succinct.

The entire process—from identification of a need to the signing of the contract—can vary in time from four weeks to 18 months.

Equally important in the acquisition process is allowing ample time for vendors to respond to your RFP.<sup>7</sup> The appropriate time frame varies according to the degree of complexity of the project and the detail included in the RFP. For a simple procurement, 14-30 days may be sufficient; however, for complex projects you should plan on giving vendors from 30 to 45 days following the vendors conference. While this may seem like an excessive allotment, remember how much time you have spent writing the RFP. Allotting ample time for responses also encourages vendors to develop proposals that are relevant and comprehensive. The less time provided for a response, the more likely that the proposals will be filled with irrelevant and vague marketing language. Worse yet, some vendors with good solutions may pass on your project entirely if the response time is too short.<sup>8</sup> It is important to consider the vendor's position in that vendors will incur thousands of dollars in costs to respond to an RFP. The cost to respond to some complex proposals can easily soar above \$50,000. They want to do a good job of showing they can meet your needs; and if they feel they cannot do that within a restricted time frame, you may find yourself with few choices come selection time.

It is sometimes tricky to balance your organizational needs with a realistic timetable. Your chief may want the new technology "yesterday" or your current system may have failed. If the chief or others are applying pressure, you must be ready to defend the schedule to both your own management and potential vendors. Keep in mind that if the timetable is too long, your organization suffers by not having the new technology available. If it is too short, you may receive a smaller than expected number of responses, and the vendors will be hampered in their efforts to properly evaluate your needs. In some cases, an unreasonable time frame for responses can result in vendor complaints that further slow the RFP process.

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<sup>6</sup> We recommend talking to other agencies and vendors to get estimates on how long it will take to develop your RFP. If you decide to hire a consultant, they will also be able to tell you how long the effort is likely to last.

<sup>7</sup> Since time for proposal development varies according to market conditions and many other circumstances, we recommend that agencies describe their project to several vendors and ask them to indicate how long they will need to develop a quality proposal.

<sup>8</sup> Vendors typically receive more RFPs than they can respond to. Normally, they review each RFP and evaluate their chances of winning. One important factor in this evaluation is the response time. If it is really short, most vendors start to think the RFP is "wired." Otherwise, they simply make a decision about whether they can produce a quality proposal in the time allotted.

Do not underestimate the amount of elapsed time a project will take; and definitely do not underestimate the amount of your time the detailed, day-to-day management of this process will take. From rounding up your technology committee and getting their input, to questions submitted by vendors after the RFP has been released, the process of acquiring a new system is demanding. Detailed research into these issues can eliminate later headaches by allowing you to properly plan the process.

### **Tips on Timing**

From RFP release to vendors conference:	3 weeks
Vendors (bidders) conference duration:	2 to 4 hours
Written answers to questions raised:	2 weeks
From vendors conference to deadline for proposals:	30 to 45 days
Solution demonstrations:	2 days in duration *

\* Agencies should not spend months and thousands of dollars on research and then make their final decision on a four-hour demo. Take your time to make the best decision.

**PLAN CAREFULLY.**

**BUDGET MORE TIME THAN YOU NEED.**

### ***Mile Markers on the RFP Road: A Process Outline***

With the above caveats in mind, consider each of the major milestones in a typical RFP process:

- Assemble your technology team and assign duties.
- Plan the project.
- Research procurement methods.
- Write the RFP.
- Release the RFP.
- Hold a vendors meeting.
- Accept the proposals.
- Evaluate the proposals.
- Select the vendor and finalize the contract.

Timing for completing each of these steps varies radically. In some situations, the entire RFP process can be executed in as little as four weeks. Some take as much as 18 months. In the remainder of this section, each major task in a typical RFP process is discussed, and some of the potential sources of delay are identified.

## **Assemble Your Technology Team and Assign Duties**

The acquisition of IT systems rarely involves a single individual. It should be a team effort. From a practical perspective, agencies should not invest their technological future in one person. Staff members can be hired away or can become disabled through injury or illness. Placing one person in charge of a project can also lead to a lack of organizational ownership. One person can never represent the needs of an entire agency adequately.

Of course, every project has to have a leader, but complex IT projects should seek to involve those members of the department who can effectively contribute to the process. Supervisors from special units such as communications and records, field officers, records clerks, and others can contribute to the development of requirements and the evaluation of proposed systems. Initially, the agency should decide who will be involved in the project and what their responsibilities will be. If you have already been assigned to lead the project, think about who can represent different functions within the department and attempt to get their participation approved.

## **Plan the Project**

The first step in any project is to establish a goal.

In the early stages of an acquisition project, you should attempt to develop consensus among the opinion leaders and decision makers about the specific goals for the IT project. How will it support your organization? What needs do you currently have that the organization is attempting to satisfy? Should it allow you to do new things or merely improve the way you do routine activities? How do the chief, sheriff, and other stakeholders define success? If your agency has a strategic plan, review what it says about the use of technology.

Once the goal or goals are established, you can begin to ask the questions that will define the scope of the project. The first of these questions is perhaps the most important: How much can you afford to spend?

As part of your project planning, you should also conduct a technical analysis. The technical analysis should include a profile of your agency's existing IT systems. Often a new system will replace an older system or will be required to interact with other systems. If you intend to move data from your old system to the new, the RFP must include a description of the old system's data structure, the number of records, and so on. If the new system will interact with other systems, the goal for the interface must be described.

The technical analysis should also establish your agency's level of technological sophistication. Are you able or do you want to manage a mainframe-based system? Do you have experience with Windows or Unix or other operating systems? Do you have a local area network in place that the vendors can use? The answers to these questions will not only help in planning the project, but will later find their way into the body of the RFP.

The end result of the planning process should be a written project schedule. The project schedule may be modified later in the procurement process, but an initial plan should be set forth in writing at this time. Most agencies have deadlines in mind for their IT project from the start. Identifying these deadlines and placing them in the framework of the RFP process will help you

to understand how much time is available for each part of the process. If the proposed deadlines do not allow enough time, this is the best point at which to seek changes in the deadlines from your command staff.

## **Research Procurement Strategies**

Now that you have assembled your team and completed your planning, this is the time to research procurement strategies. By contacting other agencies and talking to vendors, you can get valuable advice from others who have traveled this path before you. Your research should focus on agencies that recently procured similar technologies. Ask the project manager from these agencies what procurement approach they used, and find out what the positive and negative aspects of that approach were. Other available procurement options are reviewed earlier in this handbook, but for the purposes of this section we are assuming that you will choose the RFP to procure your technology.

Once you have decided to use the RFP process, begin your research by reviewing RFPs from other agencies and past RFPs from your own organization. In reviewing your past RFPs, be careful not to repeat the mistakes of the past; in reviewing RFPs from other agencies, focus on those RFPs that were used to acquire similar technology for a similar-size jurisdiction whenever possible. One source for these RFPs is the Internet: both the International Association of Chiefs of Police (IACP) and SEARCH web sites maintain extensive databases of previous information technology RFPs from law enforcement agencies across the country.<sup>9</sup>

## **Write the RFP**

Writing the RFP begins with the production of a clear, unified, cohesive statement of requirements. Certainly the most difficult part of any RFP, it is the foundation upon which the rest of the process will be built. Your requirements should spring directly from your goals for the new information technology and be based on your user requirements. Collectively, your requirements should ensure that the system will meet the IT goals that you identified in the planning stage.

Just how specific should your requirements be? Requirements should describe the goal and allow the vendors to describe a solution that meets that goal.

When RFPs try to dictate specific technology unnecessarily, this is often referred to as a process-oriented approach. For example, a process-oriented requirement might read as follows: "A CAD user shall be able to access the records management system by holding down the Alt button and pressing the '1' key at the same time." A goal-oriented requirement for the same function might read, "A CAD user shall be able to access the records management application by using a simple keystroke sequence." In both, the goal is to allow CAD users to access the RMS quickly and easily. In the first statement, the purchaser is imposing their idea of how the function should be accomplished on the vendor. In the second, the purchaser is describing the goal and allowing the vendors to describe their solution.

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<sup>9</sup> The IACP site is at <http://www.iacptechnology.org/> and the SEARCH site is at <http://www.it.search.org/default.asp>.

With a goal-oriented requirement, vendors are allowed to describe how they would meet the requirement, and you determine which vendor's solution you like best.

In truth, most RFPs will contain both goal and process-oriented requirements. Goal-oriented requirements should be used to describe the majority of desired features and functions. Process-oriented requirements should be used when the exact execution of the function is required. For example, if you want to recreate an important function that your present system provides, a process-oriented requirement might be appropriate. If you have created interfaces between the systems you are replacing and other systems, you might want to use a process-oriented requirement so that the interfaces do not have to be reconstructed. If your city or county has elected to support one technology, say Microsoft Windows NT for desktop workstations or Oracle for its database management application, then a process-oriented requirement may be appropriate. Still, process-oriented requirements can limit competition among vendors and drive up project costs, so in most cases you should be goal oriented when describing your requirements.

Whether you choose goal or process-oriented requirements, often the best way to establish your requirements is through user interviews. It is not enough to ask only the chief and senior managers what they want the new system to do. Especially if you are a non-sworn project manager with no field experience, you should also interview the front-line users—from patrol officers and sergeants to call takers and dispatchers—about their concerns and hopes for the new information technology. Their insights will help you work with vendors to design a system for the entire department.

At a minimum, the requirements section of your RFP should contain the following information:

- A narrative describing the process that the system will support
- A description of existing IT systems
- Copies of forms and reports currently used to capture and report information
- A statement of transaction volumes for the present and future systems
- A description of the problems to be solved by the new system or identified enhancements
- A statement of expected benefits and priorities
- A description of any existing or anticipated interfaces to other information and communications systems.

Once the statement of requirements has been completed, it must be combined with administrative rules, terms and conditions, and other administrative information to produce a cohesive, comprehensive RFP document.

### **Review and Release the RFP**

When the RFP has been completed, the full acquisition team, the chief officer of the issuing agency, and probably your purchasing and legal departments, should review it. Since the agency and your local government are committing to purchase a costly system by releasing an RFP, it is wise to make sure that all the required approvals have been garnered.

Upon approval, the RFP can be announced and released. In many jurisdictions, "release" is accomplished by sending notices to appropriate vendors registered with the organization, by

placing advertisements in newspapers, through email, by facsimile, or by announcing the procurement opportunity on an electronic bulletin board.<sup>10</sup> The important thing at this stage of the process is that you get copies of your RFP into the hands of as many qualified vendors as possible. A wide distribution of the RFP will usually result in the greatest number of responses, allowing you to pick and choose among a number of vendors and to demand the most favorable terms for the final contract.

### **Hold a Vendors Meeting**

Since the RFP essentially seeks a solution to a problem, it is good practice to schedule a vendors meeting, where the vendors can ask questions about the agency's expectations and requirements. This is sometimes referred to as the clarification process, as it allows the vendors to clarify all the issues necessary to respond to the RFP.

The RFP timetable should clearly note when and where the vendors meeting will be held, and who should attend. Vendors meetings may or may not be mandatory for the vendors; in most cases, it is best to allow the meeting to be optional unless vendors need to actually inspect the site where they will be installing the new system. The vendors meeting should be scheduled two to four weeks after release of the RFP. Its purpose is to ensure that the vendors have a sound understanding of the requirements detailed in the RFP, and to clarify any complex issues involved. It is also an opportunity to introduce the project team and agency staff to prospective vendors.

Sometimes the vendors may point out discrepancies in the RFP that can only be corrected through changes to the RFP. Do not be afraid to make changes to or clarify the RFP. The project manager or procurement officer should chair the meeting, and detailed minutes or a recording of the meeting should be kept by the agency for future reference. From these minutes, the project team can produce written responses to the questions raised at the meeting and distribute these to all vendors.<sup>11</sup>

The length of the meeting will vary greatly depending on the number of attendees and the complexity of the proposed project; however, the agency should set a specific time frame for when the meeting will begin and end and stick to that schedule. A detailed agenda distributed at the beginning of the meeting can help to keep everyone on track and make the meeting more useful. It is helpful for the project team if you request that the vendors supply the bulk of their questions in advance so that you have time to research them.

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<sup>10</sup> Many cities, counties, states, and government agencies use the World Wide Web to announce procurement opportunities. Some organizations simply have a bulletin board—a place where they post the announcement with instructions on how to obtain a bid set. Others make the bid set available either on their web pages or as downloadable files. In addition to the public sector web sites, there are for-profit sites that provide bid information to vendors. For example, BidEngine <<http://www.bidengine.com>> is a bulletin board with entries from hundreds of state and local government bodies. The National Institute of Governmental Purchasing <<http://www.nigp.org>> has an index page with links to state procurement sites.

<sup>11</sup> It is a standard procurement procedure not to allow vendors to consider verbal answers as official responses. Written response to questions are thus required to alter or clarify the original requirements.

## **Accept the Proposals**

Your RFP will have identified the closing date for proposal submission.

Some purchasers intentionally keep the time short. Their argument is that they are testing the vendor's ability to manage a project—the development of a proposal. While this approach may seem justified, the truth is that the time to qualify the vendor is in reviewing the proposal and conducting interviews. Establishing too short a timeline will only injure your process.

In setting your release date, you should have considered key factors such as the complexity of the task, the timing of holidays, and the location of vendors when deciding on the amount of time provided to prepare a proposal. In any case, the final date for acceptance should be specific as to time, place, and form of receipt. Most agencies time stamp proposals, denying any that come in after the specified time.

In many cases, however, vendor representatives will ask for an extension of this date at the pre-bid meeting. How should you respond? If you have done your homework and gotten estimates of reasonable proposal response periods from the vendors in advance of the RFP release, the onus to justify an extension will be on the vendors.

Do your homework ahead of time, establish reasonable deadlines, and stick to them.

## **Evaluate the Proposals**

The evaluation process is an internal matter but should be no less structured than the RFP itself. Hopefully you have developed your evaluation criteria and included them in your RFP. They should include both objective issues—like cost of the vendor's product and ability to install it in a timely manner—and subjective issues—like the ability to get along with the vendors representatives. If so, the evaluation of the written proposals is a matter of weighing each vendor's response based on the published evaluation criteria.

To ensure that you get a range of opinions and experience, you should assign your project team or a specially appointed evaluation committee to review the proposals. The evaluation committee members will, in the ideal, be experts on the type of system or the use of the system being acquired. They may include representatives from other agencies in order to counter any internal bias.

In order to complete the evaluation, you will want to find a way to gather the evaluations in a consistent form. One way to do so is to create a score sheet. Regardless of your method for assigning points, the scoring instrument should force evaluators to consider the same information. You should also prepare a schedule for the evaluations and a written explanation of the evaluation process. Prior to conducting the evaluations, ensure you meet with your team so everyone understands the agreed upon criteria and timeline.

As with writing requirements, there is considerable contention about how to construct the ideal evaluation scale. Some experts prefer to award points for the vendor's compliance with each requirement. Others prefer to award points based on the vendor's response to a group of requirements or specific sections of the RFP. While awarding points for each requirement is

more precise and less subjective, evaluators can sometimes get lost in the minutia. Awarding points based on the response to groups of requirements or sections allows for evaluators to legitimately elevate one vendor's approach over another's without regard to each specific answer.

The evaluation process should focus at a minimum on the following:

- Quality of the vendor and their proposal based on discussions and reference checks
- Quality of the applications programs and how closely they satisfy the organization's requirements and needs
- A comparison of costs based on products and services offered
- Quality of support offered by the vendor, including future system updates and warranties where applicable.

Completing the proposal evaluations is a major step. Based on the results of this step, many agencies will eliminate non-responsive vendors and informally rank the vendors.<sup>12</sup> Based on the ranking of vendors, the team should proceed with the evaluation by checking the top candidates' references.

In addition to evaluating the written responses, it is important to also allow the vendors to go through an oral interview or presentation process. The purpose of this step is to allow you to ask questions of the vendors that will help clarify their proposals and to allow you to see the proposed systems. Oral presentations will also allow you to evaluate the vendor by seeing how they respond under pressure, if their system can do what they have claimed it can do, and whether the vendor's staff will mesh with your organization. The purpose of these presentations is not to allow the vendors to "sell" your team or agency. Take control of the presentation. First develop a single agenda for all candidates. Next, allow the vendors some time to demonstrate their products, but make each vendor demonstrate the same things. For example, if you are buying a CAD system, make each vendor show you how they initiate a call, change a unit status, and clear a call. By doing this with all the candidates, you will have a much better appreciation for the differences between the systems.

To help vendors understand your process, your intention to require presentations or oral interviews should be noted in your RFP. Once the reference checks and presentations have been completed, you may decide to select a vendor and move to contract negotiations. In some cases, you might also find it helpful to include a visit to the vendor's headquarters or to reference sites in your evaluation. If you decide to do this, contact the reference site in advance and make sure that they are willing and able to cooperate. If they are not using the product that is being proposed for you, the information they supply will be less relevant. If they are the vendor's "home" or "favorite" site, they may be unwilling to give you an unbiased opinion. It is important to not allow vendors to pay for this travel or related expenses to avoid any shade of impropriety or pressure.

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<sup>12</sup> Reserve the right in your RFP to rank order vendors based on the evaluation of the proposals. By doing this, you can focus your remaining evaluation efforts on the top two to four candidates. However, pay careful attention to local procurement regulations. Official rankings, elimination of vendors, or focusing on top candidates at this point may be grounds for a vendor protest. Your procurement regulations may require you to subject all vendors to the same evaluation process before making a selection.

A successful site visit is your responsibility. You should travel with a plan, including questions and the individuals you want to talk with. In deciding who to talk with, do not limit yourself to command staff and the project manager. Call takers, dispatchers, trainers, IT staff, and active field officers using the new technology should be among those you speak with. The people who have the most relevant information may be unavailable when you intend to visit, so check it out first.

### **Select a Vendor and Finalize the Contract**

After evaluating the proposals, the committee should rank their choices and enter into contract negotiation with the top rated vendor. Ranking is a wise step in case a vendor backs out or you are unable to reach an agreement during contract negotiations. When negotiations have been finalized and the contract signed, it is good to meet with unsuccessful vendors and explain why their proposal fell short of the chosen vendor. Besides being common courtesy for a vendor who has invested heavily to obtain your business, explanations may also abort any thoughts of a protest.

In some organizations, it is customary to insist that vendors sign the agency's standard contract. A contract can be imposed either as a condition in the RFP, by including the contract in the RFP, or during contract negotiations. While this approach can lead to a quick conclusion, since the vendor either accepts the standard contract or is considered non-compliant and eliminated from further consideration, it is often inappropriate for IT purchases. In most instances, your jurisdiction's standard contract will lack specific terms that are vital to a solid IT contract. In general, we suggest that you use your standard contract as a framework for the final agreement and involve your jurisdiction's legal counsel if available.

In many cases, the purchaser and the vendor will have very different ideas of what they want to see in a contract. The purchaser will want to tie down the vendor to very specific deadlines and harsh penalties if the vendor fails to perform. The vendor wants to protect themselves from liability and implied warranties. It is important to remember that the contract is a negotiated agreement that seeks to protect the best interests of all parties. In most RFPs, there will also be differences between the RFP requirements and the system proposed by the selected firm. In most cases, these differences will have to be officially recognized and worked out during the contract process.

Unless your attorney or other authorized decision maker is in the negotiations with you, remember that the negotiated agreement will probably have to be approved before it can be signed. This can add significant time to the project start date, so it is best to plan for these issues in advance.

### ***Selected Timelines from Sample RFP Processes***

This section contains four timetables from actual RFPs. These timelines should be used to give you ideas on how to structure your own schedule, though there are no hard-and-fast rules. Time frames will vary by project, depending on need, budget, and complexity. When reviewing these sample schedules, as well as other RFP products in this handbook or from other sources, make sure you view them critically. Make note of choices that were made and decide whether or not

they support a successful project. For example, in the Law Enforcement Information Management System schedule below, the agencies involved developed a detailed schedule that has significant events occurring over the holiday season. For such a complex project, it might be better to have kept the holiday season in mind by scheduling the process earlier or later.

<b>Washington State</b>			
<i>Acquisition Process Requirements</i>			
<b>ACQUISITION SCHEDULE FOR CASE MANAGEMENT</b>			
Times are Pacific Standard Time			
#	<u>Event</u>	<u>Date</u>	<u>(Time)</u>
1.	Release RFP to Bidders	10/16/98 Fri.	
2.	Pre-proposal Conference	10/23/98 Fri.	(9:00 a.m.)
3.	Letter of Intent to Propose Due (FAX is Acceptable)	10/26/98 Mon.	(4:00 p.m.)
4.	Issue Written Responses to Pre-proposal Conference Questions	10/27/98 Tues.	
5.	Deadline for Comments Regarding Specifications	10/29/98 Thurs.	
6.	Finalize RFP	11/2/98 Mon.	
7.	RFP Responses Due (FAX IS NOT ACCEPTABLE)	11/16/98 Mon	
8.	Begin RFP Evaluations	11/17/98 Tues.	
9.	Scoring of Written Responses Complete	11/20/98 Fri.	
10.	Announce Finalists	11/23/98 Mon.	
11.	Distribute tests	11/23/98 Mon.	
12.	Presentations and Demonstrations by Finalists	12/7-11/98 Mon. - Fri.	
13.	Final Scoring	12/14/98 Mon.	
14.	Final Authorization	12/15/98 Tues.	
15.	Announce Successful Bidder	12/16/98 Wed.	
16.	Wait on Protests	12/30/98 Wed.	
17.	Negotiate Contract	1/11/99 Mon.	
18.	Earliest Pilot	3/1/99	
19.	Begin Rollout	7/1/99	

The agency reserves the right to adjust the schedule as it sees the necessity.

## Alaska

### Development of an Information System Migration Plan Schedule of Events

The schedule below represents the State's best estimate. If a component of this schedule is delayed, such as the opening date, the remainder of the schedule will likely be shifted an equivalent number of days.

RFP Issue Date	July 13, 1998
Deadline to Notify of Need for Assistance to Offerors with Disability	September 4, 1998
Deadline for Receipt of Protest of Solicitation	September 4, 1998
Deadline for Receipt of Proposals - Proposals Opened	September 8, 1998
Notice of Intent to Award Issued	September 22, 1998
Contract Negotiations Begin	September 22, 1998
Deadline for Receipt of Protest to the Award	October 2, 1998
State Issues Contract and Contract Period Begins	October 8, 1998
Contract Period Ends	June 30, 1998

## **Law Enforcement Information Management System**

*An Integration Partnership Between the City of Tacoma, City of Puyallup, and Pierce County*

### **Significant Dates**

All of the following dates are in reference to Pacific Standard Time.

RFP Issue Date	November 26, 1997
Pre-Proposal Conference Question Deadline	December 12, 1997
Pre-Proposal Conference Date	December 17, 1997
Proposal Due Date	January 27, 1998
Public Proposal Opening Date	January 27, 1998
Notification of Finalists	February 18, 1998
Schedule Site Visits for Finalists	February 23-27, 1998
Confidential Presentations by Finalists	March 3-4, 1998
Finalists Evaluation	March 5, 1998
Site Evaluations	March 9-13, 1998
Evaluation Completion Date	March 16, 1998
Recommendation to Executive Board Date	March 19, 1998
Issue Intent to Award Date	March 20, 1998
Contract Signed Date	April 15, 1998

**Little Rock, Arkansas**

*Police Information Systems Expansion  
Schedule of Events*

<b>Event</b>	<b>Date</b>
Release RFP	October 1, 1997
Vendor's Conference	October 15, 1997
Proposals opened	November 14, 1997 at 2:00 p.m. CST in the Office of the Purchasing Agent, City Hall, Little Rock, AR
Referral to Board of Directors	On or about December 2, 1997
Contract award	On or about December 17, 1997

## Chapter 3

# The RFP Document

Refining your RFP process may have gotten your agency on the road to a successful acquisition, but the real work lies ahead. It's time to tackle the RFP document itself.

By the time you have finished streamlining the RFP document, a whole list of additional considerations will surface that have implications for your process. It is important to maintain this “duality” of thought while you are working on both. The result will be an RFP procurement system which fairly represents your agency's requirements and satisfies regulatory, legal and policy constraints; a document which gives vendors the information they need to develop good proposals; and a method for evaluating those proposals and making good decisions.

The following information and examples provide guidelines for building your RFP. In addition, it is important to note other sources of RFP information we have mentioned earlier. Turn to the IACP, SEARCH, and agencies of similar size and jurisdiction as your own for copies of RFPs concerned with similar projects. In addition, many vendors provide RFP outlines to assist clients in structuring their RFPs. These are excellent and useful tools as long as you are aware of their strengths and limitations. Vendor-provided RFP documents will typically be structured to favor their products abilities, so you should only use these as an outline from which to customize your personal RFP. In fact, all of these should be viewed primarily as outlines on which to build your own RFP.

In every case remember this:

- Know what you want and what you need.
- Be solution oriented, not technologically limiting.

### How Much Information Goes Into the RFP Document?

The answer is simple: *everything*.

Think about your ideal end goal. You want to get great proposals that answer all your questions, thereby making it easy to evaluate and determine the optimum choice. You don't want to waste a lot of time dealing with vendors' requests for additional information. You also don't want to have to deal with vendor protests. You are required to run a fair process, to treat all vendors in a fair and equal manner, to fully represent the situation, and to fully disclose information. Therefore, in order to be effective, your RFP document should be as comprehensive as possible.<sup>13</sup> This takes much time and effort prior to issuing the RFP, but it pays dividends: proposals are better; protests are fewer; the evaluation is simpler; and the results are easily defended.

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<sup>13</sup> If you have an inordinately large amount of information to disclose, consider a project library. This is a room in which you put all the documentation that you want to make available to vendors (e.g., all of the previous studies, systems designs, user manuals, etc.). You then permit vendors, on some fair and equal basis, access to this room to review documents and make copies.

In many organizations, the person responsible for the project is also responsible for creating the RFP. Often, this person has little experience with previous RFPs. Remember to address the following issues within the body of the RFP:

- Incorporate all special legal requirements (special licenses, certifications, etc.).
- Determine minimum standards that will be acceptable (pass/fail, must/may).
- Determine any special terms and conditions.
- Establish budgetary constraints.

Some organizations, as a quality control measure, insist that the RFP package be reviewed by management prior to its release. This is an important step and can identify deficiencies not apparent to the project manager. Catching problems here could save more than enough time to justify the extra step of review.

There are several critical questions that are best answered within the body of the RFP:

- How are we going to deal with contract issues? Will the RFP contain a draft contract or important contract terms? Will the contract terms be mandatory? Have we identified our specific issues; for example, do we require a bid bond or a performance bond?
- For an RFP involving software development or acquisition, have we identified the process for acceptance testing and correction? Who will do it? Will we provide a separate test facility?
- How will we structure the evaluation process? Will it work or will it simply prove that all the vendors can do a reasonable job? How will we differentiate among the various vendors? Will we require demonstrations or trial usage of software?

Finally, explain within the RFP how the proposals will be evaluated, including the percentage weight that will be given to each section. This should include the importance of cost and time in the evaluation process. RFPs can *only* be evaluated on the stated criteria, so include everything you want to measure. The evaluation criteria must be stated in terms that can be evaluated – avoid words that are subjective, arbitrary, or general.

Massachusetts has recently undertaken some important procurement reforms and has created a single procurement document—The Request for Response (RFR). Here is what they say about the document. It obviously applies to RFPs.

The RFR (Request for Response) is the place to include *all* information concerning a procurement. “It’s in there,” should be the answer to questions raised about a procurement. An RFR that is complete and detailed will not be successfully challenged by a bidder who claims to have been uninformed.

## **Basic Structure of an RFP**

RFPs take many different forms. Each form reflects a different organization, culture, set of priorities, skills, and requirements. After reviewing a variety of RFPs, you will see that many of them have four sections in common: ground rules, system requirements, evaluation criteria, and format of the proposal. The basic structure of a simple RFP could be reflected as follows:

<p style="text-align: center;"><b>Table of Contents</b></p> <p><b>I Purpose/Ground Rules</b></p> <p><b>II System Requirements</b></p> <p><b>III Evaluation Criteria</b></p> <p><b>IV Proposal Format</b></p>
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### ***Purpose/Ground Rules***

This first section typically identifies the goal for the project and the purpose of the RFP. It also contains administrative details such as the name of the person to contact for further information, the number of copies required, and a timetable of relevant dates for the project. It may also address a wide variety of other issues and contain statements such as these: a corporate officer must sign the proposal; the issuer is not liable for costs; the proposal will be incorporated in any resultant contract.

### ***System Requirements***

This section deals with the specific functional requirements for the product and experiential requirements for the vendor. In this section you should define the users' needs or problems, state the performance expected from the new system, and indicate how the new system should interact with other systems. You may also identify any known shortcomings of existing systems that you wish to correct. Include a table of key transaction volumes both now, at peak use, and for several years in the future. The requirements should define the milestones and articulate the expected completion dates for each. If you are asking the vendor to supply installation, training, data conversion or other services, your requirements should define these, as well as any specific warranty period you require.

### ***Evaluation Criteria***

This section identifies how the decision is to be made—how the best or most appropriate vendor and product will be selected. Many factors can influence the selection: cost, goodness of fit, support services available, and contractual conditions. At a minimum, this section should

identify each of the factors that will be used. Some organizations provide only vague descriptions of the evaluation criteria; others go much further and identify not only each factor but also its weight and the selection process itself.

Typically, responses to your RFP will be ranked according to a score. The evaluation committee should award points to each proposal based on pre-determined and announced criteria. In deciding how many points will be awarded for each criterion, it is imperative that each item is ranked based on its relative importance. An item having to do with the color of the screen is not as important as whether the new RMS interfaces with existing systems. Also avoid making the total points your final determinant on who you select. In an RFP where 1,000 total points are possible, for example, having one vendor score 10 points higher than another is hardly significant. One way of handling this is to allot a block of points to things other than the technical specifications of the project, like narrative response, oral interview, and demonstrations. While we encourage flexibility, some items will be functional absolutes and should be identified in the RFP as such. This will often help you to narrow the field of choices rather quickly. Examples of functional absolutes include requiring Windows NT or specific support products such as a records management or warrants module.

The following is an example section of a typical CAD RFP. For evaluations, the ability of the vendor to meet these requirements would be allotted possible points.

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## **2. COMPUTER AIDED DISPATCH**

### ***General Requirements***

1. Free form text and comment fields shall be of an unlimited length. \_\_\_\_\_
  2. The City will give preference to solutions that provide controls for scrolling all free form text and comment fields. \_\_\_\_\_
  3. At a minimum all telephone number fields shall allow for the entry of 10 digits. \_\_\_\_\_
  4. It is desirable that all telephone number fields allow for the entry of 12 digits so that the country code may be recorded when necessary. \_\_\_\_\_
  5. In any case where the proposed application presents multiple "pages" of information or the information cannot be displayed within the available space there shall be a clear indication to the user that information remains to be displayed. \_\_\_\_\_
  6. The proposed application shall allow the user to either page or scroll forward or backward through the material by using the keyboard or a pointing device. \_\_\_\_\_
  7. When a search results in the retrieval of multiple records, the CAD application should allow the system administrator to determine the sort method by display type. For example, if an address has multiple records of previous calls for service they might be displayed by date beginning with the most recent event. \_\_\_\_\_
-

## ***Proposal Format***

The final section of this simple RFP describes the required structure of the proposals. It is important that the vendor proposals be structured similarly so that they can be easily compared. Imposing a form on all vendors saves the evaluators many hours during the evaluation. While there is no single accepted form for proposals, there are some commonly used formats. One form that is often used requires vendors to complete a functional checklist. Simple checklists may require the vendor to respond with a “Yes” or “No” to indicate if they can supply the requested feature. More complex checklists may require vendors to indicate not only whether they can supply the requested feature, but also whether they already have it or if they must develop it. Another proposal form requires the vendors to supply a narrative description when answering the requirements of an RFP. Some RFPs combine both forms. Neither is superior, but both have different advantages. The checklist is very specific, making it difficult for a vendor to stretch the truth about their products. The narrative, on the other hand, allows the vendor not only to answer the requirement but also to describe the advantages of their approach.

A commonly used proposal format is presented below.

- Letter of Transmittal
- Executive Summary
- Our Understanding of the Requirements
- Proposed Equipment, Software and Services
- Costs
- Physical Requirements
- Training
- Conversion Plan
- Reliability and Backup
- Project Plan and Timetable
- Standard Agreements

It is important to realize that the above is a bare bones model of a proposal format. Only you can decide what other information you want to “flesh out” this skeleton. This is specifically the format you expect all vendors to adhere to in providing their proposed solution. The advantage of a required structure like this is that it allows your agency to compare apples to apples, and it ensures that all the information you need is in the same place in each competing proposal.

As you sift through all of the various sources of information and examples to build your RFP, continue to ask yourself the following questions: What kinds of information does our process require? What kinds of information would assist a vendor in preparing a compliant, easy to evaluate proposal?

## What Kinds of Information Should Go Into the RFP Document?

An RFP should contain that information necessary for a vendor to submit a comprehensive and responsive proposal.<sup>14</sup> As mentioned previously, this should include functional requirements, performance expectations, functional and technical descriptions of interfaces, expected timelines and so forth. The request must also provide a description of the factors that will be considered by the evaluators, including the relative importance of price and other evaluation criteria.

In some cases, especially with state or large agencies, the required contents of an RFP are clearly specified by law, policy, agency guidelines, or past practice. These sources usually require a set of minimum contents; they may not, however, be sufficient in providing all of the information needed to create an effective RFP document.

At the very least, the RFP will contain:

- A contact name and number for the agency's project leader.
- The date, time, and place for delivery of proposals.
- The budget for the project, if available.
- A specific description of the services or products to be provided and the terms under which they will be provided.
- Any requirements related to professional or business licenses.
- A description of the evaluation factors that will be used in evaluating proposals and their relative weight in the evaluation process.
- A specific description of the expected proposal format for responses.
- A schedule of events related to the RFP process.

## Sample Tables of Contents

There are indeed many sources for good ideas that can improve your RFP. The Table of Contents of another organization's RFP can be used as a checklist against yours. It may help you to identify some areas or issues you have not considered.

The next few pages contain the tables of contents from two different RFPs. These tables offer insights into how organizations structure their RFPs and identify some of the critical issues. Tables of Contents can be used as checklists for items and topics.

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<sup>14</sup> Often you may have documents which are useful to the interested vendor but which are too lengthy to include in the RFP. These documents should be referenced in the RFP and made available through a library or perhaps over the Internet.

### **Example — Law Enforcement Support Agency<sup>15</sup>**

The following is a table of contents of a 180-page RFP for an integrated law enforcement incident and case reporting management system.

#### **A. GENERAL INSTRUCTIONS TO VENDORS**

- A.1 SUMMARY DESCRIPTION OF PROJECT
- A.2 LEADS 2000 PLAN STAGES
- A.3 PARTNERING RELATIONSHIP
- A.4 PROPOSAL ALTERNATIVES
- A.5 ORGANIZATION OF RFP
- A.6 CONTRACT
- A.7 SUBMITTAL OF PROPOSALS
- A.8 PROPOSAL MODIFICATION OR WITHDRAWAL
- A.9 REJECTION OF PROPOSAL
- A.10 AFFIRMATIVE ACTION
- A.11 NON-COLLUSION AFFIDAVIT
- A.12 LITIGATION
- A.13 CITY OF TACOMA TAX & LICENSE
- A.14 COMPLIANCE WITH REGS
- A.15 APPLICABLE TAXES
- A.16 EXTENSION OF CONTRACT
- A.17 VENDOR RESPONSIBILITY - PROPOSAL COSTS
- A.18 PROPOSALS - PUBLIC INFORMATION
- A.19 OBLIGATION
- A.20 PRIME VENDOR RESPONSIBILITY
- A.21 SIGNIFICANT DATES
- A.22 PRE-PROPOSAL CONFERENCE
- A.23 WRITTEN NOTIFICATION OF INTENT TO BID
- A.24 PROPOSAL BOND
- A.25 CONTRACT PERFORMANCE BOND
- A.26 RFP ADDENDUM
- A.27 PROPOSAL EFFECTIVITY
- A.28 EXCEPTIONS TO RFP PROVISIONS
- A.29 CONTACT PERSONS
- A.30 ON-SITE VISIT
- A.31 PROCUREMENT LIBRARY
- A.32 ELECTRONIC MAIL ADDRESS
  
- A.34 LEGAL HOLIDAYS OF THE CITY OF TACOMA

#### **B. SUMMARY OF CURRENT ENVIRONMENT**

- B.1 LAW ENFORCEMENT SUPPORT AGENCY (LESA)
  - B.1.2 Communications Division
  - B.1.3 Records Division
  - B.1.4 Information Technology (IT) Div.
  - B.1.5 Description of Major Record Systems
  - B.1.6 Paging System

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<sup>15</sup> An integration partnership between the City of Tacoma, City of Puyallup, and Pierce County, Washington.

- B.1.7 Fibre Optic Networks
- B.1.8 Computer Room
- B.1.9 Other Equipment
- B.2 PIERCE COUNTY SHERIFF'S DEPARTMENT
- B.3 TACOMA POLICE DEPARTMENT
- B.4 PUYALLUP POLICE DEPARTMENT
- B.5 GENERAL STATISTICS

**C. SELECTION PROCESS**

- C.1 RESPONSE EVALUATION
  - C.1.1 Evaluation - Phase I
  - C.1.2 Evaluation - Phase II
  - C.1.3 Evaluation - Phase III
  - C.1.4 Evaluation - Notes
- C.2 BENCH MARKING

**D. PROPOSAL FORMAT**

- D.1 SECTION #1 - ADMINISTRATIVE
  - D.1.1.1 Letter of Transmittal
  - D.1.1.2 Proposal Bond
  - D.1.1.3 Personnel Inventory Form
  - D.1.1.4 Non Collusion Affidavit
  - D.1.1.5 Statement of Effectivity
  - D.1.1.6 Table of Contents
  - D.1.1.7 Table of Illustrations
  - D.1.1.8 Subsection 1 - Introduction and Summary
  - D.1.2 Subsection 2-Qualifications and References
    - D.1.2.2 Project Office
  - D.1.3 Subsection 3- Project Organization
  - D.1.4 Subsection 4 - Contract
- D.2 SECTION #2 - OPERATIONAL
  - D.2.5 Subsection 5 - System Description
    - D.2.5.1 General Information Management System Requirements
    - D.2.5.2 Records Management Functions
    - D.2.5.3 Field Reporting and Laptop Functions
    - D.2.5.4 Case Management Functions
    - D.2.5.5 Criminal History Management Functions
    - D.2.5.6 Property and Evidence Management Functions
    - D.2.5.7 Crime Analysis Functions
    - D.2.5.8 Document Imaging
    - D.2.5.9 Business Activity and Resource Utilization
    - D.2.5.10 Tracking and Registration
    - D.2.5.11 Court Order Management
    - D.2.5.12 Future Technologies
    - D.2.5.13 Other Systems
  - D.2.6 Subsection 6 - Training
    - D.2.6.1 General
    - D.2.6.2 Pilot Training
    - D.2.6.3 Management Training
    - D.2.6.4 End User Train the Trainer

- D.2.6.5 Systems Administration
- D.2.6.6 Help Desk
- D.2.6.7 Systems Development Staff
- D.2.6.8 End Users
- D.2.6.9 User-Maintainable Components (Table Maintenance)
- D.2.6.10 Ad hoc Analysis and Reporting

D.3 SECTION #3 - TECHNICAL

- D.3.7 Subsection 7 - System Infrastructure
- D.3.8 Subsection 8 - System Performance
- D.3.9 Subsection 9 - System Interfaces
- D.3.10 Subsection 10 – System Security
- D.3.11 Subsection 11 – Specific System Components
- D.3.12 Subsection 12 – Data Conversion
- D.3.14 Subsection 14 – System Acceptance & Testing
- D.3.15 Subsection 15 – Warranty & Maintenance
- D.3.16 Subsection 16 – System Expansion & Options

D.4 SECTION #4 – SYSTEM PRICING

- D.4.14 Subsection 17 – System pricing

D.5 SECTION #5 – MISCELLANEOUS

- D.5.19 Subsection 19 – Referenced Attachments
- D.5.20 Subsection 20 – Miscellaneous Attachments

**E. CONTRACT**

- E.1 RESPONSIVE PROPOSALS
- E.2 NEGOTIATIONS
- E.3 CONTRACT AWARD
- E.4 SAMPLE CONTRACT TERMS AND CONDITIONS

## **Example — Little Rock Police Department: Police Information Systems Expansion**

The following is a table of contents for an RFP to acquire workstations, mobile computer terminals, an automated vehicle locator system, and a wireless mobile data system.

1. Introduction
  - 1.1 Scope of RFP
  - 1.2 Definitions
  - 1.3 General System Description
2. RFP Element A: Detective “Workstations”
  - 2.1 Detective Laptop Computer (Minimum Specifications)
  - 2.2 Docking Stations
  - 2.3 Printers
  - 2.4 Delivery and Installation
  - 2.5 Training, Service, Warranty and Extended Maintenance
3. RFP Element B: Vehicular “Workstations” or MCTs
  - 3.1 Vehicular “Workstations” or MCT (Minimum Specifications)
  - 3.2 Delivery and Installation
  - 3.3 Training, Service, Warranty and Extended Maintenance
4. RFP Element C: Automated Vehicle Locator System
  - 4.2 Mobile GPS Receiver/Antenna
  - 4.3 Mobile Radio and Base Station Equipment
  - 4.4 Communications (Dispatch) Centre AVL and Mapping Equipment
  - 4.5 AVL Functionality Related to CAD
  - 4.6 FCC Mandated Initiatives
  - 4.7 Installation, Maintenance, Documentation & Training (AVL Only)
5. RFP Element D: Wireless Mobile Data System
  - 5.1 CDPD Option
  - 5.2 RDLAP Option
6. Submission of Responses and Administrative Information
  - 6.1 Submission of Responses
  - 6.2 Format of Responses
  - 6.3 Departmental Contact
  - 6.4 Contract Information
  - 6.5 Selection Criteria
  - 6.6 Multiple Proposals
  - 6.7 Payment Schedule
  - 6.8 Vendors’ Conference
  - 6.9 Questions about this RFP
  - 6.10 Schedule of Events
  - 6.11 Delivery, Installation, and Implementation
  - 6.12 Proprietary Information
  - 6.13 Oral and/or Written Presentations and Demonstrations
  - 6.14 Performance Acceptance Period

- 6.15 Warranty
- 6.16 Vendor References and Information
- 6.17 Non-Discrimination
- 6.18 Publicity
- 6.19 Attachments

## **RFP Template** <sup>16</sup>

Organizations that issue RFPs frequently should produce some form of RFP template that can be used as the basis for creating each subsequent RFP. The intention is to reduce the work in preparing a new one and, at the same time, to capture the lessons learned in using the old one. Typically, following an RFP process, shortcomings and deficiencies in the RFP are identified and the "template" or sample is revised accordingly.

While such templates may provide a starting point for the inexperienced author, we recommend using caution when following such templates. Samples may have serious deficiencies or may be so far removed from technology that they are irrelevant. Some samples also lack instructions for their use. Without notes, instructions, text, or commentary, it is difficult to know which parts of a sample RFP are mandatory and which are optional. It is also difficult to recognize the implications or importance of each specific feature or requirement.

The RFP template developed by the State has three groups of important features: (1) the structure and use of the document; (2) the instructions provided to the Procurement Officer; and (3) the terms included in the RFP itself. Each of these groups is discussed in the remainder of this section.

### **1. Structure and Use of the RFP Shell**

The RFP Shell is noteworthy for several reasons:

- The document is easy-to-read, and easy-to-follow.
- The document identifies the laws and regulations governing the content of each section.
- The document clearly identifies those sections in which the procurement officer has some discretion as well as those sections that must be included without alteration.
- The document is available to all government Departments and Agencies in both printed and electronic form.<sup>17</sup> This makes it easy to modify with a minimum of effort.
- The document comes complete with attachments.

### **2. Instructions to the Procurement Officer**

The document presents clear instructions to the procurement officer on how to use the template. While we recognize that the vast majority of law enforcement agencies do not have the luxury of assigning a single individual as the "procurement officer," development of an RFP template will

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<sup>16</sup> This model RFP comes from the State of Alaska and can be downloaded via their web site at <http://www.state.ak.us/local/akpages/ADMIN/dgs/docs/rfp.doc> The text in this section appeared originally in *The RFP Report*, May 1998, published by Michael Asner Consulting and is included with permission.

<sup>17</sup> The 57-page RFP template can be downloaded from <http://www.state.ak.us/local/akpages/ADMIN/dgs/docs/rfp.doc>

prove valuable to any leader of an IT acquisition project. These instructions are designed to assist the person leading a procurement in utilizing the RFP template. Each section of the model RFP identifies the options available, and the applicable section of the Procurement Code or Regulations to which it applies.

### **Instructions to Procurement Officers**

- Instructions to Procurement Officers are shaded and begin with "Procurement Officer Notes." Delete these instructions in the final draft of the RFP.
- Procurement Officer word choices in a section are in caps, bold print and italics. For example: ***WILL / WILL NOT***. You should make the choice, then enter the word in regular style print, e.g., will not.
- The location of unique names and numbers are identified like this: ***NAME*** or ***NUMBER***. You should provide the correct name or number and enter that information in regular style print, e.g., 78492.
- This RFP shell attempts to walk the user through a logically arranged series of subjects that should be considered when drafting an RFP. Where permitted, Procurement Officers should exercise discretion to include or delete those items best suited to their specific RFP.
- Delete this instruction page in the final draft.

### **3. Items in the RFP Itself**

Many of the detailed features of the actual RFP are also noteworthy. Here are some highlights. The following items, while not unique, do improve the process and quality of the document. They deal with issues, concerns, and potential problems that are not always addressed in RFP documents in other jurisdictions:

- It is the vendor's responsibility to ensure that the RFP is not defective.
- Subcontractors must be fully identified.
- Acceptable types of contracts are identified and discussed.
- Performance bonds may be required.
- The Procurement Officer is directed to describe the work to be done in detail—"Write it as if you were trying to explain it to a twelve year old child".

The questions used to establish the scores are defined and published in the RFP. In the remainder of this section, some of these key features are described.

## Required Review

It is the vendor's responsibility to ensure that the RFP is not defective and does not inadvertently restrict competition. Protests must be made prior to the due date to permit time for revisions to be issued.

**PROCUREMENT OFFICER NOTE: THIS SECTION SHOULD NOT BE ALTERED OR DELETED.**

Offerors should carefully review this solicitation for defects and questionable or objectionable matter. Comments concerning defects and objectionable material must be made in writing and received by the Procurement Officer at least ten days before the proposal opening. This will allow issuance of any necessary amendments. It will also help prevent the opening of a defective solicitation and exposure of offeror's proposals upon which award could not be made. Protests based on any omission or error, or on the content of the solicitation, will be disallowed if these faults have not been brought to the attention of the contracting officer, in writing, at least ten days before the time set for opening.

## **Subcontractors**

Subcontractors must be completely identified and the scope of their contribution to this work stated in full.

### **PROCUREMENT OFFICER NOTE: REVISE AS REQUIRED.**

Subcontractors will not be allowed.

### **OR**

Subcontractors may be used to perform work under this contract. If an offeror intends to use subcontractors, the offeror must identify in their proposal the names of the subcontractors and the portions of the work the subcontractors will perform.

If a proposal with subcontractors is selected, the offeror must provide the following information concerning each prospective subcontractor within five working days from the date of the State's request:

- [a] complete name of the subcontractor,
- [b] complete address of the subcontractor,
- [c] type of work the subcontractor will be performing,
- [d] percentage of work the subcontractor will be providing,
- [e] evidence, as set out in the relevant section of this RFP, that the subcontractor holds a valid Alaska business license,
- [f] a written statement, signed by each proposed subcontractor, that clearly verifies that the subcontractor is committed to render the services required by the contract.

A offeror's failure to provide this information within the time set, may cause the State to consider their proposal non-responsive and reject the proposal.

The substitution of one subcontractor for another may be made only at the discretion of the project director and with prior written approval from the project director.

## **Prior Experience**

If certain levels of experience are required, they must be measurable and reasonable.

### **PROCUREMENT OFFICER NOTE: ALTER, REVISE, OR DELETE AS REQUIRED**

No specific minimums have been set for this RFP.

### **OR**

In order for their offers to be considered responsive, offerors must meet these minimum prior experience requirements.

### **PROCUREMENT OFFICER NOTE:**

- STATE THE MINIMUM ACCEPTABLE AMOUNT OF TIME
- REMEMBER THERE MUST BE SOME WAY FOR THIRD-PARTY INDEPENDENT VERIFICATION OF THE EXPERIENCE YOU ASK FOR
- BE CAREFUL ABOUT WHAT YOU ASK FOR AS YOU MAY SET REQUIREMENTS SO HIGH THAT YOU DISQUALIFY GOOD POTENTIAL CONTRACTORS
- SPECIFICATIONS SUCH AS PRIOR EXPERIENCE MAY NOT BE UNDULY RESTRICTIVE PER AS 36.30.060(C). MAKE SURE THAT YOU HAVE A REASONABLE BASIS FOR THIS AND ALL OTHER SPECIFICATIONS.

### **PROCUREMENT OFFICER NOTE: THIS SENTENCE SHOULD NOT BE ALTERED, BUT MAY BE DELETED IF NOT REQUIRED.**

An offeror's failure to meet these minimum prior experience requirements will cause their proposal to be considered non-responsive and their proposal will be rejected.

## Contract Type

The Model RFP serves as a tutorial document for Procurement Officers. It identifies the permissible types of contracts.

### SECTION THREE

#### STANDARD CONTRACT INFORMATION

## Contract Type

### PROCUREMENT OFFICER NOTE:

- **IDENTIFY APPROPRIATE TYPE OF CONTRACT.**
- **THERE ARE SEVERAL DIFFERENT TYPES OF CONTRACTS WHICH MAY BE SUITABLE FOR YOUR PROJECT.**
- **REVIEW THE CONTRACT TYPES LISTED BELOW TO DETERMINE WHICH WOULD BE THE MOST APPROPRIATE.**
- **THE TYPE OF CONTRACT USED IS LIKELY TO HAVE AN IMPACT ON COSTS TO THE STATE. THE PROCUREMENT OFFICER SHOULD SELECT THE TYPE OF CONTRACT THAT WILL BEST SERVE THE STATE'S NEEDS AT THE MOST REASONABLE COST.**

**THE FOLLOWING INFORMATION IS FOR PREPARER'S INFORMATION ONLY AND SHOULD NOT BE PRINTED IN THE FINAL CONTRACT**

### Fixed Price Contracts

#### *Firm Fixed Price*

The most common and easiest contract to administer is a firm fixed price contract. A fixed price contract is one which obligates the contractor to performance at a specified price.

#### *Fixed Price With Adjustment*

These contracts allow for price adjustments on the occurrence of specified changes in the cost or price factors set out in the contract. These types of contracts are most useful when the contractor's future prices are so uncertain as to make a firm proposal impossible, or if covering all probable risk, so high as to make the offer unattractive and possibly unfair to the State.

#### *Fixed Price Incentive*

A target price, ceiling price and a profit formula are used in this type of contract. When the contractor performs below the costs stipulated in the target price, the contractor and the State share in the savings. If costs exceed those estimated, the contractor's profit margin declines and

the price ceiling is adhered to. In these types of contracts, performance can be quantified in terms of costs and services and/or deliverables.

### **Cost Reimbursement Contracts**

#### ***Cost Plus Fixed Fee***

Under these contracts, contractors are paid for all allowable costs plus a predetermined fixed fee. These contracts have been found to be beneficial for research and development work.

#### ***Cost Plus Incentive Fee***

Under this type of contract, a tentative fee based on estimated costs and a target price is established. If actual costs fall below estimated costs, the contractor and State share in the savings. The contractor can lose all or part of their fee, but they must be paid for all costs.

#### ***Cost Plus A Percentage Of Cost***

These contracts are prohibited by statute. Under this type of contract the contractor receives payment for costs of performance plus a specified percentage of such actual costs as a fee. These contracts provide no incentive for efficient and economical contractor performance and must not be used.

### **Other Types Of Contracts**

#### ***Time And Materials Contracts***

In addition to a fixed labor rate, these contracts include separate costs for materials used under the contract.

### **PROCUREMENT OFFICER NOTE:**

**DELETE THE PREVIOUS CONTRACT INFORMATION AND INCLUDE THE FOLLOWING SENTENCE WITH THE APPROPRIATE INFORMATION IN THE RFP.**

This contract is a ***ENTER NAME OF TYPE*** contract.

## Performance Bonds

It is within the authority of the Procurement Officer to require various types of performance bonds to ensure compliance with the RFP.

### Bid Bond - Performance Bond - Surety Deposit

#### PROCUREMENT OFFICER NOTE:

**MAY BE DELETED. BID BONDS, PERFORMANCE BONDS AND SURETY DEPOSITS ARE NOT ROUTINELY REQUIRED. MAKE SURE YOU REALLY NEED ONE BEFORE YOU SPECIFY IT. PROCUREMENT OFFICER NOTE: DO NOT ALTER OR REVISE. CHOOSE APPROPRIATE TYPE(S) OF BONDS & ENTER APPROPRIATE INFORMATION.**

#### ***Bid Bond***

Offerors must obtain a bid bond and submit it with their proposal. The amount of the bid bond for this contract is ***DOLLARS***. If an offeror is selected to receive the contract and fails to negotiate, or fails to deliver a fully executed contract after negotiation, the bid bond will be immediately forfeited to the State. The time limit for negotiation or delivery of a contract is fourteen days from the date the offeror receives notice from the Procurement Officer. Proposals submitted without a bid bond will be rejected.

#### ***Performance Bond***

Offerors must obtain a letter of commitment for a performance bond from a bonding company and submit it with their proposal. The amount of the performance bond must be equal to the entire dollar value of an offeror's offer for the full term of the contract. If the contractor fails to satisfactorily perform the contract the bonding company which provided the performance bond will be required to obtain timely performance of the contract. The actual performance bond must be obtained from the bonding company and provided to the State within thirty days of the date of award of the contract. An offeror's failure to provide the performance bond within the required time will cause the State to reject the proposal.

#### ***Surety Deposit***

In lieu of a performance bond, an irrevocable letter of credit or cash may be substituted. The amount of the surety deposit must be ***LIST DOLLAR AMOUNT OR PERCENTAGE OF PROPOSAL PRICE***. Substitution of a surety deposit must be approved by the Commissioner of the Department of ***NAME*** prior to its submittal. An offeror's failure to provide the surety deposit within the required time will cause the State to reject the proposal.

**PROCUREMENT OFFICER NOTE: THE AMOUNT OF SURETY DEPOSIT SHOULD BE WHAT IT WOULD COST TO PAY THE PREMIUM COST OF A REPLACEMENT CONTRACT.**



## Scope of Work

Under the State of Alaska template, the Purchasing Officer is instructed to be as specific and as comprehensive as possible. While we believe that it is more important to explain your needs and goals and allow the vendor to explain specifically how they can assist you in reaching those goals, the detailed outline of how to build a scope of work makes this RFP template valuable to its users.

### Scope of Work

**PROCUREMENT OFFICER NOTE: ENTER APPROPRIATE INFORMATION - ALTER, REVISE, OR DELETE AS REQUIRED.**

- **INFORMATION YOU PROVIDE IN THIS SECTION TELLS THE OFFERORS WHAT YOU WANT DONE**
- **BE AS SPECIFIC AND COMPREHENSIVE AS YOU POSSIBLY CAN**
- **LET THE OFFERORS KNOW EXACTLY WHAT YOU WANT**
- **DON'T PRESUME THAT THEY WILL "GET IT" IF YOU DON'T SAY IT**
- **WRITE IT AS IF YOU WERE TRYING TO EXPLAIN IT TO A TWELVE YEAR-OLD CHILD**

The Department of *NAME*, Division of *NAME* is soliciting proposals for **WHAT KIND** of services.

The department wants assistance to **DO WHAT** .

The consultant will **DO WHAT** .

The types of staff in State agencies that the contractor must interview are **WHO** .

Other helpful informational material that can be provided to the consultant includes **WHAT** .

The goal of this project is to **WHAT** .

## Deliverables

In the template the Procurement Officer is instructed to “list every deliverable you can think of.” It also advises that the procurement officer view this deliverable list in such a way as to be “satisfied that the job will be finished when you get everything listed.”

### Deliverables

**ENTER APPROPRIATE INFORMATION. ALTER, REVISE, OR DELETE AS REQUIRED. LIST EVERY DELIVERABLE YOU CAN THINK OF, EVEN THE ONES THAT DO NOT SEEM PARTICULARLY IMPORTANT RIGHT NOW. DO NOT ASSUME THAT THE CONTRACTOR WILL GIVE YOU MORE THAN YOU ASK FOR. YOU SHOULD BE ABLE TO LOOK THROUGH THIS LIST AND BE SATISFIED THAT THE JOB WILL BE FINISHED WHEN YOU GET EVERYTHING LISTED HERE.**

The contractor will be required to provide the following deliverables:

[a] **WHAT**

[b] **WHAT**

[c] **WHAT**

[x] **WHAT**

[y] **WHAT**

[z] **WHAT**

## Work Schedule

The Procurement Officer is instructed to list “every event and milestone you can think of” as well.

**PROCUREMENT OFFICER NOTE: ENTER APPROPRIATE INFORMATION. ALTER, REVISE, OR DELETE AS REQUIRED.**

The contract term and work schedule set out herein represent the State's best estimate of the schedule that will be followed. If a component of this schedule, such as the opening date, is delayed, the rest of the schedule will likely be shifted by the same number of days. The length of the contract will be from the date of award, approximately *DATE*, for approximately *NUMBER* calendar days until completion, approximately *DATE*. The approximate contract schedule is as follows:

**PROCUREMENT OFFICER NOTE: ENTER APPROPRIATE INFORMATION. ALTER, REVISE, OR DELETE AS REQUIRED. LIST EVERY ITEM, EVENT, MILESTONE YOU CAN THINK OF, BEGINNING TO END. BE AS SPECIFIC AND COMPREHENSIVE AS YOU POSSIBLY CAN. ALLOW ONE OR TWO REVIEWS OF EACH DRAFT OR REDRAFT. CREATE MULTIPLE OPPORTUNITIES FOR INTERACTION WITH THE CONTRACTOR. DON'T JUST SEND THE CONTRACTOR AWAY WITH SOME WORK TO DO AND LET THEM BRING BACK SOMETHING THAT MAY OR MAY NOT SUIT YOU. INTERACT WITH THE CONTRACTOR TO KEEP THE PROJECT ON TRACK.**

### **SAMPLE WORK SCHEDULE:**

- [a] Issue RFP *DATE*.
- [b] Pre-proposal Meeting *DATE*.
- [c] Proposal Evaluation Committee complete evaluation by *DATE*.
- [d] State award contract *DATE*.
- [e] First contractor work period *DATE* to *DATE*.
- [f] Contractor must submit first draft *DATE*.
- [g] First draft review by State *DATE* to *DATE*.
- [h] Draft back to contractor for revision as required *DATE* to *DATE*.
- [i] Other.
- [j] Other.
- [k] Other.
- [l] Contractor submits final report *DATE*.

## Proposal Format

Finally, the State of Alaska RFP template sets forth a standardized proposal format, detailing every possible section like Introduction and Understanding of the Project. This standardized proposal format is expected throughout the state, making it easy to compare and contrast proposals. If a law enforcement agency creates a standardized format, especially set forth in a template of this sort, it would make comparing and contrasting proposals immensely less challenging. This advantage would be apparent not just in a single competition but even within the agency when you are comparing a current proposal to a past RFP process for learning purposes.

### **Proposal Format and Content**

**PROCUREMENT OFFICER NOTE: THE INFORMATION YOU PROVIDE IN THIS SECTION SHOULD HELP OFFERORS UNDERSTAND HOW YOU WANT THEIR PROPOSALS STRUCTURED AND IDENTIFY ITEMS YOU WANT EMPHASIZED.**

**PROCUREMENT OFFICER NOTE: ALTER, REVISE, OR DELETE AS REQUIRED.**

The State discourages overly lengthy and costly proposals, however, in order for the State to evaluate proposals fairly and completely, offerors should follow the format set out herein and provide all of the information requested.

## Evaluation Format

The State also standardized the evaluation process—the criteria, number of points or weights, and the evaluation questions. Five standard criteria are used: Understanding of the Project (5%), Methodology Used for the Project (15%), Management Plan for the Project (15%), Experience and Qualifications (15%), and Contract Cost (40%). The State also provides 10 bonus percentages to those businesses based wholly within the state. Listed below is the explanation for one of the criterion: Management Plan for the Project.

### **Management Plan for the Project—15%**

#### **PROCUREMENT OFFICER NOTE: ALTER, REVISE, OR DELETE AS REQUIRED.**

Proposals will be evaluated against the questions set out below.

- [a] How well does the management plan support all of the project requirements and logically lead to the deliverables required in the RFP?
- [b] How well is accountability completely and clearly defined?
- [c] Is the organization of the project team clear?
- [d] How well does the management plan illustrate the lines of authority and communication?
- [e] To what extent does the offeror already have the hardware, equipment, and licenses necessary to perform the contract?
- [f] Does it appear that the offeror can meet the schedule set out in the RFP?
- [g] Has the contractor offered alternate deliverables and gone beyond the minimum tasks necessary to meet the objectives of the RFP?
- [h] Is the proposal practical, feasible, and within budget?
- [i] How well have any potential problems been identified?
- [j] Is the proposal submitted responsive to all material requirements in the RFP?

## Evaluation Form

The form used by the Evaluators to record the scores contains the criteria and the evaluation questions. On the next page is the section of the form dealing with Management Plan for the Project.

**PROCUREMENT OFFICER NOTE: ALTER, REVISE, OR DELETE AS REQUIRED.**

***Management Plan for the Project—15%***

Maximum Point Value for this Section -- 15 Points

*100 Points x 15% = 15 Points*

Proposals will be evaluated against the questions set out below.

*[a] How well does the management plan support all of the project requirements and logically lead to the deliverables required in the RFP?*

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*[b] How well is accountability defined?*

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*[c] How clear is the organization of the project team?*

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*[d] How well does the management plan illustrate the lines of authority and communication?*

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*[e] To what extent does the offer already have the hardware, equipment, and licenses necessary to perform the contract?*

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*[f] Does it appear that offeror can meet the schedule set out in the RFP?*

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*[g] To what extent has the contractor offered alternate deliverables and gone beyond the minimum tasks necessary to meet the objectives of the RFP?*

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*[h] Is the proposal practical, feasible, and within budget?*

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*[I] To what extent have any potential problems been identified?*

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## Chapter 4

### Using and Choosing Consultants

#### When Should You Use a Consultant?

Imagine that you're a small county police department who has recently acquired a new chief from the big city on a mission to automate. She wants her department linked in and connected, and she wants to upgrade the existing crime analysis and mapping database so that it can be accessed using a secure web-based extranet to officers in the field via laptops. She also wants a computerized mug shot system to tie into your existing AFIS to create a Criminal Profile Index database that can be linked to laptops in the field. Based on her conversations with a chief who implemented a similar system, she's discovered that her "automated policing system" (APS) is a very expensive proposition. Using a borrowed proposal plan, she has done the ground work and obtained an initial grant of \$300,000 for APS. She has also pursued several other grants in an attempt to bring in an additional \$250,000. Even though the final funds have not been secured, you have been instructed to start the procurement process to obtain the desired IT system from the best company at the best price. You are not sure that you have the knowledge to determine which is the best product supported by the best company let alone how much leverage you have in negotiating a competitive price. The last time the department made such a large purchase was when your predecessor, a computer wizard, was in the job, and that was ten years ago. Over time, everyone in purchasing finds themselves in similar situations. The decision to procure a particular piece of technology has a political momentum of its own and is rolling your way, but you don't have enough knowledge, staff, or experience to make a fully informed decision. Now may be a good time to consider bringing in a consultant.

#### A Good Consultant Brings Value to the Process

For a relatively small amount of money<sup>18</sup>, a good consultant can make your job easier as well as offset some of the risk of a high visibility project. The role of the consultant is not to do your job for you but to add value to the process of procuring new IT system. Some of the value they can add includes:

- **The Value of Expertise.** Ideally, consultants are seasoned professionals who have "been there, done that" when it comes to the IT procurement process. Their experience should have given them the knowledge to manage the procurement process and guide you to a solid purchasing decision. From market and product knowledge to negotiation skills, each consultant has his or her own strengths.
- **The Value of Research.** A good consultant can supply additional information and ensure that you have completed your research thoroughly, filling in the information gaps.

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<sup>18</sup> Depending on their scope of work and experience, figure that you will pay a consultant an amount equivalent to 5-10% of the cost of the final system.

- **Time You Don't Have.** One of the greatest benefits you are buying from a consultant is time. Unlike your regular staff, who are already working to capacity, consultants have the time and the prior knowledge to do much of the hard work to get you through the procurement.
- **The Value of an Objective Viewpoint.** A consultant does not have a vested interest in your agency's politics. His or her involvement can ensure that the decisions are focused on the important procurement issues. Consultants often carry the same message as internal people but with greater force, since they are perceived as experts and because they do not have any vested interests at stake.

## What Consultants Can and Cannot Help You Accomplish

Consultants can *assist* with a wide variety of tasks related to IT acquisition. In many cases, they require a lot of help from internal staff. They can:

- Assist you with the identification and development of IT goals
- Analyze your current system and IT infrastructure
- Assist you in preparing a needs assessment
- Identify and explain alternative solutions and schedules
- Assist with equipment and/or software selection and purchase (on smaller acquisitions)
- Prepare the RFI and/or the RFP (on larger acquisitions)
- Assist with vendor proposal evaluation
- Assist with contract negotiations
- Develop and implement system acceptance testing
- Act as your project manager
- Provide education and training
- Monitor vendor compliance

Despite all of the ways that your project can benefit from using consultants, they *cannot* and *should not* make your decisions for you. They can explain the potential consequences of certain decisions and make their experience available to you in other ways but ultimately a consultant is an advisor only. It is your job to take the information and skills the consultant provides and use them to help you make the best decision for your agency.

## Choosing Consultants: Guidelines and Suggested Process

### ***Before You Begin: Do Your Homework***

More often than not, politics and internal pressures put us under the gun of highly compressed timelines. This is particularly true of high budget, high profile, high visibility projects. If you

have decided to manage the risk factors associated with this sort of acquisition by engaging outside expert advice, make sure you don't put yourself under the same kinds of pressure. Take the time to think about the project and clarify your understanding of its goals and objectives. The more time you spend "getting clear" on the problem and how you are going to approach resolving it, the better you'll be able to communicate it to consultants. Here are a few suggestions that will help you start the process.

### **The Problem**

- Begin by describing the problem that you are trying to resolve or value that you are trying to create with the purchase or development of a new system. If you are seeking to enhance an existing system, describe the new features or capabilities that you desire.
- Broadly define the scope of the project, including whom the system will serve, the services you expect from the system provider, and so on.
- Broadly outline the technical solution that you envision will resolve this problem.
- Present a tentative schedule for the entire project, including consulting and systems development and deployment.
- Discuss the organizational, structural, or political constraints that affect the project. Do you know what they are? How can you find out?
- Does the project have an existing mandate or existing goals and objectives? Was the project a result of a committee action? Do you have all the background information?
- What procurement policies, statutes, or regulations affect the project and how you proceed?

### **Your Consulting Needs**

- Describe the scope of the consultant's duties including deliverables, and required time on site.
- Describe what written materials may be available to the consultants including previous RFPs, strategic plans, documentation on existing systems, and so on.
- Describe the kinds of outside agency support that exists to provide technical advice or assistance on the project.
- Describe your own role and available resources for the project.
- Describe your success factors so that the consultant can design a process which will satisfy those goals.
- Detail the overall budget for the project and whether any allowance has been made for outside consultant assistance.
- Articulate the minimum experience criteria, required skills, and other information you will use to evaluate the proposals.

## **Finding Good Consultants**

With the growth of technology use and adoption in recent years and the increase in law enforcement IT purchases, a sizeable industry of consultants has emerged. Despite this, finding a consultant that has the right mixture of expertise and experience can sometimes be difficult. While there are many consultants who understand information technology and the acquisition process, not all have experience with or understand the unique attributes of a law enforcement agency. Whenever possible, find a consultant who has personal experience with law enforcement projects similar to yours. But how do we find such a person?

First, talk to the agencies in your area that have recently acquired new IT systems. Some will likely have employed a consultant to assist them. Ask the agencies for recommendations. As with RFP preparations, ask them what they liked or disliked about the consultant. Get a picture of what services the consultant was asked to provide. Ask the agency how long it took to complete the consulting portion of the project.

Next check with law enforcement and other municipal associations. The International Association of Chiefs of Police (IACP), SEARCH, Inc., the National Sheriffs' Association, the Association of Public Safety Communications Officials (APCO), the National Emergency Numbers Association (NENA), the International City Managers Association (ICMA), the National League of Cities, and other organizations often have listings for consultants. At the very least, the largest consulting firms will be listed in the member magazines for these organizations.

Review RFPs. If you find an RFP that is similar to your project and seems like it is well written, call the issuing agency and see if they used a consultant.

## **Qualifications Requirements**

As noted above, there are many consultants who will claim they have the right skills and experience to advise you on a law enforcement system. To make sure the consultant you choose will have the best skills and be the best fit for your organization and project, we suggest the following qualifications as potential discriminators:

- Has the consultant had experience with other law enforcement or public safety agencies?
- Have they consulted on an IT project similar to yours?
- Does the consultant's personality and philosophy seem to fit with yours?
- Are they open to alternative solutions and methods for reaching your goals?
- Does the consultant's work and references show an ability to problem solve, good written and interpersonal communication, and good team building skills?
- Is the consultant open to your participation and input?

## **Know the Ties That Bind You**

You should familiarize yourself with any statutes, laws, or regulations that apply to your agency's procurement of professional services and information technology. During the research

for this handbook, we read a number of case studies that described the acquisition of hundreds of thousands of dollars in information technology from a *sole source*, a practice that is prohibited in some jurisdictions. It is important that your procurement practice ensures open and fair competition. Buyers from other government organizations can and have been sued by vendors claiming, justifiably, unfair competitive practices.

## Do You Need to Issue an RFP to Hire a Consultant?

If the anticipated dollar amount for the consulting services you require exceeds your agency's basic threshold, you may need to issue an RFP. If your agency has done this before, make sure to review past RFPs for sample language on deliverables and qualifications. There are some useful sample RFPs on [www.it.search.org](http://www.it.search.org). For a good overview check out "A Guide to Developing a Consulting Services RFP" at <http://www.compassconsulting.com/html/article8.html>.

**Important Note:** If you are engaging a consultant on minor parts of the project (say a needs assessment) which are below dollar thresholds and don't require an RFP, make sure that your agency's policy does not prevent you from considering a proposal from that same consultant if a later stage project requires the issuance of an RFP.

**Don't need an RFP? Follow the steps anyway!** Regardless of whether or not you are required to issue an RFP, make sure you follow the same steps incorporated in an RFP. This will reduce the risks and ensure that you have managed the project with due diligence.

## Check References

In any procurement process, whether you are looking for a vendor to provide hardware and software solutions, or a consultant, always check the references provided.

Here is a list of some items to ask the reference agencies for a consultant:

- Did the consultant meet the work and project deadlines?
- How responsive and available was the consultant?
- Did any problems arise? Were they satisfactorily resolved?
- Was the consultant easy to work with? Knowledgeable? Good at anticipating and resolving unexpected problems?
- Were they pleased with the quality of the consultant's work and experience?
- Did they feel that the consultant was instrumental in completing the project successfully?
- Were there any billing disputes?
- Would they use the consultant again?



## Chapter 5 Summary

The RFP process is a complex learning experience.

One of the many challenges unique to law enforcement acquisitions is the fact that most procurements are led by sworn officers with little or no experience in procurement. This has both advantages and disadvantages. On the one hand, it should mean that technologies meet the demands of fieldwork because a field officer had a direct hand in developing the solution. Who better to explain to a mobile technologies vendor the tight fit of a patrol car than a former patrol officer? Numerous other IT questions are best answered through experience.

On the other hand, sworn officers shifted into procurement should be cautious of getting too caught up in the details of dictating the IT solution to the vendor. It is best to analyze your situation—including existing technologies, type and size of jurisdiction, and a vision of what you wish the new system to do—and largely allow competing vendors to show you how they can reach your goals. Be cautious but open to new ideas.

Another challenge involves the timing of IT projects. Since large IT procurements like CAD systems are often required only once in a five to 10 year period, little knowledge is carried over naturally from one acquisition to the next. For this reason, it is especially important for law enforcement agencies to “debrief” on their acquisition process, putting notes and lessons in writing for future reference. These notes should be made easy to find for future IT acquisition leaders and be stored with copies of previous RFPs, proposals, and contracts.

Being a tightly knit community seems to have eliminated one challenge for law enforcement: vendor protests. Common in other government agencies, especially at the state and federal level, it is rare that a vendor will protest an RFP award in local law enforcement. In fact, in over 18 months of research we were unable to come up with a single incident of this occurring. The primary reason, again, is the closely-knit nature of the profession—vendors feel that it is better to move on to the next RFP rather than get a reputation for fomenting conflict. However, it is still important for the procurement officer to run as fair a process as possible. There will always be a winner and a loser, but the ground rules should be the same for all bidders.

Also, when you are conducting your preliminary research, take note of agencies—especially those of similar size to your own—that have procured the same types of information technology as you are seeking. Interview the individuals who managed the procurement to find out what went right and wrong, and request a copy of their RFP. Just as you can learn from your own experience, a little work can help you learn in advance from the experience of others.

In fact, one of the most important things a procurement person can do is to learn from the experience of each acquisition. This means a little bit more than just paying attention to the things that went wrong. A few times during and definitely at the end of your procurement process, you should assemble all your team members—who that includes will depend on your agency—and conduct a formal critique of the procurement process. Talk about both general and specific points at which the acquisition bogged down or got significantly off track; incidents of communication problems among the team or with the vendor(s); and whether it seems you met

your goals. This should be a positive experience and from it you should be able to develop solutions that will make the next procurement go smoother.

Since one or more team members may have moved on by the time another procurement is initiated, reduce those challenges and solutions to writing, in a memo or report, and place them in a binder (possibly with copies of your RFP), you will be able to use the information to bulletproof the next acquisition. Knowledge hard gained should not be lost.