

Solicitation Guidelines

Function: Procurement/AP
Procedure: n/a
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Guideline Recommendations

The RF has elected to accept the grace period for implementing the new procurement standards in the OMB Uniform Guidance as codified in 2 CFR Part 200. This policy is in compliance with OMB Circular A-110. The new procurement standards will be implemented by the RF to be effective on July 1, 2018. This document provides general information on solicitations and describes what information should be provided in a solicitation.

When a Solicitation is Required

Refer to [RF Procurement Policy](#) for more information on when a solicitation is required.

Solicitation Components

A solicitation generally includes three types of information:

- general descriptive (suggested for all bids or proposals)
- A-110 requirements
- additional descriptive (based on complexity of bid or proposal)
Each category is described in the blocks that follow.

Note: Due to the complexity of solicitations, operating locations are advised to contact the Central Office of General Counsel and Secretary for assistance in drafting solicitations.

General Descriptive Information

At minimum, a solicitation should include the following:

- The vendor name and address;
- A statement indicating purpose of solicitation, e.g., "Request for Quotation" or "Request for Proposal";
- The quantity to be ordered;
- A description of the goods or services (Refer to the following block on A-110 requirements);
- Whether the goods or services are being purchased or leased;
- The terms under which the goods are to be delivered or the services rendered, e.g., location of delivery or shipments charges;
- Applicable dates, including solicitation date, return deadline date for the bids or proposals, and delivery date of the goods or services;
- The name, address, phone number, and fax number of the operating location contact (e.g., the purchasing agent) to whom responses should be directed; and
- A statement indicating that a written bid or proposal must include name of person submitting the bid or proposal and should be signed by an authorized representative of the supplier.

A-110 Requirements

Pursuant to Section 44 of Office of Management and Budget Circular A-110, solicitations for bids and proposals must provide:

- A clear and accurate description of the technical requirements for the material, product, or service to be procured. In competitive procurements, such a description must not contain features that unduly restrict competition;
- Requirements that the bidder must fulfill and all other factors to be used in evaluating bids or proposals;
- A description, whenever practicable, of technical requirements in terms of functions to be performed or performance required, including the range of acceptable characteristics or minimum acceptable standards;
- The specific features of "brand name or equal" descriptions that bidders are required to meet when such items are included in the solicitation;
- The acceptance, to the extent practicable and economically feasible, of products and services dimensioned in the metric system of measurement; and
- The preference, to the extent practicable and economically feasible, for products and services that conserve natural resources, protect the environment, and are energy efficient.

Brand Name Products

Since the request of only brand name items restricts open and free competition, operating locations are encouraged to instead include in all solicitations the range of acceptable characteristics and features or minimum acceptable standards (e.g., specifying "IBM compatible" versus soliciting specifically for IBM equipment).

Note: A-110 states that if the procurement exceeds the small purchase threshold, 41 U.S.C. 403 (11) (currently \$100,000) and it specifies a brand name product, operating locations may be required to provide purchasing documentation that justifies why the brand was needed to sponsors upon request.

Additional Descriptive Information

The following information can be included in a solicitation based on the complexity of the bid or proposal:

- Background information on the Research Foundation (RF);
- Non-procurement debarment and suspension regulations;
- A statement describing non-collusion, e.g., "By submission of the bid or proposal the supplier certifies that the price offerings have been arrived at independently";
- A statement indicating that the RF is not responsible for expenses incurred by the vendor in preparing and submitting bids and proposals; and
- A statement indicating that all bids or proposals submitted in response to the solicitation become and remain the property of the RF and should any doubt or difference of opinion arise between the RF and the bidder as to the items to be furnished or the interpretation of the provisions in the solicitation, the decision of the RF shall be final and binding upon all parties.

Documentation Requirements

The solicitation process must be documented to ensure that it has been conducted to facilitate open and free competition. Solicitations must be retained in the files for procurements exceeding the small purchase threshold, 41 U.S.C. 403 (11) (currently \$100,000). Refer to [Documentation Guidelines for Purchasing and Payment Activities](#) for more information.

Change History

Date	Summary of Change
May 22, 2017	Updated to fix broken links, comply with the guideline template, and address the RF's acceptance of the grace period for implementing the new procurement standards in the OMB Uniform Guidance.

Feedback

Was this document clear and easy to follow? Please send your feedback to webfeedback@rfsuny.org.