E&I Cooperative Services

Sourcing. Strategy. Savings.®

E&I Policy and Procedural Guidelines

Index

This document outlines E&I's policy and procedural guidelines associated with the contract development and management process. The document consists of the following sections:

➢ Purpose	Section 1
➢ Background	Section 2
➢ Strategic Sourcing Committee	Section 3
➢ E&I Strategic Sourcing & Contract Management Team, Strategy Teams, & RFP Teams	Section 4
➢ Solicitation and Contracting Process	Section 5
➢ Procurement Code of Ethics	Section 6

Section 1 – Purpose

These guidelines are to assist Members in understanding the E&I contracting process. The actual terms, conditions, procedures, and clarifications of the issued Request for Proposal (RFP) (or similar document) is the primary informational document shared with Suppliers.

Section 2 – Background

E&I is committed to utilizing procurement and business practices in accordance with its code of ethics policy, as outlined in Section 6.

Recognizing the need to maintain programs that are adaptable to changing market conditions and with budgets under constant scrutiny, E&I will continue to explore best-in-class methodologies and reserves the right to select the approach that will produce best value programs for its Members.

Current E&I methodologies include:

- Competitive solicitation and award
  - National Level
  - Regional or Local Level
- Partnering with Public Agencies in the development and/or adoption of Lead Public Agency agreements awarded through a competitive process

One of the many strengths of E&I rests in the vast experience available within the Membership and the ability to involve them in the sourcing process.

Section 3 - Strategic Sourcing Committee

The Strategic Sourcing Committee (SSC) consists of representatives from Member institutions. The SSC's roles and responsibilities include:

- Provide proactive leadership in endorsement and utilization of contracts within their institutions and to current and prospective Members of E&I
- Assist in cultivating relationships with Suppliers, Members and relevant Member associations to identify new opportunities
- Advocate socially responsible and environmentally friendly procurement initiatives
- Provide counsel and validation for sourcing opportunities
- Participate in State Compliance Initiatives

- Participate in E&I Contract Surveys
- Provide Spend Data and Benchmarking information for their institution upon request
- Assist in identifying potential Members for RFP Teams
- Provide advocacy for and early adoption of newly awarded contracts

Section 4 – E&I Strategic Sourcing & Contract Management Team, Strategy Teams, & RFP Teams

E&I Strategic Sourcing & Contract Management Team

The roles and responsibilities of the E&I Strategic Sourcing & Contract Management Team (SSCMT) include:

- Facilitate the sourcing strategy and contract development process, including determination of;
  - Competitive Solicitation/ Contract Adoption
  - Single Award vs. Multiple Award
- Review spend data and discuss with Strategy Team Members to ascertain the types of programs, agreements, and offers the Membership has interest in developing
- Develop a Prioritization Strategy & Sourcing Methodology
- Serve as the facilitator and leader of RFP Teams. Coordinate with RFP Teams the planning, scheduling, specifications, writing, Supplier list development, draft and review of RFP/solicitation, evaluation of Supplier responses, contract language resolutions, and recommendation of awards
- Issue reports to the SSC, RFP Teams, and Members as necessary and/or required
- Provide business development and outreach to potential E&I Business Partners
- Serve as the primary contact for Suppliers that desire to become an E&I Business Partner
- Aid in the introduction and Member acceptance process of E&I programs
- Manage performance of E&I and the Suppliers to ensure compliance with the terms of the "Master Agreement" and, as appropriate, the required Member Specific Agreement

Strategy Teams

Category-specific Strategy Teams exist for various contract categories that E&I determines are advantageous to its Members and the operation and growth of the cooperative.

The primary focus of the Strategy Teams is to contribute valuable advice and expertise in the targeting and prioritization of current and future sourcing strategies for the institutional procurement of goods and services.

The teams consist of **subject matter experts from many of the country's leading institutions and meet via** teleconference throughout the year and historically meet in- person two times per year.

RFP Teams

RFP Teams consist of individuals from E&I and Member institutions with expertise in the products or services selected. The roles and responsibilities of RFP Teams include:

- Participate in meetings and conference calls
- Identify potential Suppliers
- Provide institutional spend and benchmarking data, as available
- Provide input in the development and review of RFPs, including product descriptions, specifications, quality levels, services and delivery requirements, shipping terms, etc.
- Provide input for evaluation criteria
- Attend RFP Pre-Proposal Call/ meeting. As requested by the facilitator, provide additional specific information for preparation of addenda
- Perform evaluation of Supplier responses inclusive of technical proposal and pricing proposal and benchmarking based on evaluation criteria and weights
- Participate as needed in providing questions for clarifications to respondents' Best and Final Offer (BAFO) criteria and Supplier negotiations
- Make recommendation for potential award, Letter of Intent (LOI), and subsequent award based on the Supplier(s) offering the best value to E&I and the Members
- Support, adopt, and utilize the contracts of awarded Suppliers at the institution

Section 5 – Solicitation and Contracting Process

The purpose of this section is to establish the guidelines for development of the solicitation and agreement / contract. The intent is to clearly state the agreed upon scope of work, products and services, terms and conditions and formalize pricing, delivery, invoicing, reporting and other relevant factors. The contract is based on the RFP, Suppliers' response, clarifications, BAFO, and negotiations.

Definitions

"Full and open competition" means that all responsible Suppliers are allowed to participate in the competitive solicitation process, including minority-owned, women-owned, handicap-owned, and otherwise disadvantaged businesses.

"Single Award" means a contract was awarded to one Supplier from the solicitation in a product or service category.

"Multiple Award" means a contract was awarded to more than one Supplier in a product or service category.

"Responsive" means a Supplier who submits a proposal that meets all of the requirements of the competitive solicitation.

"Responsible" means a Supplier that is capable or qualified to perform the work as specified in the competitive solicitation.

Policy

The policy of E&I is to base any contract award on the criteria within the E&I solicitation and the response of the awarded Supplier under full and open competition to the maximum practical extent.

It is E&I's intent to satisfy a significant number of the Member institutions' requirements for competitive solicitations. Therefore, competitive solicitations will be consistent with the recommendations of the Member institutions' representatives who have agreed to participate.

E&I may make site visits during the evaluation process, as needed, and shall coordinate with the respective Suppliers, as applicable.

The RFP Team will have the ability to recommend an award to more than one Supplier when a multiple award has greater benefit to most Member institutions.

E&I may award multi-year contracts, with a maximum length established in the terms and conditions of the RFP.

E&I reserves the right to select the most responsive Supplier(s) in accordance with the evaluation criteria providing the best value to the Membership without further discussion, negotiation, or prior notice. E&I further reserves the right to negotiate with any Supplier(s) and to arrive at its final decision and/or to request additional information or clarification on any matter included in a Supplier's proposal. E&I also reserves the right to cancel an RFP at any time.

E&I may, at any time during the term of a contract/agreement, and for a period of three (3) years after the date of termination, audit a Supplier's records pertaining to its compliance with the terms of the awarded contract/agreement.

Procedure

Typically, E&I establishes an RFP Team to assist in developing the scope of work for the RFP, including the product line/service, performance or specification requirements, as well as the pertinent evaluation criteria that will be used in evaluating proposals received.

The RFP Team will vary in size with a minimum of two (2) participants working with the SSCMT.

The SSCMT will develop a potential Supplier list for the RFP. In addition, the RFP Team and/or Members may recommend potential Suppliers.

The SSCMT issues the RFP for a minimum of 30 days, places a national advertisement, and sends a request to advertise via email with documentation to all Members so that the Members will be able to meet their individual advertising requirements. In addition, the E&I Marketing Department posts the RFP document and request to advertise on the E&I website for Members to download information for advertising as well as for Suppliers to download and respond. This website is open to all Suppliers having an interest in doing business with E&I.

The SSCMT Team submits the RFP and Addenda documents to specific states to assure it has met the minimum requirements in its posting to allow them to participate.

The SSCMT will conduct a pre-proposal conference, if required, approximately 14 days after the release of the RFP.

Any addenda to the RFP shall clearly state what has changed including any additions or deletions. Respondents will have sufficient time to respond to any addenda.

RFPs will designate a time and place for receipt of proposals. The SSCMT will ensure each solicitation is chronicled, received prior to the proposal submission deadline, and not opened until after the deadline. Suppliers may modify or withdraw their proposals at any time prior to the closing of the RFP.

The SSCMT will first administratively qualify the RFP responses. Proposals with omissions affecting the price, delivery, quality of products or that compromise the integrity of E&I's competitive process, are deemed non-responsive to the RFP, and are not submitted for further evaluation.

The SSCMT searches the System for Award Management (SAM) website for Supplier status and active exclusions for all initial respondents and conducts a secondary search prior to any decisions to award. SAM is a Federal Government owned and operated free web site that consolidates various applications and information. One such application is the SAM Exclusion list which includes all parties that are excluded from Federal Procurement. The use of federal funds for procurement of goods and services requires compliance with federal grant requirements, including 2 CFR200, "Uniform Guidance". Per Uniform Guidance, when using federal funds, a contract award must not be made to parties listed on the SAM Exclusion List.

The RFP Team will utilize the evaluation criteria contained in the RFP to evaluate each response.

An E&I Contract Manager may request a respondent to clarify information contained in its proposal. An E&I Contract Manager may also request qualified Suppliers to submit a BAFO.

After the RFP Team completes the evaluation process, it will then make a recommendation(s) for award to the most responsive and responsible Supplier(s) whose proposal(s) offer(s) the best value to E&I and the Members.

Upon approval by E&I's Senior Management, the SSCMT will review the recommendation and prepare a LOI to Award to the Supplier(s). The letter informs the Supplier of the intent to award an agreement upon completion of any remaining negotiations. If negotiation for an agreement cannot be reached, E&I may elect to go to the next most advantageous proposer.

Once negotiations are complete, the awarded Supplier signs a finalized Master Agreement and the Chief Business Development Officer, or his designee countersigns. E&I's electronic signature solution will automatically send a copy of the fully executed Master Agreement to the Supplier once all Parties have signed.

The SSCMT will notify Non-awardee respondents. Specific proprietary information contained in the RFP responses will remain confidential.

All Supplier responses or replies E&I receives pursuant to a competitive solicitation are exempt from public inspection until such time as E&I makes the award. Unless requested under public information laws and after an award, RFP team participants working with and through E&I shall not disclose information about the Suppliers' responses. Upon award, RFP Team members will return or destroy the RFP responses and corresponding communications. The original RFP responses and supporting documentation will remain on file at the E&I offices for duration of the agreement. The RFP and any relevant supporting documentation from a competitive process are available for Member review upon request.

E&I will notify the Membership of the new contract and will update the E&I web site with the new program offering.

During the life of the contract, the SSCMT will monitor the performance of the Suppliers and compliance with the requirements stated in the RFP and resulting Master Agreement. The SSCMT shall also monitor the performance of E&I to assure that E&I has met its obligation to its Members and the Suppliers. The SSCMT also monitors the exclusions status of all active Suppliers within the System for Award Management website.

In cases of disputes related to specific orders, the Member institution will attempt to resolve the problem with the Suppliers. In those instances when there is an impasse, the Member and the Supplier will resolve the issue in accordance with the framework of the RFP and any resulting agreements. Upon request of the Member, the SSCMT will offer assistance by addressing and resolving reported contract variances with the Supplier(s) as part of the ongoing contract management process.

Disputes and purported breach of contract by any party (Member or Supplier) to the agreement are subject to the remedies prescribed by the Uniform Commercial Code (U.C.C.), or through the court of jurisdiction. It is the intention of E&I to resolve differences through good faith negotiation and that all Parties will meet their respective obligations making litigation a last resort.

Section 6 – Procurement Code of Ethics

E&I Employees are committed to a high standard of ethics in all contract development, award and administration and executing those activities on behalf of the Cooperative in compliance with the following ethical standards:

- Avoid the intent, appearance, and perception of unethical or compromising practice in relationships, actions, and communications
- Demonstrate loyalty to the Cooperative by diligently following the lawful instructions, using reasonable care and only the authority granted
- Refrain from any private business or professional activity that would create a conflict between personal interests and the interest of the Cooperative
- Refrain from soliciting or accepting money, loans, credits, or prejudicial discounts, and the acceptance of gifts, entertainment, favors or services from present or potential Suppliers, which might influence, or appear to influence contracting decisions
- Handle information of a confidential or proprietary nature to the Cooperative and/or Suppliers with due care and proper consideration of ethical and legal ramifications and governmental regulations
- Promote positive and constructive Supplier relationships through honesty, integrity, and impartiality in all phases of contract development, award and administration
- Do not agree to reciprocal agreements, which restrain competition
- Know and obey the letter and spirit of laws governing contract development and award and remain alert to the legal ramifications of contracting decisions
- Demonstrate support for socially responsible contracting that advances the Cooperative's commitment of providing opportunities to diversity Suppliers