



ARIZONA DEPARTMENT OF ADMINISTRATION
STATE PROCUREMENT OFFICE

TECHNICAL BULLETIN No. 044

Responsiveness, Responsibility and Susceptibility for Formal and Information Solicitations

TITLE
REVISION
DATE

Number 1
October 1, 2011

I. Authority

A. Applicable Statute

- | | |
|-------------------------|---|
| <u>A.R.S. § 41-2531</u> | Definitions, 14. Responsible bidder or offeror and 15. Responsive bidder |
| <u>A.R.S. § 41-2533</u> | Competitive Sealed Bidding, G. |
| <u>A.R.S. § 41-2534</u> | Competitive Sealed Proposals, F. |
| <u>A.R.S. § 41-2535</u> | Procurements not exceeding a prescribed amount; small businesses; simplified construction procurement program |
| <u>A.R.S. § 41-2540</u> | Responsibility of bidders and Offerors |

B. Applicable Administrative Code

- | | |
|-------------------------|--|
| <u>A.A.C. R2-7-B312</u> | Bid Evaluation |
| <u>A.A.C. R2-7-B313</u> | Responsibility Evaluations |
| <u>A.A.C. R2-7-B314</u> | Contract Award |
| <u>A.A.C. R2-7-C311</u> | Determination of Not Susceptible for Award |
| <u>A.A.C. R2-7-C312</u> | Responsibility Determinations |
| <u>A.A.C. R2-7-C313</u> | Clarification of Offers |
| <u>A.A.C. R2-7-C314</u> | Negotiations with Responsible Offerors and Revisions of Offers |
| <u>A.A.C. R2-7-C315</u> | Final Proposal Revisions |
| <u>A.A.C. R2-7-C317</u> | Contract Award |
| <u>A.A.C. R2-7-D304</u> | Contract Award |

TITLE Responsiveness, Responsibility and Susceptibility
REVISION Number 1
DATE October 1, 2011

- A.A.C. R2-7-A901 Protest of Solicitations and Contract Award
- A.A.C. R2-7-A904 Remedies by Agency Chief Procurement Officer
- A.A.C. R2-7-A909 Remedies by the Director

II. Definitions

A. Informal Solicitations: Request for Quote

1. Responsive bidder means a person who submits a bid which conforms in all material respects to the request for quotes.

B. Formal Solicitations: Invitation for Bid

1. Responsible bidder means a person who has the capability to perform contract requirements and the integrity and reliability which will assure good faith performance.
2. Responsive bidder means a person who submits a bid which conforms, in all material respects, to the invitation for bids.

C. Formal Solicitations: Request for Proposal

1. Not Susceptible for Award. The Offer failed to meet the requirements of the solicitation. The Offer failed to comply with susceptibility criteria identified in the solicitation. The Offer was not within the competitive range in comparison to other offers based on the evaluation criteria set forth in the solicitation. Consideration shall/may be given to the following in determining an Offeror's susceptibility, including but not limited to, past contract terminations for failure to perform; termination for cause due to breach; failure to comply with the terms of the contract; factual evidence of failure to satisfy the terms such as documented vendor performance reports, customer complaints and/or negative references; legal qualification to contract with the State; financial, business, personnel or other resources, including subcontractors; response to responsibility requests; conformance with all the requirements contained in the solicitation; the Offer limits the rights of the State; providing misleading or inaccurate information; or whether the Offeror materially changed the contents of the solicitation.
2. Susceptible for Award. The Offer met the requirements of the solicitation. The Offer complied with susceptibility criteria identified in the solicitation. The Offer was within the competitive range in comparison to other offers based on the evaluation criteria set forth in the solicitation.

TITLE Responsiveness, Responsibility and Susceptibility
REVISION Number 1
DATE October 1, 2011

3. Responsible Offeror. A person that has the capability to perform the contract requirements and has the integrity and reliability to assure good faith performance.

III. Policy

A. Informal Solicitations: Request for Quote

1. Responsiveness. The quote conformed in all material respects to the requirements and criteria set forth in the solicitation for RFQ to demonstrate responsiveness and be eligible for award.

B. Formal Solicitations: Request for Proposal

1. Responsibility. The Offeror has the capability to perform all aspects of the contract requirements and has the integrity and reliability determined to be responsible and eligible for award.
2. Susceptibility. The Offeror demonstrated that they are capable of meeting the requirements of the solicitation, they complied with criteria identified in the solicitation and they are within the competitive range and are eligible for award. Examples of Susceptibility may also include but are not limited to, past performance; factual evidence of satisfaction to the terms such as documented vendor performance reports, customer testimonials and/or positive references; legal qualification to contract with the State; financial, business, personnel or other resources, including subcontractors; timeliness of response to responsibility requests; and conformance with all the requirements contained in the solicitation.

C. Formal Solicitations: Invitation for Bid

1. Responsiveness. The bid conformed in all material respects to the requirements and criteria set forth in the solicitation for an IFB (based on price or evaluation criteria) to demonstrate responsiveness and be eligible for award.
2. Responsibility. The bidder has the capability to perform all aspects of the contract requirements and has the integrity and reliability determined to be responsible and eligible for award.

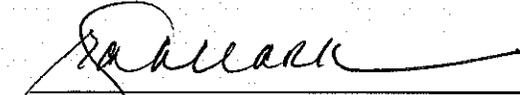
D. Formal Solicitations: Request for Proposal

1. Responsibility. The Offeror has the capability to perform all aspects of the contract requirements and has the integrity and reliability determined to be responsible and eligible for award.

TITLE Responsiveness, Responsibility and Susceptibility
REVISION Number 1
DATE October 1, 2011

2. Susceptibility. The Offeror demonstrated that they are capable of meeting the requirements of the solicitation, they complied with criteria identified in the solicitation and they are within the competitive range and are eligible for award. Examples of Susceptibility may also include but are not limited to, past performance; factual evidence of satisfaction to the terms such as documented vendor performance reports, customer testimonials and/or positive references; legal qualification to contract with the State; financial, business, personnel or other resources, including subcontractors; timeliness of response to responsibility requests; and conformance with all the requirements contained in the solicitation.

This Technical Bulletin is hereby authorized and effective this 1st day of October, 2011, unless otherwise revised or repealed.



Jean A. Clark, FNIGP, CPPO, CPPB, C.P.M.
State Procurement Administrator