

Section 1-01 Definitions

HHS Accelerator. HHS Accelerator facilitates the central management of the procurement process for client services and contractual relationships with client services vendors by creating and maintaining a document vault providing a web-based file repository for client services vendors; by creating and maintaining a centralized, electronic and web-accessible categorization system for all City agencies; by prequalifying client services providers; and by managing procurements for client services.

HHS Accelerator Director. A position designated by the Mayor to head HHS Accelerator and to exercise certain authority under Chapter 13 of the Charter and these Rules with regard to procurements conducted through HHS Accelerator.

Section 2-04 MULTI-TERM CONTRACTS (CLIENT SERVICES)

(c) Planning.

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(2) The form of the draft and final Plans shall be prescribed by the CCPO, in consultation with the HHS Accelerator Director. The draft and final Plans shall include, but not be limited to: the type of services to be provided, the authorized maximum amount of funding associated with the program, the authorized number of contracts to be let for a particular program, and the month and year of the next planned competitive solicitation.

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(6) The agency shall submit to the CCPO and the HHS Accelerator Director by August 31 a copy of the Plan approved by the ACCO.

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(d) Determination and Approvals. Prior to issuing a solicitation for a multi-term contract, the ACCO, with the approval of the HHS Accelerator Director for those procurements procured pursuant to Section 3-15 of these Rules, shall make a determination that:

Section 2-08 VENDOR RESPONSIBILITY AND APPEAL OF
DETERMINATION OF NON-RESPONSIBILITY.

(e) VENDEX questionnaire

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(2) Obligation to File Questionnaires. VENDEX questionnaires shall be completed and filed by the contractor at least once within each three year period within which such contractor does business with the City. Each contractor shall certify at the time of award of each contract that all the information submitted within such three year period is current, accurate and complete. In the event that changes have occurred within the three year period, the contractor shall update, prior to contract award, any previously-submitted VENDEX questionnaire to supply any changed information, and shall certify that both the updated and unchanged information is current, accurate and complete. If VENDEX questionnaires have not been submitted within three years, then such questionnaires shall be completed and filed:

(i) by applicants, at the time of an application for inclusion on a prequalified list, provided that this requirement shall not apply to applications under HHS Accelerator pursuant to Rule 3-15;

(i[i]) by contractors, when requested by an agency or by the CCPO, but in any event before the Recommendation for Award is approved or not later than:

(A) thirty days after registration of the contract in the case of a contract of whatever value if the aggregate value of City contracts, franchises, and concessions awarded to that contractor including this one during the immediately preceding twelve-month period equals or exceeds \$100,000, or

(B) thirty days after registration of the contract, where permitted pursuant to paragraphs (3) and (4) of this subdivision.

(ii[i]) by subcontractors, within thirty days after the ACCO has received from the prime contractor written notification of the identity of the proposed subcontractor and granted preliminary approval, if the aggregate value of City contracts, franchises, and concessions awarded that subcontractor including this one during the immediately preceding twelve-month period equals or exceeds \$100,000.

Section 2-09 RECOMMENDATION FOR AWARD.

(b) Content. The Recommendation for Award shall contain, but not be limited to, the following information:

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(6) date of City Record publication and date and publication name of any other advertised notice. If a prequalified vendor list other than HHS Accelerator is used, date(s) of advertisement(s) for prequalified list; if the procurement is from a sole source, the date of the notice of intent to enter sole source negotiations;

Section 3-01 POLICY

(c) Preference for Competitive Sealed Proposals in Certain Contracts. Procurement by competitive sealed proposals, including, where applicable, through HHS Accelerator, is the preferred method for awarding contracts for non-commodity data processing equipment and for information technology, non-commodity data processing, architectural, engineering, client, legal, accounting, financial, training, educational, cultural, medical, managed care, employee health benefits, scientific management, research, performing arts, and systems consultation services, and/or other similar services. A “Special Case” determination is not required for such procurements.

Section 3-10 PREQUALIFICATION.

(a) Prequalification allows an agency to evaluate the qualifications of vendors for provision of particular categories of goods, services, construction, or construction-related services (including subcategories based on expertise, size, dollar size of project, or other factors as determined by the ACCO) before issuing a solicitation for a specific contract. Except for procurements for construction, a procurement using a PQL shall be considered a “special case” under these Rules. This Section shall not apply to the prequalification of vendors through HHS Accelerator pursuant to Section 3-15.

Section 3-15 HHS Accelerator.

(a) Policy.

(1) Client services contracts shall be procured through HHS Accelerator unless the HHS Accelerator Director authorizes, with the approval of the CCPO, the use of a different procurement method. Notwithstanding the above, the authorization of the HHS Accelerator Director shall not be required for procurements pursuant to Section 1-02(d) (Procurement Requirements Prescribed by Entities External to the City or Other Applicable Law); Section 1-02(e) (Line Item Appropriations/Discretionary Fund Awards); Section 3-04(b)(2)(iii) (Negotiated Acquisition Extensions); Section 3-05 (Sole Source Procurement); Section 3-06 (Emergency Purchases); Section 3-08 (Small Purchases); Section 3-09 (Intergovernmental and Cooperative Purchases); and Section 3-13 (Government-to-Government Purchases).

(2) HHS Accelerator includes a method of prequalification where the HHS Accelerator Director initially evaluates the qualifications of vendors for provision of client services (including subcategories of specific client services). An agency procuring client services then issues a solicitation for a specific contract to the vendors prequalified through HHS Accelerator in accordance with the provisions of this Section. The ACCO may permit joint ventures of two or more prequalified vendors. A procurement using HHS Accelerator shall be considered a "special case" under these Rules without the requirement for a further determination.

(b) Criteria. In developing the HHS Accelerator PQL, the HHS Accelerator Director may use any of the criteria listed in this subsection. Criteria that may be used to prequalify vendors for HHS Accelerator include, but are not limited to:

(1) current and past experience with similar projects;

(2) references, past performance, and reliability;

(3) organization, staffing (both members of staff and particular abilities and experience), and ability to undertake the type and complexity of work;

(4) financial capability, responsibility and reliability for such type and complexity of work, and availability of appropriate resources;

(5) record of compliance with all federal, State, and local laws, rules, licensing requirements, where applicable, and executive orders, including but not limited to compliance with existing labor standards;

(6) compliance with equal employment opportunity requirements and anti-discrimination laws;

(7) record of business integrity of vendor.

(c) Public Notice of HHS Accelerator PQL.

(1) Frequency. The HHS Accelerator Director shall publish in the City Record at least once annually for five consecutive editions and shall post on the City's website on an ongoing basis in a location that is accessible by the public a notice or notices specifically identifying categories of client services covered by HHS Accelerator and inviting vendors to apply for inclusion on the HHS Accelerator PQL. Application for inclusion on such PQL shall be continuously available.

(2) Content. The notice shall include the HHS Accelerator Director, category of procurement, and information on how the vendor may obtain an application.

(d) Questionnaire. To apply for inclusion on the HHS Accelerator PQL, a vendor must complete and submit a prequalification questionnaire developed by the HHS Accelerator Director in consultation with the CCPO. A vendor may update information contained in HHS Accelerator on an ongoing basis. At least once every three years, and at the time of submitting any bid or proposal in response to a solicitation from the HHS Accelerator PQL, vendors shall affirm that there has been no change in the information included in the prequalification questionnaire, or shall supply such changed information.

(e) Making the Prequalification Decision. Prequalification questionnaires shall be reviewed by the HHS Accelerator Director and other personnel with knowledge, expertise, and experience sufficient to make a fair and reasonable determination, as appropriate. The HHS Accelerator Director shall have ninety days from the date of submission of a properly completed prequalification questionnaire to approve or deny prequalification. If no decision on prequalification is issued within ninety days of submission, prequalification is deemed denied, unless an extension of time is agreed to in writing by the parties.

(f) Denial or Revocation of Prequalification.

(1) Any vendor whose qualifications fail to meet the criteria established by the HHS Accelerator Director shall be denied prequalification. The prequalified status of a vendor may be revoked at any time on the basis of changed circumstance, conditions, or status of the vendor or its staff, or additional information acquired by the HHS Accelerator Director, or further analysis of the information upon which the original prequalification determination was made where the new information or further analysis indicates that the vendor does not meet the established criteria for prequalification.

(2) The HHS Accelerator Director shall notify the vendor in writing of a denial or revocation of prequalification, stating the reasons upon which the determination is based and informing the vendor of the right to appeal. The notification shall also include the following statement:

The vendor shall send a copy of its appeal to the New York City Comptroller, for informational purposes, at the Office of the New York City Comptroller, Office of Contract Administration, 1 Centre Street, Room 1005, New York, NY 10007, (212) 669-2323.

A copy of the HHS Accelerator Director's determination shall also be sent to the CCPO for inclusion in the VENDEX database and to the Comptroller's Office.

(3) HHS Accelerator PQLs shall be reviewed at least once every three years to ensure that firms that no longer meet prequalification standards are not retained on the list.

(g) Appeal of Denial or Revocation of Prequalification.

(1) Time Limit. A vendor shall have fifteen days from receipt of the determination to file a written appeal of that determination with the HHS Accelerator Director. Receipt of notice by the vendor shall be deemed to be no later than five days from the date of mailing or upon delivery, if delivered using a system that provides proof of the date of delivery. Filing of the appeal shall be accomplished by actual delivery of the appeal document to the office of the HHS Accelerator Director using a system that provides proof of the date of delivery.

(2) Form and Content. The appeal shall be in writing and shall briefly state all the facts or other basis upon which the vendor contests the HHS Accelerator Director's determination. Supporting documentation, if any, shall be included.

(3) Determination. The HHS Accelerator Director shall consider the appeal, and shall make a prompt written decision with respect to its merits. The HHS Accelerator Director may in his/her sole discretion convene an informal conference with the vendor to resolve the issue by mutual consent prior to making a determination.

(4) Notification. A copy of the decision of the HHS Accelerator Director shall be sent to the vendor, stating the reasons upon which the decision is based and informing the vendor of the right to appeal. A copy of such determination shall be sent to the CCPO for any modification to the VENDEX database and to the Comptroller's Office.

(5) Appeal to OATH. The decision of the HHS Accelerator Director shall be final unless appealed to OATH. If a vendor wishes to contest the HHS Accelerator Director, it may appeal to OATH, which shall hear and take final action in the matter in accordance with its rules. The petition to OATH shall be filed by the vendor within fifteen days of the date of the decision. Supporting documentation, if any, shall be included. The vendor shall, at the same time, send a copy of its appeal to the HHS Accelerator Director, CCPO, and Comptroller's

Office. The HHS Accelerator Director shall forward a copy of all appeal-related documents within fourteen days of its receipt of the copy of the vendor's appeal to OATH. During the pendency of the appeal, an Agency may proceed with the solicitation. OATH shall review the decision and determine whether that decision is arbitrary or capricious and whether it is based on substantial evidence. Copies of OATH's determination shall be sent to the vendor, HHS Accelerator Director, Comptroller's Office, and, where the decision results in the revocation of prequalification, to the CCPO for any modifications to the VENDEX database.

(h) Prequalification Not a Finding of Responsibility. The fact that a vendor has been prequalified does not in and of itself represent a finding of responsibility for a particular procurement. Between the time of bid opening or receipt of proposals and contract award, the ACCO may determine that a prequalified vendor is not responsible for a particular procurement pursuant to Section 2-08. If the ACCO makes such determination, in addition to the requirements of Section 2-08, he or she shall also notify the HHS Accelerator Director. Upon such notification, the HHS Accelerator Director will determine whether a vendor should be removed from the PQL.

(i) Solicitation from HHS Accelerator PQL. The solicitation of bids or proposals through HHS Accelerator is limited to vendors on the HHS Accelerator PQL who are prequalified in the specific category(ies) of client services being solicited. Unless the HHS Accelerator Director waives the requirement, the solicitation of bids or proposals through HHS Accelerator is required to be publicly advertised to provide notice to vendors of the solicitation and an opportunity to apply for prequalification in order to submit a proposal.

(j) Selective Solicitation from HHS Accelerator PQL. Selective solicitation is the solicitation of bids or proposals from fewer than all the vendors on the HHS Accelerator PQL that are qualified in the applicable category(ies) of client services. This method may be used where time is of the essence or the benefits of additional competition are outweighed by the administrative cost of soliciting more than a minimum number of proposals. A determination to utilize selective solicitation for a particular procurement or for a particular category of procurement shall be made in writing by the ACCO and subject to approval by the HHS Accelerator Director and the CCPO.

(k) Requirement for a Concept Report for a New Client Services Program. At least 45 days prior to issuing a Client Services Requests for Proposals ("CS-RFP") for a new client services program, the agency shall publicly release a concept report regarding such CS-RFP.

(1) For the purposes of this section, the term "new client services program" shall mean any program that differs substantially in scope from an agency's current contractual client services programs, including, but not limited to, substantial differences in the number or types of clients, geographic areas, evaluation criteria, service design, or price maximums or ranges per participant, if applicable.

(2) For the purposes of this section, the term “concept report” shall mean a document outlining the basic requirements of an RFP for client services contracts and shall include, but not be limited to, the following information:

(i) purpose of the CS-RFP;

(ii) planned method of evaluating proposals;

(iii) proposed term of the contract(s);

(iv) procurement timeline, including, but not limited to, the expected start date for the new contract(s), expected CS-RFP issuance date, approximate proposal submission deadline and expected award announcement date;

(v) funding information, including but not limited to, total funding available for the CS-RFP and sources of funding, anticipated number of contracts to be awarded, average funding level of contracts, anticipated funding minimums, maximums or ranges per participant, if applicable, and funding match requirements, if any;

(vi) program information, including, but not limited to, as applicable, proposed model or program parameters, site, service hours, participant population(s) to be served and participant minimums and/or maximums; and

(vii) proposed vendor performance reporting requirements.

(3) Notwithstanding the issuance of a concept report, the agency may change the above-required information at any time after the issuance of such concept report.

(4) Prior to release of the concept report, the agency shall publish a notification of the release in five consecutive editions of the City Record and electronically on the City’s website in a location that is accessible to the public.

(5) Upon release, the concept report shall be posted electronically on the City’s website in a location that is accessible to the public.

(6) Non-compliance with this section shall not be grounds to invalidate a contract.

(1) CS-RFP Contents. CS-RFPs shall include the following data:

(1) statement that the contract award will be made only to vendors that are prequalified through HHS Accelerator at the time that proposals are due;

(2) statement that the contract award will be made to the responsible proposer whose proposal is determined to be the most advantageous to the City, taking into consideration the price and such other factors or criteria that are set forth in the RFP;

(3) statement of work or scope of services statement, performance requirements, and any special instructions;

(4) the specific criteria and the relative weight of each criterion or category of criteria that will be used to evaluate the proposals;

(5) statement of how price will be evaluated. In addition, the following statements regarding price must be included:

(i) a notice that prices shall be irrevocable until contract award, unless the proposal is withdrawn, and that offers may be withdrawn only after the expiration of ninety days (or such longer period as is specified in the solicitation) after opening of proposals, in writing received by the agency prior to award;

(ii) if applicable, request for cost breakdown of the proposed price;

(6) proposal submission requirements including requirements, if any, for the electronic submission of proposals, including through the use of documents contained in the HHS Accelerator document repository; if applicable, that technical and price proposals shall be submitted in separate sealed envelopes (paper) or attachments (electronic); and the time and date after which proposals will not be accepted as well as location of proposal submission;

(7) other information such as delivery dates or time frames within which the work must be completed. Where it is anticipated that a contract will extend beyond one year, the following information must be included in any solicitation, in addition to any other requirements of these Rules:

(i) a statement of intent to award a multi-term contract, and an estimate of the quantity of services required for the proposed contract period;

(ii) a request for a proposal of a total price which shall be binding in the first year and may be negotiable from year to year thereafter;

(iii) that the multi-term contract is subject to modification or cancellation if adequate funds are not appropriated to the agency to support continuation of performance in any fiscal year succeeding the first;

- (iv) that the multi-term contract is subject to modification or cancellation if the vendor's performance is not satisfactory;
- (v) that the Contracting Officer shall notify the vendor as soon as is practicable that the funds are, or are not, available for the continuation of the multi-term contract for each succeeding fiscal year;
- (vi) whether proposers shall submit prices for the first year, for the entire period of performance, or for some portion of the period; and
- (vii) a statement setting forth those costs (if any) for which the vendor will be reimbursed in the event of cancellation;
- (8) general as well as special terms and conditions, if applicable;
- (9) a notice of the proposer's rights to appeal certain decisions;
- (10) a notice of the City's prompt payment policy, including an explanation of the requirements for invoicing;
- (11) a requirement for acknowledgment of amendments;
- (12) if applicable, a request for a description of experience in the line of work being considered (including references);
- (13) if applicable and necessary in the judgment of the Contracting Officer, a request for description of staff capability along with the resumes of key individuals who will work on the contract;
- (14) a notice that although discussions may be conducted with offerors submitting acceptable proposals, award may be made without any discussions;
- (15) if applicable, provision on the submission and consideration of multiple or alternate proposals;
- (16) a provision that proposers should give specific attention to the identification of those portions of their proposals that they deem to be confidential, proprietary information or trade secrets and provide any justification why such materials, upon request, should not be disclosed by the City. Such information must be easily separable from the non-confidential sections of the proposals;
- (17) a notice that contract award is subject to the provisions of the MacBride Principles Law;

(18) a notice that contract award is subject to applicable provisions of federal, State, and other local laws and executive orders requiring affirmative action and equal employment opportunity;

(19) if applicable, a notice that contract award is subject to completion of a VENDEX questionnaire and review of that information by the Department of Investigation;

(20) where applicable, all information required pursuant to Section 312(a) of the Charter;

(21) the following statement:

The New York City Comptroller is charged with the audit of contracts in New York City. Any vendor who believes that there has been unfairness, favoritism, or impropriety in the proposal process should inform the Comptroller, Office of Contract Administration, 1 Centre Street, Room 1005, New York, NY 10007; telephone number (212) 669-2323; and

(22) name, address, and telephone number of contact person; and

(23) if applicable, information regarding multiple award task order contracts for services.

(m) “Open ended” CS-RFPs. For a client services program in which there is available funding for more than the available responsible vendor, and for which the requirements and qualifications are unusually complex and difficult to predict (such as Uniform Land Use Review Procedures approvals of appropriate sites, licenses, etc.) and for which interested potential vendors may become qualified during the course of a year, the ACCO may designate the applicable RFP as an “open-ended RFP.” If an RFP is so designated, the agency shall publish in the City Record quarterly a notice of solicitation, clearly stating that the RFP may be obtained at any time and that proposals may be submitted in response to the RFP on an on-going basis. When an agency decides to terminate the open-ended RFP, it shall publish such determination in the City Record.

(n) Proposal Preparation Time and Form.

(1) Proposal preparation time shall be set to provide vendors a reasonable time to prepare their proposals. Vendors shall be provided a reasonable period of time to prepare their proposals, but in no event not less than ten days. The

manner in which proposals are to be submitted, including any forms for that purpose, shall be designated as a part of the RFP.

(2) The ACCO shall be responsible for ensuring that an extract or copy of the scope of work is available for public inspection upon request at the agency issuing the solicitation and that the notice of the solicitation includes a description of the proposed service area and the name and telephone number of an agency individual who can be contacted to provide a copy of the extract or the scope of work.

(o) Public notice.

(1) Notice of solicitation. RFPs or notices of their availability and their notices of solicitation shall be posted on the City's website in a location that is accessible to the public simultaneously with their publication. An agency may, upon request of a vendor, provide RFPs or notices electronically. Notices of solicitation and copies of the CS-RFP shall be delivered electronically to all vendors prequalified through HHS Accelerator for the applicable category(ies), unless a selective solicitation is being utilized pursuant section 3-15(j), at least ten days prior to the due date, and vendors shall respond to the solicitation via HHS Accelerator.

(2) Notice of Vendor Selection.

(i) Frequency. Notice of vendor selection exceeding the small purchase limits shall be published once in the City Record within fifteen days after registration of the contract.

(ii) Content. Such notice shall include:

(A) agency name;

(B) PIN;

(C) title and/or brief description of the goods, services, or construction to be procured;

(D) name and address of the vendor;

(E) dollar value of the contract; and

(F) procurement method by which the contract was let.

(p) CS-RFP Handling Procedures.

(1) Pre-Proposal or Pre-Solicitation Conferences. Pre-proposal or pre-solicitation conferences may be conducted in the manner set forth in Section 3-02 of these Rules.

(2) Amendments to CS-RFPs. Amendments to RFPs may be made in the manner set forth in Section 3-02 of these Rules and will be issued through HHS Accelerator.

(3) Modification or Withdrawal of Proposals. Proposals may be modified or withdrawn prior to the established due date in the manner set forth in Section 3-02 of these Rules. The established due date is either the time and date announced for receipt of proposals or receipt of modifications to proposals, if any, or if discussions have begun, it is the time and date by which best and final offers must be submitted.

(4) Late Proposals and Modifications. Any proposal or modification received after the established due date and time at the place designated for receipt is late and may be accepted only in the manner set forth in paragraphs (5) through (8) below.

(5) Handling and Acceptance of Late Proposals. A late proposal may only be accepted when it is determined by the ACCO that it is in the best interest of the City to do so. In such event, the ACCO may hold open the receipt of proposals by no more than three hours, during which time no other competing proposal may be opened. The ACCO may, upon written approval by the CCPO, hold open the receipt of proposals by longer than three hours, but until no later than the original submission time on the next business day; such approval may be given by the CCPO only where the need for holding the receipt of proposals open for a longer time arises from generally applicable emergency circumstances, such as weather or transit emergencies. An opened proposal shall eliminate the option of accepting any late proposal. Where an ACCO has determined that it is in the best interest of the City to accept a late proposal, any other late proposal received during the period of extension shall be similarly accepted.

(6) Documentation of Late Proposals. The ACCO shall, within one business day of such acceptance of late proposals, document the reasons that it is in the best interest of the City to approve the extension, the time extended, the name of any vendor(s) submitting a proposal received during the extension period established pursuant to paragraph (5) above, as well as an affirmative statement that no proposals were opened prior to the acceptance of the late proposal and that any other late proposal received during the period of extension was similarly accepted.

(7) Late Modifications. A late modification of a successful proposal that makes its terms more favorable to the City shall be considered at any time it is

received and, if accepted by the ACCO, shall be so documented in the Recommendation for Award.

(8) Record. A record shall be made of each request for acceptance of a late proposal or modification. A late proposal or modification that is not accepted by the ACCO shall not be opened until after registration of the contract.

(9) Receipt and Registration of Proposals. The identity of an offeror shall not be disclosed prior to the established date and time for receipt of proposals. Proposals shall not be opened publicly. Proposals and modifications shall be time and date-stamped upon receipt and held in a secure place until the established due date and time. After the date and time established for the receipt of proposals, a Register of Proposals shall be prepared and shall be open to public inspection after award of a contract. It shall include for all proposals the name of each offeror and the number of modifications received, if any.

(q) Evaluation Process. Award, if any, must be made to the responsible proposer whose proposal is determined to be the most advantageous to the City, taking into consideration the price and such other factors or criteria that are set forth in the RFP. In evaluating the proposals, the agency may consider only price and the criteria set forth in the RFP. In considering price, the agency may use methods such as ranking technically viable proposals by price, evaluating price per technical point, or evaluating proposals in accordance with another combination of price and technical merit. Such methods may result in the agency selecting the highest technically rated proposer over another technically qualified proposer who offered a lower fee as a result of factors including, but not limited to, the selected vendor's superior technical skill and expertise, increased likelihood of timely completion, and/or ability to manage several projects simultaneously with lower overall costs to the City, including costs in City personnel time and consultants.

(1) Evaluation Committee. Proposals shall be reviewed by an evaluation committee consisting of no fewer than three persons with knowledge, expertise, and experience sufficient to make a fair and reasonable evaluation. If an RFP incorporates multiple competitions, each competition may be evaluated by a separate committee. The ACCO shall require each member of the evaluation committee(s) to submit a signed statement, in a format approved by the CCPO, agreeing to prohibitions on any conflicts of interest.

(a) Randomized evaluation process. If the HHS Accelerator Director determines that such a high volume of competing proposals is likely to be received that it will be infeasible for each member of the evaluation committee to read each proposal, the ACCO may, subject to the approval of the HHS Accelerator Director, establish a pool of appropriate evaluators and then randomly assign each proposal to at least three such evaluators for review.

(b) Outside Evaluators. The evaluation committee may include persons who are not employed by the agency. In addition, the ACCO may determine, subject to the approval of the HHS Accelerator Director, that it is in the best interests of the City for the evaluation committee to include persons who are not employees of the City of New York, provided that such non-City employees may not constitute a majority of the evaluation committee. Such persons must serve without financial compensation, but may be entitled to travel and other related expenses as may be reasonably incurred in the execution of their role as an evaluator.

(2) Rating Sheets. Ratings sheets or other written evaluation forms shall be used to evaluate proposals by the evaluators and each evaluator shall sign and date his or her rating sheet. Initial ratings may be amended and the amended ratings recorded on amended ratings sheets. Copies of all initial and amended rating sheets or evaluation forms shall be maintained.

(3) Proposal Discussions with Individual Offerors. The evaluation committee shall evaluate all proposals and may elect to enter into discussions with those whose proposals are acceptable or are reasonably likely to be made acceptable for any or all of the following purposes:

(i) promoting understanding of the City's requirements and the vendors' proposals and capabilities;

(ii) obtaining the best price for the City; or

(iii) arriving at a contract that will be most advantageous to the City taking into consideration price and the other evaluation factors set forth in the RFP.

(4) Conduct of Discussions.

(i) Proposers shall be accorded fair treatment with respect to any opportunity for discussions and revisions of proposals.

(ii) The ACCO shall establish an agenda and schedule for conducting discussions.

(iii) If there is a need for any substantial clarification of or changes to the RFP, the RFP must be amended to incorporate such clarification or change and shall be provided to all proposers.

(iv) Auction techniques (revealing one proposer's price to another) and disclosure of any information derived from competing proposals are prohibited.

(v) Any oral clarification of a proposal shall be confirmed in writing by the proposer.

(5) Best and Final Offers. Best and final offers are the revised and corrected final proposals submitted by proposers after discussions, if any, have been held by the agency.

(i) The ACCO shall establish a common date and time for the submission of best and final offers.

(ii) Best and final offers shall be submitted only once unless the ACCO makes a determination that it is in the City's best interest to conduct additional discussions and/or require another submission of best and final offers.

(iii) Proposers shall be informed that if they do not submit a notice of withdrawal or another best and final offer, their immediate previous offer will be construed as their best and final offer.

(iv) All best and final offers shall be recorded on the Register of Proposals and handled in accordance with the control procedures contained in these Rules.

(v) The ACCO may request best and final offers on the whole proposal or on any one or combination of its component parts (e.g., price, technical qualifications, approach, and/or capability). The request shall be the same for all proposers.

(vi) Best and final offers shall be evaluated in accordance with subdivision 3-15(q).

(r) Mistakes in Proposals.

(1) Confirmation of Proposal. When the ACCO knows or has reason to conclude before award that a mistake has been made by the proposer, he or she should request the proposer to confirm the proposal. If the proposer alleges there is a mistake in the proposal, the proposal may be corrected or withdrawn during any discussions that are held or if the conditions set forth in this subdivision are met.

(2) Mistakes Discovered After Receipt of Proposals but Before Vendor Selection.

(i) During Discussions Prior to Best and Final Offers. Once discussions are commenced with any proposer or after best and final offers

are requested, any offeror may correct any mistake by modifying or withdrawing the proposal until the time and date set for receipt of best and final offers.

(ii) Minor Informalities. Minor informalities, unless otherwise corrected by an offeror, shall be treated in accordance with Section 3-02(m)(3)(i) of these Rules.

(iii) Correction of Mistakes. If discussions are not held or if the best and final offers upon which award will be made have been received, mistakes may be corrected and the intended correct offer considered only in accordance with Section 3-02(m)(3)(ii) of these Rules.

(3) Mistakes Discovered After Vendor Selection. Mistakes shall not be corrected after vendor selection except in accordance with Section 3-02(m)(4) of these Rules.

(4) Determinations Required. When a proposal is corrected or withdrawn, or correction or withdrawal is denied, a determination shall be prepared in accordance with Section 3-02(m)(5) of these Rules.

(s) Vendor Selection and Documentation. The ACCO shall make a determination showing the basis on which the contract award was made to the responsible proposer whose proposal was determined to be the most advantageous to the City, taking into consideration the price and such other factors or criteria that are set forth in the RFP. This determination shall be included in a Recommendation of Award. Each Recommendation for Award shall include at a minimum the following information:

- (1) justification of the award;
- (2) if the award is for client services for which there is agency price history, a price comparison of the proposed price versus previous price, if applicable, with the rationale for any increases supported by cost/price analysis data;
- (3) reasons for multiple award contracts;
- (4) any special terms and conditions included in the proposed contract via the use of cost/price analysis techniques;
- (5) affirmative finding of responsibility for the selected proposer(s); and
- (6) efforts to negotiate better value.

Upon determination of the most favorable proposal and after obtaining all required approvals, the Contracting Officer shall award the contract to that proposer.

Section 4-12 LATE REGISTRATION.

(a) Policy.

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(2) In the circumstance wherein an expiring contract for client services is to be replaced by a new contract awarded from an RFP pursuant to Section 3-03 or via HHS Accelerator pursuant to Section 3-15, renewed pursuant to Section 4-04 or extended pursuant to Sections 3-04(b)(2)(iii) or 4-02(b)(1)(iii), the agency should notify the selected vendor of its selection by no later than ninety (90) days prior to the expiration date of the contract that is to be replaced, renewed or extended. Earlier notification is preferable, particularly where the agency anticipates that the vendor will be required to file a new VENDEX questionnaire pursuant to Section 2-08(e)(2). In addition, where an agency proposes to continue services by means of a new RFP award, the Notice of Solicitation for such RFP should be published by the agency pursuant to Section 3-03(d), or by the HHS Accelerator Director pursuant to Section 3-15(c)(1), by no later than two hundred fifty (250) days prior to the expiration of the contracts to be replaced.