

**REQUEST FOR PROPOSAL**  
**WSCA and NASPO CONTRACT COMPLIANCE REVIEW SERVICES**  
**SOLICITATION # DR11026**

**PURPOSE OF REQUEST FOR PROPOSAL (RFP)**

The State of Utah, Division of Purchasing on behalf of the Western States Contracting Alliance (WSCA) and the NASPO Cooperative is requesting proposals from experienced firms to perform compliance reviews of WSCA/NASPO cooperative contracts and contracts issued by individual member states. The term “contract compliance review” referred to in this solicitation shall consist of: contract review work, contract analysis work, contract performance work, cost recovery work, cost analysis work and cost review work. A WSCA Master Agreement shall be awarded to firms demonstrating the ability to conduct reviews of WSCA/NASPO cooperative contracts based on the criteria outlined in this RFP. The Master Agreement will be administered by the State of Utah.

The purpose of this RFP is to establish a WSCA Master Agreement with multiple firms through a competitive procurement process. A two-phase process will be used to award contracts. Phase I will consist of the awarding of a WSCA Master Agreement to firms based on the criteria contained in this RFP. Under Phase II firms awarded a WSCA Master Agreement will be invited to submit proposals for specific reviews of WSCA/NASPO cooperative contracts.

The master price agreements resulting from this solicitation will be utilized by WSCA/NASPO to (1) validate that suppliers under contract with WSCA/NASPO are charging state agencies and political subdivisions the correct contract prices; and/or (2) validate that WSCA/NASPO suppliers are accurately reporting the amount of contract sales and remitting the appropriate administrative fee payments.

Note: In addition to reviewing WSCA/NASPO cooperative contracts, individual WSCA/NASPO states may use the WSCA Master Agreement to engage awarded firms in conducting reviews of their individual state contracts. State contracts are managed by individual states and not by WSCA/NASPO.

The following States have submitted Intents to Participate with any contracts for contract compliance review services awarded as a result of this RFP: Arizona, Hawaii, Idaho, Iowa, Minnesota, Mississippi, Nevada, South Dakota, Utah and West Virginia. Please refer to attached additional Terms and Conditions from the states of Minnesota and Utah for their requirements. The attached “State” Terms and Conditions are for reference only. Any negotiations must be made with the respective State and be addressed in the State’s Participating Addendum.

**BACKGROUND**

WSCA was formed in October 1993. The purpose of WSCA is to establish the means by which participating states may join together in cooperative multi-state contracting to ensure the commitment of each participating state and to provide regular and ongoing assistance to participating states in researching, developing and administering

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procurement and contractual specifications and requirements. The WSCA member states are: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Minnesota, Montana, Nevada, New Mexico, Oregon, South Dakota, Utah, Washington and Wyoming.

WSCA is a cooperative purchasing arm of the National Association of State Purchasing Officials (NASPO). The mission of WSCA is to implement multi-state contracts to achieve cost-effective and efficient acquisition of quality products and services.

The following is a listing of current WSCA cooperative contracts and their respective spend data for calendar year 2009. Note that under the terms of this contract, WSCA may elect to have some, all or none of the following contracts reviewed for compliance. The data are for information purposes only and does not represent or guarantee similar spend amounts in future years.

<u>Contract</u>	<u>2009 Sales</u>
Computers	\$2,143,900,000
Wireless	1,632,323,000
Industrial Supplies	361,627,000
Data Communications	90,590,400
Tires, Tubes & Services	67,927,600
Small Package Delivery Svcs.	36,328,000
Public Safety Radio	33,937,400
Mailroom Equipment	20,478,200
Laboratory Supplies	16,834,000
Janitorial Supplies	15,129,000
Electronic Monitoring	14,167,600
Breast Pumps	4,282,370
Vehicle Lifts	3,653,335
Quick Copy (Printing Services)	1,618,400
Body Armor	1,071,000
Satellite Phones	1,176,000
Telephone Based Interp. Svcs.	824,800
Fire Suppression	592,000
Carpet	65,200

See Attachment A WSCA and NASPO Cooperative Contracts, Basic Contract Information for additional spend data for calendar year 2009 and projected calendar year 2010.

Note: Firms are not required to have the capability of reviewing all cooperative contracts for compliance in order to receive a WSCA Master Agreement in Phase I. WSCA/NASPO recognizes that some firms may specialize in contract compliance review

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work for certain select industries while other firms may have the capability of conducting contract compliance review work for all types of contracts. Firms specializing in certain categories of contract compliance review work that are awarded a WSCA Master Agreement in Phase I may be invited to perform contract review services only in their area of expertise.

**WEBSITE**

The official website for WSCA, which includes general information about WSCA and current WSCA contracts is: [www.aboutwsca.org](http://www.aboutwsca.org) This site will include information for the WSCA Master Agreement that results from this RFP.

**ISSUING OFFICE AND WSCA CONTRACT ADMINISTRATOR**

The State of Utah, Division of Purchasing has been designated by WSCA to be the Lead State conducting this procurement. The reference number for this Solicitation is **DR11026**. The WSCA Contract Administrator designated by the State of Utah, Division of Purchasing is:

Dan Reisner, Purchasing Manager  
State of Utah, Division of Purchasing  
3150 State Office Building, Capitol Hill  
Salt Lake City, UT 84114-1061

[dreisner@utah.gov](mailto:dreisner@utah.gov)

Voice: 801-538-3216  
Fax: 801-538-3882

Note: All questions must be submitted through BidSync as noted below.

**SUBMITTING YOUR PROPOSAL**

The State of Utah Division of Purchasing prefers that proposals be submitted electronically. Electronic proposals may be submitted through a secure mailbox at BidSync ([www.bidsync.com](http://www.bidsync.com)), formerly RFP Depot, until **3:00 P.M. (MT), Wednesday, February 23, 2011**. Proposals received after the deadline will be late and ineligible for consideration. It is the sole responsibility of the Offeror to ensure their bid reaches BidSync before the closing date and time.

There is no cost to the Offeror to submit electronic proposals to the Division of Purchasing via BidSync. If the Offeror chooses to submit a bid directly to the State of Utah Division of Purchasing in writing send the original proposal and seven copies to: State of Utah, Division of Purchasing, 3150 State Office Building, Capitol Hill, Salt Lake City UT 84114-1061 prior to the closing date and time specified. For those Offerors

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choosing to submit a written proposal directly to the State of Utah, in addition to the one original and seven copies of your proposal, you must also submit one complete electronic copy using standard Microsoft Office Productivity software (Word, Excel, etc...) on a CD-ROM or USB Flash drive.

Note: Proposals may be modified or withdrawn prior to the time set for opening of proposals.

All questions must be submitted through BidSync. Questions concerning this RFP will be accepted until **3:00 P.M. (MT) February 9, 2011**. No questions will be answered after that time. Questions may be answered as they come in or may be compiled into one document and answered via an addendum. Offerors will be notified by email if the addendum has been posted. Offerors should periodically check the electronic procurement system for answered questions and addenda. There is no fee charged to offerors responding to this RFP in BidSync.

**Note, when submitting a proposal electronically through BidSync, it is the sole responsibility of the supplier (firm) to ensure that the complete response is received by BidSync prior to the closing date and time.** See attached "BidSync Notice" for additional instructions regarding BidSync and submitting proposals on BidSync.

**SCHEDULE**

Following is the anticipated timeline for this RFP:

<b>RFP Released</b>	<b>January 3, 2011</b>
<b>Pre-Proposal Conference (optional attendance)</b>	<b>February 2, 2011</b>
<b>Proposals Due</b>	<b>February 23, 2011</b>

**Pre-Proposal Conference (Non-Mandatory)**

A non-mandatory pre-proposal conference will take place on **February 2, 2011**. Participants should contact Dan Reisner at: [Dreisner@utah.gov](mailto:Dreisner@utah.gov), if you will be attending the meeting by **January 26, 2011**.

While attendance at the pre-proposal conference is not mandatory, it is strongly recommended that each potential offeror attend to ensure a complete understanding of the requirements of this RFP. Offerors may submit questions in writing to Dan Reisner prior to the meeting date. Offerors also will have the opportunity to ask questions concerning the intent of the RFP at the pre-proposal conference.

**LENGTH OF CONTRACT**

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The WSCA Master Agreement resulting from this RFP will be for a five (5) year period and shall contain specific provisions regarding earlier termination.

**SCOPE OF WORK**

Firms awarded a WSCA Master Agreement in Phase I will be invited to submit proposals in Phase II to conduct detailed compliance reviews of cooperative contracts in the following areas: (1) compliance with contract pricing agreements and/or (2) accuracy of administrative fee payments remitted. Proposals submitted in Phase II shall include proposed rates, fees, percentage of cost recovery for each contract selected for review.

**(1) Compliance with Contract Pricing Agreements**

The primary focus of this compliance review will be to validate that vendors under contract with WSCA are charging state agencies and political subdivisions the correct prices agreed to under the terms and conditions of the contract.

**(2) Accuracy of Administrative Fee Payments Remitted**

Under the terms and conditions of contracts, vendors are required to remit an administrative fee payable to WSCA and/or the individual state based on the volume of spend (contract usage) by state agencies and political subdivisions. The primary focus of this compliance review will be to validate that vendors under contract are accurately reporting the amount of contract sales and remitting the proper administrative fee payments.

When applicable compliance reviews shall be conducted in accordance with generally accepted accounting practices and established performance standards that are customary in the industry, i.e. Government Auditing Standards (Yellow Book). If these standards are in conflict with a specific scope of work outlined in Phase II, such as cost recovery compliance review, then these standards will be waived. Nevertheless, firms selected to perform contract compliance reviews during Phase II will be held to the fiduciary standards and responsibilities that will be outlined contracts awarded in Phase II.

**PHASE I - Selection of Firms and WSCA Master Agreement**

**A. Proposal Response Format (WSCA Master Agreement)**

All proposals must be organized to include the following clearly marked sections:

**1. RFP Form**

Firms must complete the RFP Form in order to submit a proposal on BidSync. Firms submitting a hard copy directly to the State of Utah Division of Purchasing will be required to complete the RFP Form and include it with their proposal.

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**2. Minimum Qualifications**

Firms must have the necessary resources to conduct compliance reviews in all 15 WSCA member states plus other NASPO states using the Master Agreement resulting from this solicitation. Some contract data and other pertinent information may be only available at the lead contracting state and at the state agency level.

Offerors must possess at least five (5) years of experience performing contract compliance reviews as described in this RFP. Offerors shall be proficient in performing payment error risk assessments, detecting overpayment errors, utilizing efficient methods for overpayment error detection, handling large volumes of data, understanding control systems and weaknesses, understanding automated purchasing, payables and accounting systems, report writing, overpayment recovery and project administration and management.

Note: Firms are not required to have the capability of reviewing all types of cooperative contracts in order to receive a WSCA Master Agreement in Phase I. WSCA/NASPO recognizes that some firms may specialize in contract compliance reviews for certain industries while other firms may have the capability of conducting contract compliance reviews in all types of industries. Firms specializing in certain industries may be awarded a WSCA Master Agreement in Phase I and will only be invited to perform contract compliance review services in Phase II that relate to their area of expertise.

- (a) All firms must have the capability of performing contract compliance reviews in all fifteen WSCA states but not all industries.
- (b) Firms are not required to have the capability of performing contract compliance reviews in all other NASPO states but may indicate in their proposal which states they are willing to perform contract compliance reviews based on the list of NASPO states that have signed an intent to participate in this RFP – see list of participating NASPO states on page 1.

**3. Statement of Qualifications**

Offerors shall submit a statement of qualifications detailing the following:

Profile of the Firm: Describe the organization of the firm including:

- a. The organization, size of the firm and regional contract compliance review capability;

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- b. The locations (physical addresses) of the offices from which the work is to be performed and the number of professional staff (by staff level) employed at the offices;
- c. Describe the firm's capability of analyzing computerized systems.

Contract Compliance Review Work History: Describe the firm's experience in conducting compliance reviews of contracts similar to the WSCA contracts identified in RFP (see also Attachment A) during the past five years. Provide two sample reports of similar government or private sector contract compliance review work performed in the past five years.

References: Submit five (5) references from previous contract compliance reviews conducted within the past five years. Include a description of the contract compliance review work performed and client contact information.

Approach to Conducting Contract Compliance Review Services: WSCA/NASPO will be seeking to engage the expertise and services of firms to perform a variety of contract compliance reviews. These contract compliance reviews shall include but not be limited to contract analysis, contract performance, financial reviews, cost analysis, cost recovery, cost review and contract usage and fee remittance analysis. Submit a detailed cost recovery work plan detailing the firm's approach to analyzing data and identifying findings. Demonstrate your firm's understanding of the requirements outlined in this RFP in a detailed document that clearly outlines your firm's approach to conducting contract compliance review services.

Tools: If requested by the selection committee, Offerors shall conduct a demonstration of any software and usage tracking systems that will be used in conducting contract compliance reviews. Requests for demonstrations will be at the discretion of the evaluation committee. Only Offerors deemed acceptable by the evaluation committee may be requested to demonstrate software and usage tracking systems. Offerors shall bear all expenses associated with demonstrations.

**B. Phase I Technical Proposal Evaluation (WSCA Master Agreement)**

<u>Evaluation Criteria</u>	<u>Points</u>
<b>1. RFP Form</b>	<b>Required</b>

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<b>2. Minimum Qualifications</b>	<b>Pass/Fail</b>
<b>3. Statement of Qualifications</b>	<b>70 Points</b>
<u>Profile of the Firm:</u>	20 pts 15 pts minimum
<u>Work History:</u>	25 pts 20 pts minimum
<u>References:</u>	10 pts 7 pts minimum
<u>Approach to Compliance Reviews:</u>	10 pts 6 pts minimum
<u>Tools:</u>	5 pts 2 pts minimum

Note: Only Offerors that achieve the minimum scores in each evaluation category will proceed to Phase II. Offerors with a score of less than the minimum in any evaluation category will be deemed unacceptable and ineligible for consideration.

**C. Award of WSCA Master Agreement**

It is the intent to award multiple contracts in Phase I. Offerors that achieve the highest scores in the Technical Evaluation will be awarded a WSCA Master Agreement.

Note that during Phase II WSCA/NASPO or member states may choose to invite all or only a select number of the firms awarded a WSCA Master Agreement to submit industry specific technical qualifications and cost proposals to perform contract compliance review services of the contracts selected for review. Firms awarded a WSCA Master Agreement under Phase I are not guaranteed work under this agreement.

**PHASE II – Proposal Submissions for Specific Contract Compliance Review**

During Phase II, WSCA/NASPO will choose a contract to be reviewed and invite selected firms awarded a WSCA Master Agreement to submit a proposal to perform contract compliance review services of the first contract selected for review.

WSCA/NASPO will then choose another contract for review and invite selected firms awarded a WSCA Master Agreement to submit a proposal to perform contract compliance review services of the second contract selected for review, and so on until WSCA/NASPO determines that contract compliance review services are no longer required.

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Note that during Phase II WSCA/NASPO or member states may choose to invite all or only a select number of the firms awarded a WSCA Master Agreement in Phase I to submit industry specific technical qualifications and cost proposals to perform contract compliance review services for contracts selected for review. Firms awarded a WSCA Master Agreement in Phase I are not guaranteed an invitation to perform any services in Phase II.

**A. Phase II - Invitation to Submit Proposals**

Because the terms and conditions of each WSCA/NASPO and member state contract are unique, a detailed scope of work (specific to each contract) will accompany each invitation to submit proposals. Each Invitation to Submit Proposals should be read carefully and questions asked if confusion or ambiguity is apparent to the firm. Each Invitation to Submit Proposals may contain additional industry specific requirements beyond those outlined below. Firms will be required to address these requirements in their proposals.

**B. Phase II - Proposal Response Format**

In addition to specific requirements outlined in the Invitation to Submit Proposals, all firms shall include in their proposals the following industry specific technical response. Information must be organized in clearly marked sections:

**1. Strength of Team**

- a. Identify partners, managers, field supervisors and other staff who will work on the contract compliance review team - including outside consultants and other subject matter experts under contract (or that may be put under contract) with the firm. Submit resumes of each of these persons and include relevant experience. Also provide information about continuing education for the staff and management that will be assigned to the work identified in this document.
- b. Firms shall provide a list of tools, applications, processes and software that may be used by WSCA/NASPO to monitor, compare and manage contract utilization. These alternatives may be web-based or server based but should be capable of working in an open-systems environment.

**2. Work Plan and Schedule**

- a. A complete narrative of the firm's assessment of the work to be performed, and the firm's ability, approach, and resources

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necessary to fulfill the requirements contained in the Invitation to Submit Proposals. The narrative should demonstrate the firm's understanding of the desired overall performance expectations. Clearly indicate any options, alternatives or creative approaches proposed. Firms will be required to describe in their proposal the methodology that will be used to validate the vendor's (1) compliance with contract pricing agreements and (2) accuracy of administrative fee payments remitted to WSCA/NASPO.

b. A detailed schedule with milestones and deliverables outlining the firm's plan for completing the contract compliance review.

c. **Mandatory Requirements**

The following requirements must be included in the final contract compliance review report and/or made available to WSCA/NASPO or member states upon request.

- i. Firms may be required to assist WSCA/NASPO or member states in reaching settlement agreements, negotiating overcharge payments, legal proceedings, formal hearings, appeals, judicial action and/or other any other proceeding or action surrounding recovery and collection activities. Firms are required to provide testimony and/or supply documentation to assist in any recovery and collection activities. Firms must document their hourly rate for this service in their cost proposal.
- ii. Fees recovered on WSCA/NASPO contracts will be directed into WSCA/NASPO accounts. Fees recovered on individual state cooperative contracts will be directed back to the state requesting the contract review.
- iii. Inform WSCA/NASPO and member states in writing of all opening and exit conferences between the vendor and the firm, as well as all significant conferences concerning contract exceptions, accounting issues, internal control findings or scope limitation. An exit conference with the firm and the vendor is required. Notify vendors of potential findings including pricing errors, overpayments, etc.
- iv. Firms will furnish all material, labor, computers, software, equipment and supplies necessary to perform the contract compliance review services.

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- v. Firms will be responsible for all travel expenses.
- vi. Make available all work papers, programs and time control records associated with each contract compliance review during the performance of the work and/or at the completion of the work for a quality control review and for a verification of key personnel obligated to the proposal.
- vii. Furnish copies of all work programs upon request and detail all work papers and reports as required by the contract standard terms and conditions.
- viii. Define each specific overpayment scenario in writing. Each scenario must show the WSCA/NASPO or state proof of the overpayment and the specifics regarding the WSCA/NASPO vendors that the scenario covers.
- ix. Provide a written description of the complete process for identifying the incorrect payment scenario.
- x. Inform in writing WSCA/NASPO and Contract Administrator regarding any indication of error, irregularities or illegal acts which may come to their attention in connection with the contract compliance review work.
- xi. Obtain written WSCA/NASPO approval of the content for written and oral communication before commencing collection activities with vendors. Provide copies of all written communications sent to vendors.
- xii. Document in writing the fiduciary and other professional standards that will be maintained and upheld while performing contract compliance review services in behalf of WSCA/NASPO and individual member states.

**3. Pricing – Schedule of Rates**

During Phase II firms invited to submit proposals for contracts identified for contract compliance review by WSCA/NASPO or member states shall include with their proposal a cost proposal based on the unique scope of work associated with each contract. The scope of work shall include the contract terms and conditions, contract usage and other pertinent information. Cost Proposals may be based on:

- (a) Hourly Rates,

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- (b) Percentage of Recovery Fee, or
- (c) Combination of Hourly Rates and Percentage of Recovery Fee.

Notes:

- i. Hourly rates must be fully burdened to include, but not limited to, per diem, salaries, travel, lodging and administrative overhead.
- ii. Cost proposals must be submitted in BidSync as a separate attachment or a separate sealed envelope marked “Cost Proposal” and identified by the RFP number. Do not imbed costs in the technical proposal response.
- iii. Prices must be maintained for the duration of the contract.

**C. Phase II – Proposal Evaluation**

Details of the Phase II evaluation process will be outlined in each of the Invitations to Submit Proposals for each contact selected for review.

**PROTECTED INFORMATION**

The Government Records Access and Management Act (GRAMA), Utah Code Ann., Subsection 63G-2-305, provides in part that:

*the following records are protected if properly classified by a government entity:*

*(1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret has provided the governmental entity with the information specified in Section 63-2-308 (Business Confidentiality Claims);*

*(2) commercial information or non-individual financial information obtained from a person if:*

*(a) disclosure of the information could reasonably be expected to result in unfair competitive injury to the person submitting the information or would impair the ability of the governmental entity to obtain necessary information in the future;*

*(b) the person submitting the information has a greater interest in prohibiting access than the public in obtaining access; and*

*(c) the person submitting the information has provided the governmental entity with the information specified in Section 63G-2-309;*

*\* \* \* \* \**

*(6) records the disclosure of which would impair governmental procurement proceedings or give an unfair advantage to any person proposing to enter into a contract or agreement with a governmental entity, except that this Subsection (6) does not restrict the right of a person to see bids submitted to or by a governmental entity after bidding has closed; ....*

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GRAMA provides that trade secrets, commercial information or non-individual financial information may be protected by submitting a Claim of Business Confidentiality.

To protect information under a Claim of Business Confidentiality, the offeror must:

1. provide a written Claim of Business Confidentiality *at the time the information (proposal) is provided to the state*, and
2. include a concise statement of reasons supporting the claim of business confidentiality (Subsection 63G-2-309 (1)).
3. submit an electronic “redacted” (excluding protected information) copy of your proposal response. Copy must clearly be marked “Redacted Version.”

A Claim of Business Confidentiality may be appropriate for information such as client lists and non-public financial statements. Pricing and service elements may not be protected. An entire proposal may not be protected under a Claim of Business Confidentiality. The claim of business confidentiality must be submitted with your proposal on the form which may be accessed at:

<http://purchasing.utah.gov/vendor/index.html>

To ensure the information is protected, the Division of Purchasing asks the offeror to clearly identify in the Executive Summary and in the body of the proposal any specific information for which an offeror claims business confidentiality protection as "PROTECTED".

All materials submitted become the property of the State of Utah. Materials may be evaluated by anyone designated by the state as part of the proposal evaluation committee. Materials submitted may be returned only at the State's option.

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## **BidSync Notice**

When submitting a response (proposal, quote or bid) electronically through BidSync, it is the sole responsibility of the supplier to ensure that the response is received by BidSync prior to the closing date and time.

Each of the following steps in BidSync MUST be completed in order to place an offer:

- A. Login to [www.bidsync.com](http://www.bidsync.com);
- B. Locate the bid (solicitation) to which you are responding;
  - a. Click the “Search” tab on the top left of the page;
  - b. Enter keyword or bid (solicitation) number and click “Search”;
- C. Click on the “Bid title/description” to open the Bid (solicitation) Information Page;
- D. “View and Accept” all documents in the document section;
- E. Select “Place Offer” found at the bottom of the page;
- F. Enter your pricing, notes, other required information and upload attachments to this page;
- G. Click “Submit” at the bottom of the page;
- H. Review Offer(s); and
- I. Enter your password and click “Confirm”.

Note that the final step in submitting a response involves the supplier’s acknowledgement that the information and documents entered into the BidSync system are accurate and represent the supplier’s actual proposal, quote or bid. This acknowledgement is registered in BidSync when the supplier clicks “Confirm”. BidSync will post a notice that the offer has been received. This notice from BidSync MUST be recorded prior to the closing date and time or the response will be considered late and will not be accepted.

Be aware that entering information and uploading documents into BidSync may take considerable time. Please allow sufficient time to complete the online forms and upload documents. Suppliers should not wait until the last minute to submit a response. It is recommended that suppliers submit responses a minimum of 24 hours prior to the closing deadline. The deadline for submitting information and documents will end at the closing time indicated in the solicitation. All information and documents must be fully entered, uploaded, acknowledged (Confirm) and recorded into BidSync before the closing time or the system will stop the process and the response will be considered late and will not be accepted.

Responses submitted in BidSync are completely secure. No one (including state purchasing staff) can see responses until after the deadline. Suppliers may modify or change their response at any time prior to the closing deadline. However, all modifications or changes must be completed and acknowledged (Confirm) in the

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BidSync system prior to the deadline. BidSync will post a notice that the modification/change (new offer) has been received. This notice from BidSync MUST be recorded prior to the closing date and time or the response will be considered late and will not be accepted.

Utah Code 46-4-402(2) Unless otherwise agreed between a sender (supplier) and the recipient (State Purchasing), an electronic record is received when: (a) it enters an information processing system that the recipient has designated or uses for the purpose of receiving electronic records or information of the type sent and from which the recipient is able to retrieve the electronic record; and (b) it is in a form capable of being processed by that system.