Instructions: Request for Proposal for Multifamily Weatherization Assistance Program Contractors

### Purpose

These instructions are for the accompanying Request for Proposal (RFP) Template and Template Spreadsheet. The RFP template is meant to be used by Weatherization Assistance Program (WAP) grantees and subgrantees to acquire contractors to perform multifamily (MF) WAP services, including audits, retrofit installations, inspections, project management, and/or project administration for MF WAP projects.

### RFP Overview

An RFP is a formal document used in procurement to solicit project bids from potential contractors, vendors, or service providers. It is used to evaluate the competence, experience, and capacity of firms or individuals to perform WAP services and receive a bid for service provision. It is necessary for grantees to go through the RFP process to procure all WAP service providers. Every RFP is required to be open and transparent to ensure fairness in awarding the contract to the most qualified applicant per the RFP and its scoring rubric.

### RFP Steps

The following is a list of steps that should be taken by the RFP Issuer.

1. Determine and clearly state the purpose of the RFP to ensure the respondents have a clear idea of what is expected of them during and after the RFP process. This also helps the RFP issuer create an effective set of qualifications, questions, and scoring rubric to meet the RFP’s purpose.
2. Develop a realistic and achievable timeline for the RFP. RFPs will likely contain the following milestones:
   1. Communication and Advertising
   2. Informational Meeting
   3. Issuance Date
   4. Questions and Comments Deadline
   5. Questions and Comments Responses Deadline
   6. Submission Deadline
   7. Evaluation Period
   8. Interviews
   9. Selection Announcement
   10. Award and Contracting
3. Create the RFP Document.
   1. The RFP Template provides the outline of sections for creating the RFP Document.
   2. Use the spreadsheet to create the lists to be included in each of the document’s sections. Use the sorting functionality to match the list contents to the services you are soliciting for in the RFP.
      1. Services included in the RFP
      2. RFP Timeline
      3. Mandatory and Preferred Qualifications for RFP respondents
      4. Questions to ask RFP respondents to allow them to demonstrate their ability to meet the required qualifications and to be scored
      5. Attachments for verification of certifications, licenses, etc.
   3. Use the spreadsheet to create the Scoring Rubric
   4. Copy and paste from the spreadsheet into each applicable section within the RFP Template to create the RFP Document.
4. Review the RFP Document for content. Hold a review with your internal WAP team to ensure that the RFP clearly states and communicates the purpose of the RFP as well as contains all necessary language to satisfy procurement and organizational policies and procedures.
5. Submit the RFP Document for review by your organization’s procurement department. Have your procurement department ensure that the RFP Document meets all organizational procurement policies and procedures.
6. Submit the RFP Document for review by other required departments (i.e. leadership, communications, etc.) within your organization, as necessary. Have these other necessary departments ensure that the RFP Document is compliant with all organization policies and procedures.
7. Make all necessary changes based on the reviews and release the RFP Document as final.
8. Promote the RFP by advertising it via appropriate channels (i.e. procurement websites, email lists, word of mouth, local newspapers, online forums, etc.). Be sure to include the date of the informational meeting in the advertisement.
9. Engage prospective RFP respondents early by holding an informational meeting to promote the RFP and answer questions from prospective respondents. Be sure to adequately prepare for the meeting by advertising the informational meeting, developing a list of invitees, providing invitees with the final RFP Document, brainstorming potential questions prior to the meeting, and having the right people attend the meeting to answer questions from invitees.
10. Release the RFP via the appropriate channels per your organization’s procurement procedure. Notify all potential respondents via email with hyperlink to the application that the RFP is available for application.
11. Allow potential RFP respondents to ask questions or make comments about the RFP. Post responses to questions and comments publicly for all potential respondents to see.
12. Be prepared to receive RFP submissions via the appropriate channel. This may be via the organization’s procurement website, email, or some other channel. Store the RFPs securely and in a way that can be accessed easily for review and scoring.
13. Use the included scoring rubric and a diverse team of reviewers to assess the RFP submissions. For transparency, the rubric must be part of the originally released RFP. The review team members and their alternates should be contacted and assembled well in advance of the scoring date so that any reviewer scheduling conflicts can be dealt with in advance. Ensure that scoring is done in a transparent manner without any conflict of interest.
14. Notify each respondent of if they have been selected as a service provider as a result of the RFP.
15. Make the official award and contract with the selected service provider to begin WAP service provision.
16. Handle any disputes from respondents based on final score and/or qualification. Respondents may dispute the score or qualification they received. There must be a process in place to handle these disputes.

### RFP Best Practices

The following is a list of best practices for creating and running a successful RFP.

* Define the scope and objectives of the RFP clearly and communicate them to all stakeholders.
* Establish a realistic timeline for the procurement process.
* Get procurement and leadership staff involved in the process early.
* The RFP process may take a significant amount of staff time and energy. Appoint a lead staff member to manage the RFP and provide them with plenty of time and resources to do so.
* Create a webpage for the RFP so there is one location to act as a hub for procurement information. This webpage should link to the RFP when released, show questions and comments along with responses, provide contact information to RFP Issuer and staff, and provide any additional information as necessary or required.
* Be sure to stick to the procurement timeline and policy to ensure that the procurement meets the requirements of your organization.
* Create a strong and diverse team for the RFP review and scoring process, including internal WAP, legal advisors, and external experts.
* Prior to RFP, have a process in place to handle any disputes from respondents based on final score and/or qualification.

### Federal Rules for RFP Issuers

For the RFP, the most important sections of [2 CRF 200 are 200.317 to 200.327](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D) under the Procurement Standards heading. It is recommended that the RFP Issuer read these sections directly. Here is a summary of the requirements from 2 CFR 200 Procurement Standards:

1. The RFP Issuer must use documented procurement policy and procedure that are compliant with federal, state, and local laws, rules, and regulations.
2. The RFP Issuer must maintain a policy covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts. This policy must include disciplinary action for policy violations.
3. No employee, officer, or agent of the RFP Issuer may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest.
4. The RFP Issuer must maintain sufficient records to detail the history of the procurement.
5. The RFP Issuer alone must be responsible for the settlement of all contractual and administrative issues arising from procurements.
6. All RFPs must be conducted in a manner providing full and open competition. The following are examples of excessive requirements preventing open competition during an RFP:
   1. Placing unreasonable requirements on firms for them to qualify to do business
   2. Requiring unnecessary experience and excessive bonding
   3. Noncompetitive contracts to consultants that are on retainer contracts
   4. Organizational conflicts of interest
   5. Any arbitrary action in the procurement process
   6. Requiring specific brand names of materials
7. The RFP Issuer must conduct the RFP in a manner that prohibits the use of state or local geographical preferences in the evaluation of bids or proposals.
8. The RFP must contain clear and accurate descriptions of the technical requirements for the material, product, or service to be procured.
9. The RFP Issuer must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition.
10. During the subsequent RFP or other solicitation for products and services, the procurement must not preclude potential bidders from qualifying during the solicitation period.
11. RFPs must be publicized and identify all evaluation factors and their relative importance.
12. RFPs must be solicited from an adequate number of qualified applicants.
13. The RFP Issuer must have a written method for conducting technical evaluations of the proposals received and making selections.
14. A cost or price analysis must be completed for every procurement transaction, including contract modifications. The method and degree of analysis conducted depend on the facts surrounding the particular procurement transaction. The grantee must make independent estimates before receiving bids or proposals.
15. All costs and prices provided in the RFP must be allowable per [2 CFR 200 Part E: Cost Principles](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-E).
16. The “cost plus a percentage of cost” and “percentage of construction costs” methods of contracting may not be used.
17. The RFP issuer must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps for the RFP include:
    1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists
    2. Assuring that small and minority businesses, and women's business enterprises are solicited;
18. A bond may be required based on the following guidelines:
    1. A bid guarantee from each bidder equivalent to five percent of the bid price. The “bid guarantee” must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.
    2. A performance bond on the part of the contractor for 100 percent of the contract price. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor's requirements under such contract.
    3. A payment bond on the part of the contractor for 100 percent of the contract price. A “payment bond” is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

### Other Rules for RFP Issuers

In addition to federal rules, the following must also be considered when creating the RFP.

1. The RFP Issuer must follow all state and local laws, rules, and regulations.
2. The RFP Issuer must follow all organizational procurement policies and procedures.
   1. For state grantees issuing the RFP, there are usually significant state procurement policies and procedures to be followed along with state boilerplate terms and conditions for the RFP.
   2. The RFP Issuer must have its organization’s procurement department review the RFP prior to release to ensure compliance with policy and procedure requirements.
3. The RFP must be released to the public in a way that meets organizational procurement policies and procedures.