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Owner	Diane Artieri: Purchasing VP
Area	Purchasing
Applicability	Erie County Medical Center
References	PUR-004

Competitive Bidding Procedure

I. Purpose:

The purpose of this Procedure is to set forth the process to be followed by ECMCC personnel in purchasing goods or services via competitive bidding procedures. In determining whether competitive bidding is the appropriate and compliant method for procuring goods and services, or whether an exception to competitive bidding would apply, users should refer to ECMCC's Procurement Guidelines, available at can be located on ECMCC's intranet under "Materials Management. These Guidelines include requirements relating to ECMCC's Minority and Women-owned Business Enterprise ("MWBE") and Service-Disabled Veteran-Owned Business ("SDVOB") requirements as well.

II. Competitive Bidding Process:

- A. **RFP and IFB Development:** The development of an RFP or an IFB shall be a joint process involving the department service leader or Senior Vice President (for the purposes of this Procedure, the "Requestor") and the Purchasing department. The Director of Procurement Compliance shall serve as a resource person to the department requesting the RFP or IFB.
 - 1. **Initiation:** The Requestor must complete an RFP/IFB Request Form to initiate a new RFP/IFB. This form can be located on ECMCC's intranet under "Materials Management". The form must be completed in its entirety and emailed to the Director of Procurement Compliance at srohloff@ecmc.edu to initiate the process.
 - 2. **Drafting:**
 - a. **Preparation:** The Director of Procurement Compliance will prepare the initial draft of the RFP/IFB based on the Scope of Services provided by the Requestor (see below).
 - b. **Scope of Services/Specifications:** The Requestor is responsible to provide a clear description of the scope of services or specific products requested

to be certain that the potential respondents understand exactly ECMCC needs. Therefore, the requestor must provide the Purchasing department a description that must include the following:

- Background and purpose for the requested goods or services; project goals and objective;
 - Scope of work describing the service and/or product including accompanying mandatory and desirable requirements, quantity and units, desired delivery dates or schedules, technical and functional requirements;
 - Desired format for respondent submission of pricing;
 - Limitations of current processes that need to be resolved;
 - Desired length of contract engagement;
 - Technologies that might be needed to accomplish the organization's objectives such as: communication networks, hardware and software and IT support that may be needed;
 - The Requestor must provide the evaluation criteria by which the responses will be evaluated and the point value for each criterion to be included in the RFP or IFB. When determining criteria, the Requestor should consider how those criteria will be evaluated and measured. The following rules specifically apply:
 1. A minimum 35% of the available points must be allotted for pricing.
 2. If presentations by respondents is desired, points should be allocated toward these presentations in the criteria.
 3. If requesting References, points should be allocated toward references in the criteria.
 4. The Director of Procurement Compliance will review each procurement to determine whether 5 points must be allocated toward a state-mandated Diversity Practices Questionnaire.
- c. **Evaluation Committee:** The Requestor should designate a minimum of two, but preferably three or more, evaluators who shall comprise the Evaluation Committee for the procurement. The Director of Procurement Compliance may make suggestions regarding the makeup of the Committee to ensure a fair evaluation.
- d. **MWBE and SDVOB Requirements:** The Director of Procurement Compliance will review each RFP/IFB to determine whether MWBE or SDVOB requirements will be placed on each procurement, in compliance with ECMCC policies.
- e. **Required Documents:** Required documents will be determined by the Director of Procurement Compliance and included in the RFP/IFB

documents.

3. **Review:**

- a. **IT/Plant operations:** The Director of Procurement Compliance will obtain approval by ECMCC's IT department and/or Plant Operations Service Leader if the scope of work involves either of those departments.
- b. **Legal Review:** The final draft of the RFP or IFB shall be sent to the Legal Department to undergo review by legal counsel prior to being issued. Subsequent revisions shall also be reviewed by legal counsel prior to being issued or released.

B. **Issuance:**

1. **Timeline/Schedule:** The schedule will be determined by the Director of Procurement Compliance and will be stated in the issued documents.
2. **Bonfire Strategic Sourcing Platform:** The RFP/IFB documents will be uploaded to ECMCC's online Bonfire portal. Potential respondents must register within the portal to access the documents.
3. **Advertisement:** The Director of Procurement Compliance will determine any advertisement requirements and advertise where applicable. Generally, at least fifteen (15) business days must pass between public posting of opportunity and deadline for receipt of proposals/bids.
4. **Restrictions on contact during the RFP process:** A respondent is restricted from making contacts that may influence the award decision from the date the RFP is issued through the final contract award by ECMCC (the "Restricted Period"). Please see ECMCC's Procurement Guidelines for further detail.
5. **Submissions:** Respondents must submit their bids or proposals to the online portal electronically by the deadline indicated in the bidding documents. Late submissions may be rejected.

C. **Evaluations, Negotiation, and Review:**

1. **Evaluations:** RFP and IFB responses will be available for download within ECMCC's online portal. Each member of the Evaluation Committee will receive an email to register with ECMCC's online portal (Bonfire). Each Evaluation Committee member will be required to sign a conflict of interest affirmation prior to evaluating submissions. These responses shall be reviewed and scored by the Evaluation Committee utilizing the Evaluation Criteria, which shall be available within the portal. The Evaluation Committee may find it necessary to conduct follow-up interviews with vendor-candidates to acquire bid or proposal clarification. In such cases the Director of Procurement Compliance will facilitate those requests. While a number of the criteria are likely to be subjective, objective criteria shall be used for pricing, which shall be scored by the Purchasing department and not the Evaluation Committee.
2. **Compliance Review:** The Director of Procurement Compliance shall review respondents' M/WBE and/or SDVOB submissions, if applicable, as well as responses to questionnaires and submission of required documents to determine the proposals

are compliant. In the event they are not compliant, such noncompliance shall be addressed in accordance with the Procurement Guidelines and MWBE Policy and advice of the Legal department.

3. **Negotiation:** Negotiations with the preferred vendor shall be conducted, as necessary, by a representative of the Purchasing Department along with the Requestor. The purpose of these negotiations will be to obtain the best value for ECMCC and to clarify or revise any unfavorable terms or conditions tendered by the vendor.
4. **Notice of Award and Non-Award:** The respondent with the highest score after evaluations will be awarded the procurement contract. The respondent will be notified of award or non-award by the Purchasing Department.

III. Post Award:

- A. **Legal Review:** A draft agreement and Certificate of Insurance are required to be uploaded by the Requestor into ECMCC's contract management system prior to the execution of any contract which may result from negotiations with the preferred vendor. Legal counsel review is required prior to the execution of any contract which may result from negotiations with the preferred vendor. The Chief Executive Officer and Chief Financial Officer are the only designated positions authorized to sign contracts on behalf of ECMCC.
- B. **Requisition:** The Requesting department shall enter a requisition into Meditech, once they obtain a fully-executed agreement, in order for the Purchasing Department to create a purchase order. Capital paperwork may also be required at this time. (See Purchasing Procedure)
- C. **Vendor Compliance:** The Requestor is responsible for assuring the vendor complies with the terms and conditions of the contract.

Reference:

Erie County Medical Center Corporation Procurement Guidelines

ECMCC has developed these policies and procedures in conjunction with administrative and clinical departments. These documents were designed to aid the qualified health care team in making clinical decisions about patient care. These policies and procedures should not be construed as dictating exclusive courses of treatment and/or procedures. No health care team member should view these documents and their bibliographic references as a final authority on patient care. Variations from these policies and procedures may be warranted in actual practice based upon individual patient characteristics and clinical judgment in unique care circumstances.

Approval Signatures

Step Description

Approver

Date

Jonathan Swiatkowski:
Administration Chief Financial
Officer

04/2022

Owner

Diane Artieri: Purchasing VP

04/2022

Applicability

Erie County Medical Center

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