



MONTANA DEPARTMENT OF ADMINISTRATION

Director's Office

Greg Gianforte, Governor
Misty Ann Giles, Director

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NON-DISCLOSURE AND CONFLICT OF INTEREST CERTIFICATION

I, _____, the undersigned, hereby certify that the following statements are true and correct and that I understand and agree to be bound by the commitments contained herein. I am acting at the request of the _____, as a participant in the _____. I am acting of my own accord and am not acting under duress.

I am not currently employed by, nor am I receiving any compensation from, nor have I been the recipient of any present or future economic opportunity, employment, gift, loan, gratuity, special discount, trip, favor, or service in connection with any responses or involved respondent in return for favorable consideration.

I have no preconceived position on the relative merits of any of the submitted responses, nor have I established a personal preference or position on the worth or standing of any respondent participating in this action.

I agree not to disclose or otherwise divulge any information pertaining to the contents, status, or ranking of any submitted responses to anyone other than the evaluation committee chair or other evaluation committee members. I understand the terms "disclose or otherwise divulge" to include, but are not limited to, reproduction of any part or portion of any responses, or removal of same from designated areas without prior authorization from the Contracts Officer. I agree to consult with the assigned Contracts Officer or Legal Counsel, as appropriate, if I have any questions regarding the guidance provided to the evaluation committee. I agree to perform any and all evaluations of said submitted responses in an unbiased manner, to the best of my ability, and with the best interest of the State of Montana paramount in all decisions.

I acknowledge I have read, understand, and will comply with the evaluation process instructions included below.

This form contains information explaining what would constitute a potential conflict of interest and that certain documents received as part of an RFP may be protected from public view under the provisions of section 18-4-304, MCA. To avoid inappropriate or unintended disclosure, please consider all documents received from offerors protected information and direct any requests for copies to the procurement officer. The procurement officer will work with legal counsel to determine which documents, if any, are protected from public view under the statute. If protected documents are present, the Declaration Form will explain the responsibility of the evaluation committee members to maintain the confidentiality of these documents during and after the RFP evaluation process. The procurement officer will collect the signed Declaration Forms for inclusion in the official procurement file.



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Individual Scoring: Evaluation committee members are provided with copies of each response to begin their individual review of the proposals. Following is the progression for each committee member to follow when scoring proposals:

Step One: Review all responses, make notes, make comments, prepare questions for discussion. Do not begin scoring at this point.

Step Two: Determine status – Make an initial determination as to whether each proposal is “responsive” or “non-responsive.” A “responsive” proposal conforms in all material respects to the RFP. A proposal may be deemed “non-responsive” if any of the required information is not provided, the submitted price is found to be excessive or inadequate as measured by criteria stated in the RFP, or the proposal is clearly not within the scope of the project described and required in the RFP. *Extreme care should be used when making this decision because of the time and cost that an offeror has put into submitting a proposal.* If a proposal is determined to be “non-responsive,” it will not be considered further. Statute requires the procurement officer to make the final determination of responsiveness. If a determination of non-responsiveness is made, written justification must be provided for this conclusion.

Step Three: Begin scoring proposals at this point. Committee members must individually score the proposals based on the criteria established in the RFP. Proposals, clarifications, and vendor demonstrations can be considered in evaluation. *Prior documented experience and past performance history with the product and/or offeror may be considered as part of the reference checking process if it is available to the entire evaluation committee.* Include a written justification for each scoring category. An approved scoring sheet/evaluation matrix will be provided to assist you in the process of awarding and totaling points. Evaluation committee members **MAY NOT** individually meet to discuss the proposals or their scores. Evaluation committee members should not discuss proposals or scoring among themselves outside of the evaluation meeting. It is not appropriate for evaluation committee members to confer or compare notes about scoring outside of the evaluation meeting.

Subject Matter Experts: Advice may be sought from experts in the field when necessary. The committee and/or chair should decide if such advice is necessary and from whom it should be sought. SMEs will be required to sign a Declaration Form. SMEs should be given adequate time to read the pertinent sections of all the proposals and formulate an opinion. If an evaluation meeting is scheduled, the SME may be asked to present a written report to all committee members prior to the meeting (which will become part of the permanent procurement file), or to give an oral report and/or answer questions during the meeting. Please note that while the SME opinion is valuable, each committee member must take responsibility for his/her own score.

Evaluation Meetings: Once the proposals have been evaluated and scored by individual committee members, the entire committee may meet to discuss the proposals and arrive at the



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final scoring. Pursuant to state law, 2-3-212, MCA, the committee chairperson, or assigned designee, must take minutes of each meeting. These minutes must include the date, time, location of meeting; a list of the evaluation committee members in attendance; substance of all matters discussed or decided; and at the request of any evaluation committee member, a record by individual members of any votes taken. *These minutes will become part of the permanent procurement file.* A quorum of the committee must be present to take any official action.

Step Four: Discuss proposals. During the meeting(s) the full evaluation committee should discuss all aspects of the proposals so that there is a “unified understanding” of the criteria and corresponding responses. Individual scores may be adjusted based upon the discussion. No discussions or comments among committee members may take place outside of this meeting (including social media).

The committee may tally the final point assignments by the following methods: (1) consensus score, (2) a total of all of the points given by individual committee members, or (3) an average of the individual scores. Any of these methods or combination thereof is acceptable.

Step Five: Interview: This step is optional. If interviews are deemed necessary, the procurement officer will issue a letter asking the offeror to attend an interview or give a presentation. This is an opportunity for both sides to explain their viewpoints. If an oral interview is pursued as an option, it must be so stated in the RFP and scored according to stated criteria.

Step Six: Discussion/Negotiation. This step is optional. If the committee is unsure of certain items or issues included in an RFP response, it may request further clarification from the offeror. The procurement officer will distribute clarification questions. Responses will be returned to the procurement officer and submitted to the evaluation committee.

Step Seven: Recommendation. The full evaluation committee makes a written recommendation as to whom the contract should be awarded. This written recommendation should contain scores, justification and rationale for the decision, along with any other variables that may have been considered. If scoring methods (2) or (3) are used, as noted above in Step 4, individual scoring sheets must be provided to the procurement officer at the end of the evaluation process. If consensus scoring is used, the consensus score sheets and any other material relating to the evaluation process must be retained by the committee member or turned in to the procurement officer.

Step Eight: Review. The procurement officer will review the committee's scoring and justification. If in agreement with the committee decision, the procurement officer will: (1) issue a Request for Documents Notice to the highest scoring offeror and notify other offerors of the tentative contract award, (2) obtain the required insurance documents and contract security, and (3) assist the agency with issuing a purchase order or contract, as appropriate. If a formal contract is required by the agency, the order for signing should be: 1) legal counsel for legal



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counsel content (if required by the agency); 2) the procurement officer; 3) State CIO for all IT related contracts (per requirement of 2-17-5, MCA); 4) the contractor; and finally, 5) the State. A copy of the fully executed contract will be returned to the agency and one copy will be retained for the procurement officer's RFP file.

Signed:

NAME

DATE