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STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION

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Purchasing Division

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DATE: _____

MEMORANDUM

TO: Potential Evaluation Committee Member

FROM: *Agency* _____
Contact/Email _____

SUBJECT: Responsibilities of an Evaluation Committee Member

Solicitation Number _____
Solicitation Title _____

A solicitation is being conducted in accordance with formal solicitation requirements of NRS 333 as listed above. You have been identified as a potential evaluation committee member (evaluator). This memo describes the role and responsibilities of an evaluator throughout a formal solicitation. Please review this information in detail.

Pursuant to NRS 333, the Department of Administration, Purchasing Division (State Purchasing) is responsible for overseeing procurement and contracting rules for State of Nevada using agencies. This solicitation will be conducted in accordance with policies and procedures of [NRS chapter 333](#), the State Purchasing Act and [NAC chapter 333](#), Purchasing: State.

For formal solicitation, agency staff, consultants, and/or State Purchasing develop a scope of work, contract requirements, and a written solicitation. An evaluation committee, evaluation factors, and evaluation weights are identified and approved; and a formal solicitation is advertised and released through <https://NevadaEPro.com>. Vendors submit proposals by a set date and time; and then those proposals are provided to an evaluation committee. Each evaluator consistently scored each proposal received using established evaluation factors and relative weights. Pursuant to NRS 333.335(6) the vendor(s) with highest scoring proposal(s) based on total scores assigned by the evaluation committee is issued a Notice of Intent (NOI) and offered an opportunity to negotiate a final contract.

Prospective vendors must communicate only with the contact identified for the solicitation, and a failure to do so can result in disqualification. From before a formal solicitation is released until a contract is awarded, agency staff should not communicate directly with vendors or the public regarding any part of a solicitation. If you are contacted by a vendor, the media, or the public regarding this project, you must report that to State Purchasing. If a vendor offers you something of value you must refuse the offer and report it to your supervisor within 72 hours pursuant to [NRS 334.080](#).

DISCLOSURE

Pursuant to NRS 333.335(3), no member of the committee may have a financial interest in a proposal. This requirement, along with state ethics standards in [NRS 281A](#), require that potential conflicts of interest be disclosed.

State Purchasing maintains the highest standards of professional ethics and personal integrity, and those standards are incumbent upon evaluators. No member of an evaluation committee shall engage in any action, communication or relationship that compromises or gives the appearance of compromising their ability to reach fair and impartial decisions regarding this

procurement. Evaluators shall refrain from any private or professional activity that could create a conflict between personal interests and interests of the State.

All perceived and potential conflicts must be disclosed on this form or in a referenced attachment prior to evaluation participation. If you are unsure whether a prior, current, or future association would present a conflict, please self-disclose. State Purchasing cannot give you legal advice, but should be aware of any possible conflicts. These could include actual or perceived close friendships with individuals among the potential bidding community. You may also wish to consult the Nevada Commission on Ethics Opinions Database (<https://ethics.nv.gov/Opinions/>) if you are unsure of what types of connections may represent conflicts of interest.

CONFIDENTIALITY

Formal solicitations are conducted electronically through <https://NevadaEPro.com>, so in most situations, vendor proposals and other evaluation materials are provided to evaluators electronically as well, often through Microsoft Teams or other electronic file sharing systems. Regardless of the delivery method, evaluators are responsible for maintaining confidentiality during the process.

Pursuant to NRS 333.335(7) vendor proposals and evaluations of them are confidential until a contract has been awarded. As an evaluator, you will be provided confidential information during the evaluation process. Some information is confidential during evaluation but public after award, other information may be a trade secret or confidential business information that pursuant to NRS 333.333 are confidential almost indefinitely. Maintaining confidentiality during the process includes from other officers or employees in your agency who are not themselves evaluators.

To ensure confidential documents are not disclosed, stored in an unsafe manner, or otherwise improperly released, documents should not be downloaded or removed from the Microsoft Teams/SharePoint folder unless absolutely necessary.

PROPOSAL EVALUATION AND SCORING

All proposals must be consistently evaluated in accordance with evaluation factors disclosed in the solicitation. Each evaluator will score each proposal on assigned categories of evaluation factors. An evaluator may review and score an entire proposal of each vendor, or there may be subcommittees that evaluate only specific parts or portions of each proposal. It is critical that evaluators comply with scoring instructions to ensure defensible scoring and limit opportunities for unsuccessful vendors to appeal an award.

For most solicitations, qualitative evaluation factors are scored individually and quantitative factors, like cost, are score using a math formula. After scoring individually, the State generally holds one or more evaluation meetings, either in person or via video conference, where evaluators are given opportunity to discuss submitted proposals and individual evaluator scoring of each proposal. Evaluators are allowed to revise their individual scoring if discussion provided new information or changed their opinion.

Solicitations often include vendor presentations along with a second round of scoring. Presentations, when appropriate, give vendor proposals that score within a competitive range the opportunity to present and demonstrate their solution to the evaluation committee. Presentations have additional evaluation factors and weights assigned to them, and evaluator score for presentations are added to written proposal scoring for determining a highest scoring vendor or vendors.

After finalizing individual evaluator scores, they are averaged together and then each score is multiplied by the relative weight to determine a weighted score for each factor. The combined weighed scores make up the total score for a proposal. However, the State occasionally uses consensus scoring where evaluators collectively score each evaluation factor for a vendor. The scoring methodology will be provided with other solicitation specific evaluation guidelines prior to scoring.

Evaluators must approach their part in an evaluation as if they will have to defend their decision in court, and in some ways being on the evaluation committee is much like being a jury member. Decisions cannot be arbitrary. Written explanation of scores must be provided upon request of State Purchasing; these may be used for reference during post award discussions and may be subject to disclosure in an appeal or lawsuit. Should individual scores be revised, justification for the change must be documented. When score sheets are submitted by evaluators, they are maintained by the soliciting agency and deemed public record under NRS Chapter 239.

NOTICE OF INTENT AND NEGOTIATIONS

After evaluation scoring is complete, the next step is issuing a Notice of Intent (NOI) and negotiating with the intended vendor(s). For most solicitations, evaluators are not directly involved in vendor negotiations. Information from a competing proposal cannot be used in negotiations with an intended vendor. In the event good faith negotiations are unsuccessful, the State may rescind an

NOI, issue a new NOI to the next highest scoring proposal. This continues until a contract is successfully negotiated, no qualified proposals remain, or the State withdraws the solicitation.

NOTICE OF AWARD AND APPEAL

After evaluation, your responsibility does not end. Your feedback and identity will be public record and you may be contacted or even called to testify in a hearing if there is an appeal of the award. Activities as an evaluator are part of a process that is both transparent and fair.

If a contract is agreed to by all parties, the State issues a Notice of Award (NOA). A NOA notified all proposing vendors that a contract has been awarded and the appeal period has begun. Pursuant to NRS 333.370, upon issuance of an NOA, unsuccessful vendors have 11 calendar days in which to appeal the award to the Department of Administration Hearings Division. An unsuccessful vendor can appeal alleged violations of NRS 333. In the event an unsuccessful vendor files an appeal, each evaluator must be prepared to testify at a hearing regarding scoring and vendor selection.

POTENTIAL CONFLICTS OF INTEREST

Do you have any potential conflicts of interest to disclose? YES _____ NO _____

If, yes please disclose:

ATTESTATION

It is imperative that each participant review and adhere to guidelines provided by State Purchasing. Failure to do so may jeopardize the ability to defend the process if an appeal is filed. By signing and returning this memo, you agree to participate as an evaluator, including all requirements and responsibilities listed herein and attest that you have disclosed all potential or perceived conflicts of interest.

If after reading about the responsibilities you feel unable to participate in the process, we understand. Please let us know by emailing the contact on page 1.

Indicate your agreement with the information herein below and email this memo to the email address on page 1

Printed Name	Title
Email Address	Phone Number
Signature	Date