

# TASK ORDER PROCUREMENT SYSTEM (TOPS)

## Frequently Asked Questions

1. The current TO system doesn't allow money to be added to an existing TO. Is this different under the new system?

*Yes. Since the resulting TO awards are contracts subject to the procurement code, this means that agencies have the latitude to amend the contract within their own authority up to the lesser of 20% of the contract amount or \$50,000. These limits may be exceeded by processing an Unanticipated Amendment Limitation request that would need approval by the Chief Procurement Officer.*

2. What happens in the event an agency and vendor do not agree on the TOPS Completion Form questionnaire?

*A final Past Performance Information (PPI) score will not be issued for the Task Order (TO) until the completion form is submitted to the TO Manager. In the event that the agency and the vendor cannot informally come to an agreement on the questionnaire responses, the TO Manager shall have final authority.*

3. What will be the threshold of PPI that may "disqualify" or enable an agency to not consider a particular vendor?

*There will be no such threshold. A vendor who continually underperforms will simply receive such a low PPI score compared to higher performing vendors that they will essentially "disqualify" themselves.*

4. This system seems more geared towards Fixed Price rather than Time & Materials type projects.

*There is nothing barring Time & Materials-type projects under the new process. T&M projects are still possible; the Task Order would simply need to state this as part of the scope of work. The resulting TO contract is then subject to normal procurement code rules regarding unanticipated amendments – i.e. if the estimated number of hours needs to be increased, it can be done as long as the additional work is still within scope.*

5. What percentage of TO's would go to "low price"?

*The choice of "low price" vs. "best value" is completely up to the agency.*

6. Currently, the TO system is extensively used to do phases or sub-tasks. For example, first doing the requirements, then design, then build, sometimes using a different TO for both build and project management. Is this still possible? If not, it makes it more difficult to have continuity over the life of a project with the ability of "anonymous" to potentially be awarded a contract when they don't have the expertise to do the work.

*This is a matter of "reasonable" fragmentation vs. artificial fragmentation. If it's reasonable to split a project into multiple parts, like separate TO's for designing and building, that is fine. However, if a project is artificially split into multiple parts to circumvent more stringent procurement rules, this is not allowed.*

*In the case of project continuity, selecting a vendor based solely on this is not allowed even under the current process. However, it would be possible under the new process to indicate that higher scores will be given to those vendors who can demonstrate experience with a specific system. However, if you are intending to complete a project in phases and those phases are foreseeable and predictable, I would advise that the entire project be done under one TO or, if that would exceed the \$500,000 limit, it be done as a formal procurement.*

7. The current TO system is easy to use allowing task orders to be developed for each independent phase of a project with little extra work on the part of departments. Can this still be done?

*A phasing approach is still possible under the new process.*

*If you can foresee and predict phases to a project, this is something that should be incorporated into one agreement in any case, whether as a TO or a normal, competitive solicitation. Language can be included that isolates each phase and makes the execution of each phase at the sole discretion of the state.*

8. Who will be responsible for evaluating responses submitted under the “best value” process?

*The requesting agency is responsible for determining how the evaluation will be conducted. It can be performed by a single person, i.e. procurement lead, IT manager, project manager, or the department may convene an evaluation committee of at least 3 members.*

9. Will IT staff have to become procurement experts? A basic TO as done in the past is very easy to do and limited procurement expertise is required.

*IT managers would not need to become procurement experts. At the most, and this would be determined by the user agency, an IT manager may need to be familiar with how to evaluate proposals or facilitate an evaluation committee. The best value process that has been developed, which would replace the current Mini-RFP process, is completely forms-based, the evaluation criteria have already been defined, and the scoring system is intuitive and easy to apply. The responses will be no more than 5 pages each, with only 4 of those needing to be evaluated subjectively.*

10. As it's currently written, this system shows no category specifications. All those involved in the existing TO system will say that there are some areas that need to be fixed with the existing system and flexibility added, but not getting rid of the categories completely. Because of the variety of tasks performed, having the specificity of the categories seems essential.

*The idea behind getting rid of the categories is that even currently a vendor has the opportunity to go out and secure resources if they do not have any available or on-staff for a particular skill. Now all vendors will have the opportunity to compete for all work, supplementing staff as required/necessary.*

11. On \$50,000 and under TO's, can I choose the vendor I want and two I know cannot or will not be able to meet my requirements?

*This is not legal under normal procurement rules and will likewise not be tolerated under the new process.*

*Selecting someone for a quote that you know cannot do the work or does not want the job is not a genuine attempt at soliciting competition and is, in fact, dishonest and illegal.*

12. Currently, signatures are required from the Project Manager, Fiscal, IT Manager, Task Order Manager, and the vendor before work on a TO can begin. Will this change under the new process?

*Yes. To reduce the amount of transactions between the agency, vendor, and Task Order Manager, and speed up the overall process, TO requests will no longer need signatures. When they come from an authorized department employee, it will be assumed that all necessary internal approvals have already been obtained. Likewise, a vendor's response to a TO request will not need to be signed. The only signatures will occur 1) when a vendor registers for the vendor pool and 2) when a TO is ultimately awarded on a Standard Agreement Form.*

13. The new system seems less efficient – under the current TO system, contractual details are established once at the beginning of the master contractor. IT, program, and procurement resources are not wasted on developing unique contract each time a need arises to bring on routine IT contract resources.

*Contractual details, such as agreement to the State of Alaska’s standard terms and conditions, insurance and indemnity language, contact details, business licensing, etc. would be established once upon registration in the vendor pool under the new system.*

*The only unique items that would be incorporated into the resulting TO contract is the same as what goes into a current TO: scope of work, length of the term, cost, and payment arrangements.*

14. Regarding Past Performance Information (PPI), the form assigns 10 points to a vendor if a project was completed early or under-budget and 5 points if the project was extended or needed additional funding due to the state. What if a project *would* have been completed early or under-budget, but a state-caused issue prevented it? For instance, a web application was due on June 28<sup>th</sup> and the vendor completed it per all state requirements on June 25<sup>th</sup>, but the state’s project manager was on vacation and did not give final approval until June 29<sup>th</sup>.

*In this case, it would be the vendor’s responsibility to document the project’s completion date by completing the TOPS Completion Report, noting the early completion date in the Vendor Comments section and e-mailing it to the state’s Project Manager, CC’ing the TO Manager. If the state’s Project Manager approves the Completion Report, certifying that the project met all stated requirements, the vendor would receive a 10 for completing the project ahead of schedule.*

*It is both the vendor’s and state’s responsibility to ensure that fair PPI scores are assigned. If a vendor completes a project ahead of schedule and/or under-budget and the project meets all of the stated requirements AND is approved by the state, that vendor should receive 10 points regardless of when the actual approval takes place. However, an early/under-budget project may not always receive a 10 if it requires more work because it failed to meet the requirements.*

*The TO Manager shall have ultimate authority in resolving any disputes regarding the TOPS Completion Form*

15. If a TO request is issued, but the scope is unclear or a vendor needs more information, is there a process for this?

*Yes. If vendors have questions about a TO request, they should be directed in writing via e-mail to the TO Manager, citing the TO number the questions pertain to. The TO Manager will then pass the question(s) along to the agency’s Project Manager for answers. All questions and answers will be available to the Vendor Pool.*

16. How will vendors be notified of new TO requests and/or questions and answers related to a TO request?

*It is anticipated that new TO requests will be posted to the State of Alaska’s Online Public Notice system using a standard subject line and body template.*

17. Please confirm resumes are no longer required.

*Resumes are no longer required, though information taken from resumes may be used in the Experience & Qualifications field provided the information doesn’t contain identifying information.*

18. Will there be any verification of individual resources such as a mandatory background check or E-Verify?

*It will be up to the Agency to verify individual resources before award.*

19. Can an agency request attachments (such as resumes or writing samples) to the task order response form?

*No, though this kind of information could be requested as verification before award.*

20. Will there be an opportunity for Agencies to check references as part of the evaluation process? Possibly after “initial” award and prior to start of work?

*Yes. Agencies may require verification of information prior to start of work.*

21. Are there limitations placed on the use of subcontractors (Alaska Bidder, Percent used) other than that the work must be performed in the US?

*No. However, the TO Manager may reject responses that appear to have excessive use of subcontractors. The TOPS Registration Form requires vendors to certify that they will perform a majority of the work assigned as a result of the TOPS process.*

22. Will joint ventures be allowed?

*Yes, provided all joint venture entities qualify as Alaska Bidders per AS 36.30.170(b).*

23. Can members of joint ventures also register as separate entities?

*Yes.*

24. Small procurement for professional services is defined in procurement code as \$50,000 and less. The evaluation process specifies dispute resolution using small procurement protest procedures. Please confirm/clarify.

*The TOPS process uses the small procurement protest procedures for all TOs, regardless of dollar amount.*

25. The cost proposal page on the TOPS response form shows only one line for the rate and no line for travel cost. How should a cost proposal with different labor categories and/or travel be quoted?

*The rate must include all costs associated with completing the TO as stated, including travel costs.*

*For instance, if Resource 1 will perform 100 hours of work at \$100/hr (\$10,000 extended cost), Resource 2 will perform 50 hours of work at \$75/hr (\$3,750 extended cost), and \$1,000 in airfare and lodging costs is anticipated, the rate would be \$98.33/hr (sum of extended costs and travel divided by 150 hours). The not-to-exceed amount would be \$14,750 (hourly rate multiplied by the total number of hours).*

26. Questions about task order requests must be directed to the TO Manager. If the TO Manager is not available in a timely manner, will this be cause for an automatic extension of the quoting period?

*This would depend on the question and what constitutes “timely” with regard to the quoting period. At this point it is not anticipated that an extension would be automatic, but that may change after TOPS is implemented.*

27. Please elaborate on “Fixed Fee” as it was mentioned in the informative TOPS meeting on January 19. Many task orders today are insufficiently scoped for fixed bid.

*All TO’s will have a single, all-inclusive hourly rate (see question 25 above), an estimated number of hours needed to complete the work, and an extended cost that will become the not-to-exceed amount of the resulting contract. If a “time & materials”-type of pricing is needed, the not-to-exceed amount simply becomes a ceiling and work is billed at the hourly rate until that ceiling is hit, at which point an unanticipated amendment may be processed to add more funding to the contract.*

*The TOPS Request Form has been modified with a field that requires the Agency to enter a maximum number of hours for “time & material”-type projects so that all vendors are competing solely on their hourly rate.*

28. Please confirm foreign entities are allowed to register for the vendor pool as long as they are an Alaskan bidder and comply with the conditions on the registration form (with exception of those having their headquarters in tier 3 countries).

*Correct. If a vendor meets the conditions on the registration form, they will be allowed to register.*

29. Given the blind evaluation, will an agency have the option to choose the second highest ranked vendor at their discretion after the curtain lifts? Alternatively, what options do agencies have to disqualify the winning bid?

*The only times an agency may not award to the most advantageous or lowest priced vendor is if, during pre-award, the agency and the vendor cannot come to terms or, in a Best Value scenario, the second ranked vendor is 10%+ less than the highest ranked vendor. (See TOPS Response Form, Cost Proposal)*

*An agency cannot disqualify a winning response. A response may be rejected for failure to complete forms correctly or for failure to demonstrate meeting minimum requirements of a TO, but in these cases the response would not be evaluated.*

30. Please consider using more than 3 PPI scores for the average. In order to keep the door open for new vendors the initial PPI may still be based on 3, but continue using additional scores in the average (e.g. 10) in order to show a longer track record.

*We considered a variety of averages in calculating the PPI, from 2 to 10 to ongoing. However, it was determined that an average of 3 was the best to rate a vendor’s current performance and to reflect excellent or poor performance in a more than negligible way.*

31. Is there a dollar limit on TOPS requests?

*The same limits that currently apply to task orders remain in effect, i.e. \$500,000 unless approval is given by the Chief Procurement Officer to exceed that amount.*

32. Can a vendor use a subcontractor’s experience to meet “special considerations/expertise” requirements?

*Yes.*