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STANDARD OPERATING PROCEDURES

SOP#: 200-036

I. SUBJECT **Procurement Procedures for Request for Information ("RFI")**

II. INQUIRIES **Office of Supply Management "Procurement Office"**

III. PURPOSE

These Standard Operating Procedures ("SOP") for Request for Information address requests typically made during the project planning phase where an end user cannot clearly identify product requirements, specifications, and/or purchase options. The RFI is also utilized to collect written information about the capabilities of various suppliers and professional consultants.

The RFI process has two goals:

- The first goal is to educate the end user, and the Department, so that a strategic decision can be made about the product or service needed. Certainly, there may be potential vendors for a project but, even in this case, the RFI process can help the Department understand key points of negotiation, estimate fair pricing thresholds, learn about market trends, and understand the range of vendor capacities.
- The second goal is to make sure the Department gets the right information from potential respondents for supplies or services needed. Often, respondents will have a wide range of supplies or services and may provide additional insight into the procurement. The RFI process can also help support internal alignment around project goals, which in turn results in a more highly, developed Invitation for Bid ("IFB") or Request for Proposal ("RFP").

Three (3) Key Points:

- Make sure a variety of responses is obtained to support a wider understanding of the supplies or services needed by the Department, allowing key points of differentiation to rise to the surface.
- Don't limit RFI to known respondents.
- Spend some time looking online to see what people say about potential vendors, rather than just looking at websites (market research).

IV. APPLICABILITY

Except as otherwise provided by law, these Procedures shall apply to the management of all Guam Department of Education ("GDOE", "Department") purchases, paid with GDOE local

funds or out of monies under the control of GDOE; for example, US Department of Education grant funds and other US federal grant funds.

V. REFERENCES

To fully understand what is required for the proper procurement of goods, services and construction, the Standard Operating Procedures contained throughout this document must be consulted and carefully followed. A working knowledge of the prerequisites contained below will also be helpful.

1. 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, in particular, 2 CFR §§200.318-200.326
2. USDOE Special Conditions issued annually in June
3. Guam Code Annotated, Title 5, Division 1, Chapter 5, Guam Procurement Law
4. Guam Administrative Rules and Regulations, Title 2, Division 4, Procurement Regulations

VI. KEY TERMS

The words defined are commonly used purchasing terms. The following terms are not intended to be legal definitions.

End User: A party (School/Division) that initiated the RFI.

Request for Information: A standard business process whose purpose is to collect written information about the capabilities of various suppliers. Normally it follows a format that can be used for comparative purposes.

Respondent: A person or vendor who responds or replies to the RFI.

Statement of Purchase: is a statement which describes, in some detail, what you want to learn about in your research regarding the service or product to be purchased. The statement guides you as you work on what's needed for the project or activity.

Determination of Need ("DON"): A questionnaire required to be completed and submitted by the End User which justifies the requested procurement. **(Appendix A-1)**

VII. REQUEST FOR INFORMATION ("RFI") PROCESS

A. Step 1: End User's Responsibility

End Users must complete the following:

1. Determination of Need (DON) (Appendix A-1)
2. Statement of Purchase
 - a. Why or what are you looking for?
 - b. Provide clearly stated goals for this RFI
 - c. Provide any mandatory requirements for the RFI

The structure of an RFI will vary depending on the need. Questions to consider include:

- What are the key points around which you'll make a decision? For example, firm size, number of locations, range of services, business history, portfolio samples; case studies, etc. (make sure that your questions will actually have an impact on your decision).
- Request specific capability information related to the project (deliverable formats, etc.)
- Provide an area for respondents to include some information that may not be directly within the scope of the RFI but which they think is relevant.

Please submit the required documentation to the Office of Supply Management, attention to the Supply Management Administrator.

B. Step 2: Preparing the DRAFT RFI Packet

1. The buyer responsible for preparing the RFI packet will input all the pertinent information into the RFI template utilizing the supporting documentation submitted to the Supply Management Administrator. The Office of Supply Management has an existing RFI template.
2. The buyer will prepare AG Form 014, Declaration of Compliance with 5 GCA §5150 (Appendix A-2), authorizing publication of the RFI.
3. After the buyer has completed the Draft RFI Packet, buyer must submit it for review to the End User and the Supply Management Administrator (SMA).

C. Step 3: RFI Review Process

End User Review

1. Ensure that the Statement of Purchase identified in the Draft RFI is complete and correct.
2. When review has been completed, End User will forward the Draft RFI to buyer for any changes if applicable. If no changes are required buyer will forward Draft RFI to the SMA.

Supply Management Administrator ("SMA") Review

3. SMA must ensure the Draft RFI complies with the Procurement Regulations and the Statement of Purchase identified in the Draft RFI is complete and correct.
4. When review has been completed, SMA will forward the Draft RFI to the buyer for any changes. If no changes are required, buyer will prepare the finalized RFI and forward AG Form 014, Declaration of Compliance with 5 GCA §5150 (Appendix A-2) authorizing the publication of the RFI to the Superintendent for signature. Once the AG Form 014 has been signed, said form will be kept in its designated procurement file.

D. Step 4: Publication

After AG Form 014 has been signed by the Superintendent, the buyer may proceed in finalizing the RFI for SMA signature and publication of RFI. The Procurement Office generally has a blanket purchase order with local newspapers for publication.

1. Advertisement for Public Advisement Requirements

F. Local: One (1) print media (one day advertisement)

G. Federal: Two (2) print media (one day advertisement but in separate papers)

2. Types of Print Media

- a. A newspaper of general circulation on Guam;
- b. A newspaper of local circulation in the area pertinent to the procurement;
- c. Industry media; or in a government publication designed for giving public notices.

3. Submission of Ad

- a. The standard size for the ad is 2" x 6". The ad is not a camera ready advertisement.
- b. It is advisable to submit the ad at least two (2) days prior to publication in a local newspaper. If the advertisement is scheduled to be published on a Friday, the ad and purchase order must be submitted to the print media no later than Wednesday before 12 pm (noon). If the request to run the ad is submitted after the deadline additional fees will be charged for late submission.
- c. The buyer will have to proofread the advertisement before giving the print media the final approval to run the advertisement.
- d. The buyer responsible for running the ad must make sure a copy of the actual advertisement is posted on the procurement bulletin board and a copy is kept in the procurement file.
- e. For other forms of print media, consult media representative for deadlines.

E. Step 5: Buyer Responsibilities after RFI is Finalized

BUYER MUST:

- 1. Have the SMA sign the front cover of the Finalized RFI.
- 2. Submit an electronic copy of the Signed RFI packet to the designated staff to have it uploaded to the GDOE Website. The RFI must be available on the website the day of the actual public release or the day before.
- 3. Ensure that the deadlines are entered in the GDOE Procurement Calendar (Public), which is posted on the Procurement Website.
- 4. Ensure a copy of the actual advertisement is posted on the Procurement bulletin board the day the advertisement is published.
- 5. Ensure a copy of the actual advertisement is posted on the Procurement Website the day the advertisement is published.
- 6. Ensure a procurement file is prepared for prospective respondent who would rather pick up the RFI packet instead of downloading it from the website. This folder will contain the following:
 - a. RFI Register

- b. At least two (2) copies of the RFI packet for prospective respondents to pick up. (Be sure to indicate the RFI number on the envelope).
- c. The original signed RFI Packet must be kept in the procurement folder to ensure additional copies can be made.
- d. Receipts from prospective respondents who picked up and paid for their packets.
- e. All amendments to RFI.
- f. Online register: A copy can be obtained from the designated staff. The buyer must request for an updated online register before each amendment is issued to ensure all interested respondents are provided copies of the amendment.
- g. A copy of the published advertisement.

F. STEP 6: Preconference/Site Visit

1. End user may have included requirement for preconference or site visit in the RFI.
2. If the preconference or site visit was not included in the RFI, a respondent may submit a request for a preconference/site visit. The request must be in written form.
3. Preconference/Site Visits are at the discretion of GDOE and not the respondent.
4. GDOE will review the request to determine if the conference is pertinent to the RFI and whether, if the request is denied, it might affect the RFI process.
5. If request for preconference is denied, buyer must inform the respondent.
6. If GDOE decides that the request is justified, the buyer is responsible for sending out an amendment to notify all prospective respondents that a preconference/site visit will be held.
7. The Amendment for the Preconference/Site Visit must include the following:
 - a. Date
 - b. Time
 - c. Location of where the preconference/site visit will be held
8. The buyer will be responsible for preparing a sign-in sheet to keep attendance of the participants and the End User must prepare an agenda. It is a requirement at any preconference/site visit that it must be recorded if an agenda is not readily available for distribution to the prospective respondents.
9. At the start of the preconference/site visit the buyer will be responsible for the introductions and announcement of all the house rules.
10. After the preconference/site visit has been conducted, an amendment must be sent to all prospective respondents, which must include a summary of the preconference/site visit.
11. All documents must be kept in the procurement file for said RFI.

G. Step 7: Monitoring Deadlines

The buyer must keep track of the deadlines in the RFI packet. The minimum timeline for the RFI to be opened is ten (10) calendar days after publication.

1. Deadline for Questions

Prospective respondents will have the opportunity to submit questions pertaining to the RFI. Questions regarding the RFI will be forwarded to the End User. The Buyer shall set a deadline for the responses. All questions regarding policies and procedures will be answered by the Procurement Office.

The questions **MUST** be submitted in written form. Written questions must be submitted on or before the deadline stated in RFI.

Acceptable written formats are as follows:

- E-Mail
- Fax
- US Postal (Mail) or preferred carrier (Fed-Ex, DHL, etc.)
- Hand delivered correspondence (Drop-off)

2. Deadline for GDOE Response to Questions

- a. The response time for GDOE to reply is at least three (3) work days from the date prospective respondents are required to submit questions regarding RFI.
- b. Buyer is responsible for preparing the Amendment containing GDOE responses.

H. Step 8: Amendment Process

An amendment must be prepared for any changes to the RFI.

1. The buyer must keep track of how many amendments are processed. Each amendment is sequentially numbered.
2. Once the buyer has prepared an amendment, the SMA must sign, showing approval.
3. The Buyer must provide an electronic copy to the designated staff so it can be uploaded to the procurement website for said RFI.
4. Amendments must be sent to all prospective respondents listed on the website register and the RFI register kept in the procurement file for individuals who picked up the RFI packet.

I. Step 9 Communication Log

The assigned buyer must keep a communication log of all communications pertaining to RFI. The communications include all the amendments sent out, acknowledgements received from prospective respondents, and all other written communications such as emails, facsimiles or memos between the Department and the respondents. See separate SOP-200-025, Procedures for Maintaining the Procurement File, for more information.

ALL COMMUNICATIONS REGARDING THE RFI SHOULD ONLY BE HANDLED BY THE ASSIGNED BUYER. SHOULD A PROSPECTIVE RESPONDENT REQUIRE ANY TYPE OF INFORMATION THE ASSIGNED BUYER MUST HANDLE IT.

J. Step 10: Deadline for Submittal

1. Deadline for submittal can be extended, depending on the situation and at the buyer's and End User's discretion.
2. GDOE's Procurement Office maintains the official time for the RFI submission. Any responses submitted past the time of submission will not be accepted.

K. Step 11: Process of RFI After Submission

1. The RFI process is an inquiry only and no contract or agreement will be entered into as a result of this process. Neither GDOE nor any other government of Guam agency guarantees that the Project will advance to the public procurement stage.
2. If an IFB or an RFP, whichever is appropriate, is issued, any terms and conditions specific to or relevant to the procurement will be included in the IFB or RFP process.

L. Step 12: End User review

1. The buyer must notify the End User that the RFI has closed and provide them with the submittal packets from respondents for further review.
2. End User must notify procurement if they would like to proceed with a formal solicitation.
Note that solicitation should reference RFI and related responses.

VIII. ROLES AND RESPONSIBILITIES

The following are the key personnel in the Procurement Office within the Office of Supply Management. The specific responsibilities and expectations of these individuals are delineated as follows:

A. Procurement Office

The role of the Procurement Office is to provide leadership, guidance, and enforcement of the policies, regulations and procedures as stipulated in this document. The Procurement Office is the main point of contact for all questions or concerns regarding the Department's procurement activity.

B. End User

Schools and Divisions are the ultimate End Users of the procured services, supplies, materials and equipment. End Users are responsible for initiating the purchase requisitions in the MUNIS system and for causing their approval. End Users may assign particular individuals to initiate requisitions in MUNIS.

C. MUNIS System

The financial management information system purchased from Tyler Technologies in September 2011 and operational in April 2012. Tyler's MUNIS is a resource planning solution which integrates our core financial functions, among them are procurement, fixed assets receiving and fixed assets inventory.

D. Vendor

The vendor is approved by the GDOE Procurement Office to provide goods/services/construction to GDOE schools/divisions.

E. Superintendent of Education (Superintendent)

The Superintendent of Education, as head of the Guam Department of Education, shall have general supervision of all procurement activity within the Guam Department of Education (GDOE), its schools and divisions. This responsibility shall not, however, relieve any school or division of their accountability for the procurement roles under its control. The Superintendent:

1. Shall ensure that all of those in a management capacity below him/her enforce the requirements contained in these Operating Procedures.
2. Shall be responsive to violations and shall take the appropriate action.

F. Third Party Fiduciary (TPFA)

The Third Party Fiduciary is responsible for providing guidance, management leadership, and accountability of USDOE funded procurement. The TPFA has the final approval of all procurement funded with US Department of Education grants awarded to the Department.

IX. NON COMPLIANCE

The Superintendent, Deputy Superintendent of Finance & Administrative Services, and the Supply Management Administrator will be advised of any violations of procurement procedures. Non-compliance of any of the regulations set-forth in this document may result in disciplinary action, up to and including termination.

For questions or concerns regarding compliance, contact the Procurement Office.

X. CONTACT INFORMATION

The Office of Supply Management is located at:

500 Mariner Avenue
A-Building, Suite A-13
Barrigada, Guam 96913

TELEPHONE: (671) 475-0438
FAX: (671) 472-5001
EMAIL: procurement@gdoe.net
WEBSITE: www.gdoe.net/procurement

XI. APPENDIX – PROCURMENT FORMS

The following forms and samples are provided to assist and ensure that the forms are properly filled out correctly, and to prevent delays in the processing of your documents.

- A-1 Determination of Need or DON
- A-2 Declaration of Compliance with 5 GCA §5150 (AG Procurement Form 014)

XII. INTERNAL CONTROL

The Supply Management Administrator and Buyer Supervisors are charged with ensuring the validity of these procedures and their compliance. The Internal Audit Office ("IAO") will periodically validate these SOPs and recommend improvements where needed.

XIII. TRAINING

The Supply Management Administrator will ensure training is conducted and available for all GDOE and Private, Non-Public ("PNP") End Users (school administrators, division heads and staff) in these procurement procedures at least once yearly. The Supply Management

Administrator will seek opportunities for Procurement Office staff to be trained and updated on procurement methods and regulations.

XIV. REPORTS

No Procurement reports are associated with this SOP.

XV. PENALTY

Failure to adhere to this SOP may result in disciplinary action, up to and including termination, in accordance with the DOE Personnel Rules & Regulations.

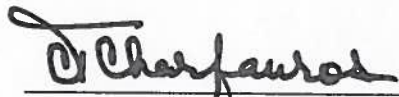
XVI. EFFECTIVE DATE

Upon date of approval and signature, unless otherwise noted.

XVII. CHANGES

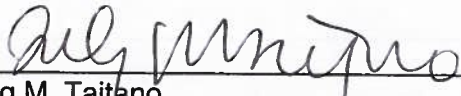
Changes to this policy shall be effectuated by the Superintendent of Education.

Approved by:



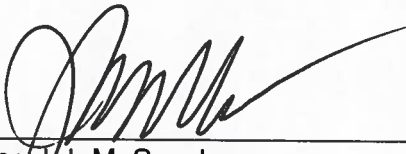
Carmen T. Charfauros
Supply Management Administrator

11/23/16
Date:



Taling M. Taitano
Deputy Superintendent of Finance and
Administrative Services

11/23/16
Date:



Joseph L.M. Sanchez
Superintendent of Education, Acting

11/25/2016
Date:

APPENDIX

A-1 THROUGH A-2

Appendix A-1

GDOE PROCUREMENT FORM – DETERMINATION OF NEED - REVISED 11/2013

RECORD OF PLANNING AND DETERMINATION OF NEED

1. Describe the need for the services or supplies to be procured:

2. Who determined the need for the services or supplies:

3. What is the funding source for this procurement:

4. Were the services or supplies requested and approved in a grant application/award:

☐ Y N ☐

- a. If yes, what grant application and year:

- b. When do grant funds expire?

5. Is this procurement mandated by statute or regulation?

☐ Y N ☐

- a. If yes, cite: _____

COMPLETED BY:

Print Name

Title

Sign Name

Date

Ref: 5 GCA § 50105 & 5249(e)

Appendix A-2

DECLARATION RE COMPLIANCE WITH 5 GCA § 5150

I, _____, make this declaration on _____
[print name clearly] [enter today's date]
regarding Procurement No. _____, and do hereby **certify under penalty of perjury** that:
[enter procurement no.]

(1) I am the procurement officer (Chief Procurement Officer; Director of Public Works; or head of a purchasing agency) for this procurement;

(2) I have caused an estimate to be made of the cost of the services or supplies being procured, and for which a contract will be entered into or a purchase order will be issued, whichever is appropriate as the case may be;

(3) My estimate of the total cost of the contract or purchase order, whichever is appropriate as the case may be, is [please check one]:

☐ less than \$500,000; or

☐ \$500,000 or more;

(4) If the total estimated cost of the procurement is \$500,000 or more, I understand that I must be advised by legal counsel designated by the Attorney General (which may be an Assistant Attorney General or other legal counsel designated as Special Assistant Attorney General ("SAAG") under 5 GCA § 5150) during each and every phase of the procurement process, beginning with the planning stage and before any request for proposal or invitation to bid is issued or notice published, or before any sole source procurement or emergency procurement is undertaken;

(5) If the total estimated cost of the procurement is \$500,000 or more, I understand I may not proceed with any phase of the procurement unless I have been advised by an Assistant Attorney General or a SAAG to proceed;

(6) If the total estimated cost of the procurement is less than \$500,000 initially when the procurement is begun, but the total cost increases to \$500,000 or more at some later point in time, I understand I must contact the Attorney General's Office as soon as I become aware that the procurement will actually cost \$500,000 or more, and that I may not proceed further without the assistance of the Attorney General's Office or a SAAG; and

(7) I understand if I do not comply with the requirements of 5 GCA § 5150 and the Attorney General's Office or a SAAG has not acted as legal counsel during all phases of a procurement estimated to cost \$500,000 or more, the Attorney General or SAAG may disapprove the contract, or the procurement may be subject to cancellation, or any award, contract or purchase order made or entered into may be subject to termination.

[Declarant's Signature]