



The Commonwealth of Massachusetts  
Office of the Inspector General

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March 30, 2004

Richard Agnew  
Town Administrator  
Town of Scituate  
600 Chief Justice Cushing Highway  
Scituate, MA 02066

Dear Mr. Agnew:

I am writing pursuant to your request for a written confirmation of the opinion of this Office regarding the Request for Proposal ("RFP") process to procure management services for the Widow's Walk Municipal Golf Course. This Office has reviewed the documents pertaining to the Town of Scituate's recent RFP and discussed the process with you and members of the evaluation team. This Office's review determined that the evaluation of proposals was not conducted in accordance with M.G.L. c. 30B, §6. The recommendation of this Office is that you conduct a new evaluation process of the proposals you received or alternatively, that you conduct a new RFP or Invitation for Bid ("IFB") solicitation process.

A review of the documents for the evaluation process here indicates that there was no formal, written process of evaluating the proposals according to the comparative evaluation criteria set forth on pages 9-10 of the RFP. In fact there appears to have been no evaluation instrument used by the Golf Course Maintenance Contract Review Committee ("Committee"). Rather the evaluation documents reviewed by this Office only included a single hand-written sheet on which the committee members placed an overall ranking of the proposals without any explanatory notes or indication of rankings being made on specific criterion as indicated in the RFP. In effect there was no methodical evaluation of the proposals consistent with the specified criterion. Furthermore, it is not clear that the criterion as listed reflected all of the issues on which the proposers were being evaluated. If it is your intention to evaluate the proposers based

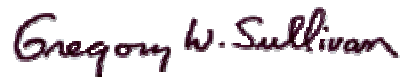
on additional criteria, these criteria must be included in an RFP. The RFP must then be readvertised.<sup>1</sup>

Discussions with participants in the process also indicate uncertainty as to whether one proposer who was fully evaluated (and ultimately slated to be awarded the contract by the Selectmen) had even met the minimum criteria established in the RFP pertaining to the experience of its personnel. A vendor that does not meet minimum experience requirements cannot be considered for contract award. Without reaching a conclusion in this particular instance as to whether such criteria were met, it is essential that the Town be able to determine with certainty whether the vendor met its minimum qualifications. This Office recommends that participants revisit whether the vendor met the minimum qualifications identified in the RFP.

After an evaluation committee has once again evaluated and ranked the proposals, the committee may recommend one offeror to the Chief Procurement Officer (“CPO”) or Board of Selectmen. If the CPO does not follow the advice of the evaluation committee and awards the contract to another proposer offering to perform for a higher price, the CPO shall, pursuant to M.G.L. c. 30B, §6(h), explain the reasons for the award in writing, Specifying in reasonable detail the basis for the determination.

If you have any questions or if this Office can be of any assistance, please feel free to contact Brian O’Donnell of my staff.

Sincerely,



Gregory W. Sullivan  
Inspector General

Encl.

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<sup>1</sup> Please note that some of the issues and concerns involved in how Scituate has conducted the RFP process in question are similar to issues raised in the attached letter of December 17, 1998 from this Office to you regarding a prior solicitation for the Widow’s Walk Golf Course. I would once again recommend consulting some of the resources noted in that letter regarding the implementation of an RFP process.



# The Commonwealth of Massachusetts

## Office of the Inspector General

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December 17, 1998

Richard Agnew, Town Manager  
Town of Scituate  
600 Chief Justice Cushing Highway  
Scituate, Massachusetts 02066

Dear Mr. Agnew:

This Office has reviewed the documents pertaining to the Town of Scituate's recent request for proposals (RFP) to procure management services for Widow's Walk Municipal Golf Course, which may cost the Town almost two million dollars over a period of three years. Specifically, this Office reviewed the RFP and the written evaluations. The Town received three responses to the RFP, however, the proposer that the Town chose as most advantageous did not submit the non-collusion form as required by M.G.L. c. 30B, §10. The Town determined that the next most advantageous proposer's price was too high; therefore, the Town cancelled the procurement under M.G.L. c. 30B, §9 and will readvertise the RFP.

This Office's review identified significant problems with the RFP evaluation process. These problems are outlined below.

**1. The Town rated proposals using criteria that were not in the RFP.** M.G.L. c. 30B, §6(e) requires that evaluators designated to rank proposals prepare their evaluations based solely on the criteria set forth in the request for proposals.

The RFP sets forth comparative evaluation criteria on pages 9-10 which relate to the qualifications of the golf course superintendent. The RFP contained no criteria relating to management experience, food service or other elements of the contract.

In particular, the evaluators found that the proposal submitted by the incumbent, Corcoran Jennison, earned a highly advantageous score based on all of the comparative evaluation criteria specified in the RFP. However, the evaluators went on to give Corcoran Jennison a lower overall rating based on factors such as food quality and staff turnover that were not included in the RFP as evaluation criteria. This arbitrary approach to evaluating proposals was unfair to the competitors and created an appearance of favoritism.

**2. The RFP required the selected offeror to provide a \$100,000 performance bond.** The Town received a proposal from Wild Side, Inc., which has no track record in golf course management and which asked the Town to waive the performance bond in exchange for \$50,000 cash. The Town agreed to this arrangement. Since the RFP required the successful proposer to submit a \$100,000 performance bond, the Town should not have accepted \$50,000 in cash in lieu of that requirement. To do so is prejudicial to fair competition.

This RFP is for management services for the entire golf course. Criteria such as management experience, food service experience and the financial strength of the management company are important. The RFP should contain comparative evaluation criteria relating to these factors.

Additionally, after the most advantageous proposal is chosen, the Town should check performance and credit references provided by that proposer. Checking references is a good method to determine whether the proposer is responsible. A responsible offeror is a person who has the capability to perform fully the contract requirements, and the integrity and reliability which assures good faith performance. M.G.L. c. 30B, §6 requires that the contract be awarded to the most advantageous responsible and responsive offeror.

Lastly, the Town indicated a concern with the food quality provided by the next golf course management company. A good method to evaluate proposers is to request references. The Town may simply contact those references and inquire about the proposer's food service quality. The Town may also use quality requirements (or minimum criteria) to obtain the desired food quality. For example, the Town may require that the successful contractor serve a varied and appealing menu (or the Town may specify the menu). The Town may also require the contractor to generate a certain amount of revenue for food service during the contract.

Enclosed please find a copy of this Office's *Guidebook to Drafting IFBs and RFPs*. This guidebook offers helpful suggestions and sample language that is useful for drafting RFPs.

Please forward a copy of your next RFP to this Office. Please call me if you have any questions.

Sincerely,

Elizabeth M. Hayward,  
Deputy General Counsel