

EXHIBIT E

EVALUATION CRITERIA--CONSULTING SERVICES

Only those proposals that meet minimum qualifications will be evaluated. Proposals that meet the minimum qualifications will be evaluated based on the weights and percentages of the following criteria.

I. Consultant's Qualifications & Experience:

Weight: 20%

- Consultant firm and/or individual qualifications and experience, as relevant to the services required in this RFP, including individual Consultant qualifications and its proposed subcontractor(s);
- Consultant has the mandatory minimum of five (5) years past experience in providing, to private and governmental entities, similar consultant services;
- Consultant firm's or individual's quality of performance on previous engagements, including any TDLR projects; and
- Consultant demonstrates that the assigned employees or individuals and the proposed team personnel includes individuals and specific personnel with all the specific skills and experience required to successfully complete all workplan deliverables and the services requested by the RFP.

II. Project Approach and Methodology

Weight: 25%

- Consultant must clearly and completely explain its approach to performing each item listed within the scope of work as defined in Section 3 – *Scope of Work and Minimum Qualifications* of this RFP and corresponding business case development methodology.
- The approach and methodology must support the work effort required to complete the study no later than April 30, 2010.
- Consultant must clearly indicate by scope of work item, what percent, if any, of the work would be performed from an offsite location from TDLR. The Consultant must clearly indicate the location of work to be performed offsite, if any.
- The approach and methodology must demonstrate extensive experience in developing and analyzing similar consulting services.

III. Workplan

Weight: 25%

- Consultant proposes a workplan and timeline that is consistent with TDLR's goals, deadlines, and requirements for consulting services; proposed workplan and timeline adheres to TDLR's, timelines and constraints; and
- Consultant's organizational chart and workplan demonstrates appropriate and sufficient assignments of tasks to individuals and personnel with relevant qualifications &

experience and that a clear line of authority exists and responsibility is assigned to ensure quality and timely results.

- Workplan includes all required components including deliverables, milestones, tasks, resources (TDLR and Consultant), task dependencies and timelines. The workplan must include quantifiable and completed fixed-price deliverables approximately every thirty (30) days that can be measured on a project percent completion basis and will represent support for periodic Consultant payments.

IV. Cost

Weight: 30%

- Consultant’s Cost Proposal must provide a clear identification of all proposed rates, fees, and costs. All fees and costs must be presented within fully-loaded hourly rates for each of the Consultant’s proposed employees. All costs must be allocated to specific fixed-price deliverables as identified in the workplan submitted in Exhibit C and listed on the cost proposal chart required in Exhibit G. (See Exhibit F, attached, for example of Cost Proposal Chart Format). **No additional amounts will be paid.**

All Consultant Cost Proposals will be evaluated utilizing the following formula:

Lowest Cost Proposal = Awarded Maximum Points (i.e. 30 points)

Lowest Cost Proposal/Next Lowest Cost Proposal x 30 = Points Awarded to Next Lowest Cost

TOTAL POINTS POSSIBLE FOR ALL CRITERIA: 100
Points

Cost Example:

Assume four Proposals received:

| | <u>Rank</u> | | <u>Points</u> |
|--------------------|-------------|---------------------------------|---------------|
| Proposal 1 \$300 | #1 | | 30 |
| Proposal 2 \$700 | #2 | $\frac{300}{700} \times 30 =$ | 13 |
| Proposal 3 \$900 | #3 | $\frac{300}{900} \times 30 =$ | 10 |
| Proposal 4 \$1,500 | #4 | $\frac{300}{1,500} \times 30 =$ | 6 |

V. Evaluation Process

- TDLR Staff will review all proposals for compliance and thoroughness. The proposals found to be in compliance will then be distributed to the members of an Evaluation Committee established by TDLR. All proposals meeting the minimum criteria will be evaluated according to the criteria and weights set forth in the evaluation form as shown in Exhibit F to this RFP.

- The Evaluation Committee may, but is not required; to schedule an oral presentation from each qualified Consultant of the information contained in each such Consultant's proposal. TDLR may also require, in its sole judgment and discretion, an oral presentation from certain Consultants. All team members of any Consultant selected for an oral presentation must be present at the oral presentation before the Evaluation Committee. Any invitation for an oral presentation will be solely for the purpose of clarifying proposals received from such qualifying Consultants and will not represent any decision on the part of the Evaluation Committee as to the selection of Selected Consultant. Oral presentations, if any, are anticipated to occur as soon as practical. An oral presentation or appearance before the Evaluation Committee is purely optional and is solely at the discretion of the Evaluation Committee. The Evaluation Committee may elect to score each proposal and make its recommendation without scheduling any oral presentations or interviews.
- If TDLR directs Staff to conduct preliminary negotiations, the negotiations will be preliminary in nature, are limited in scope to enhancements to the written proposals and are not binding on TDLR unless and until incorporated into a fully executed Contract with Selected Consultant. Examples of enhancements may include additional services, allocations of personnel, accelerated timelines and lower costs. Despite the possibility of preliminary negotiations for enhancements, Consultants are strongly encouraged to submit their best and final offer in the original proposal.
- Upon the approval of a Selected Consultant, TDLR will proceed with contract negotiations and attempt to finalize a Contract with Selected Consultant. TDLR anticipates that these negotiations will involve few issues and be expedited; however, if a Contract cannot be successfully negotiated within a reasonable period of time, contract negotiations will be terminated, and negotiations with the next highest-ranking Consultant may commence. This process may continue until a contract is signed or the RFP is withdrawn. However, TDLR reserves the right, in its sole discretion, and at any time upon failure of negotiations, to reissue or withdraw the RFP rather than continue with negotiations.
- As soon as possible after the execution of the Contract with Selected Consultant, all other Consultants will be provided with formal notification via facsimile. TDLR will make every reasonable effort to fax this notification within one (1) business day of the date the Contract is fully executed.

VI. Clarification of Agency's Intent and Project Manager

After execution of the Contract, Selected Consultant shall direct all questions regarding the Contract to TDLR's Project Manager:

Lee Parham, Project Manager
Manager, Compliance Business & Occupation
Post Office Box 12157
Austin, Texas 78711
(512) 463-3536 (phone)
Lee@license.state.tx.us (e-mail)

TDLR will use reasonable best efforts to provide reasonable and timely resolutions to questions of policy or procedure as they may affect Selected Consultant's efforts. Key TDLR staff will be available to Selected Consultant on a reasonable basis but may not be available on state holidays or weekends.

VII. Protest Procedures

Any vendor aggrieved by the contract award may formally protest. Protest proceedings shall be in accordance with *16 TAC 55.40*.