

September 8, 2021

Will Lawrence, Chief of Staff  
Kansas Governor Laura Kelly  
300 SW 10th Avenue, Room 259-S  
Topeka, KS 66612

Subject: UI Modernization Council Request for Vendor Demos

The Department of Administration Office of Procurement and Contracts is aware of the request by the Unemployment Insurance Modernization Council for presentations and demonstrations from the vendors that submitted proposals on the Unemployment Insurance Modernization Request for Proposal solicitation.

To maintain integrity in the process and compliance to negotiated procurement statutes (KSA 75-37,102) the Office of Procurement and Contracts has long employed practices that include:

- Public Notification of the Opportunity for interested parties to submit bids
- Selection of a Procurement Negotiation Committee (PNC) tasked with evaluation and source recommendation
- Strict control of the end-to-end sealed bid process, including the proposal and review process
- Requirements for signed non-disclosure agreements from all that participate in the reviews
- Requirements in the RFP document regarding communications during the entire process including:
  - "All inquiries, written or verbal, shall be directed only to the procurement officer..."
  - "Violations of this provision by bidder or state agency personnel may result in the rejection of the proposal."

These practices are in place to minimize the opportunity for undue influence by any party and to avoid any appearance of impropriety in the supplier selection process.

Following these established processes helps to achieve a transparent competitive sourcing process and minimizes the opportunity for unsuccessful bidders to prevail in a bid protest or legal challenge to the procurement.

Departing from the established process by having demonstrations before the UI Modernization Council is not only a direct violation of the confidentiality provisions to which each bidder is bound, it would also seriously increase the risk that unsuccessful bidders might challenge the process, which could delay implementation of urgently needed system improvements. Therefore, we would recommend that the UI Modernization Council not hold such demonstrations.

Please let me know if you have any questions.

Sincerely,



Rick Beattie

Director of Procurement and Contracts | Office of Procurement and Contracts | Kansas Department of Administration  
900 SW Jackson, Suite 451-S | Topeka, KS 66612-1216

Cc: Secretary DeAngela Burns-Wallace