

Chapter 18. Competitive Negotiation: Canceling the Procurement or Rejecting All Proposals

Summary

This chapter identifies the circumstances and establishes the procedure to cancel the RFP or to reject all proposals.

Essential Information in this Chapter
<ul style="list-style-type: none">• At any time prior to award of the contract, the purchasing agent may cancel the RFP or reject any or all of the proposals.• The purchasing agent may cancel the RFP or reject any or all of the proposals for any reason, except to avoid awarding a contract to a particular vendor.
Key References to the Code of Virginia
Section 2.2-4301: Definitions of competitive negotiation and other key terms Section 2.2-4303(A): When competitive negotiation required, generally Section 2.2-4319(A): Authority to cancel or reject all proposals

18-1 General

At any time prior to award of the contract and for any reason except as provided in Section 18-3, the purchasing agent may cancel the RFP or reject any or all of the proposals.

18-2 Circumstances When Cancellation or Rejection Justified

Following is a list of circumstances in which cancellation or rejection may be considered:

- RFP too narrowly written: The purchasing agent may consider canceling the RFP or rejecting all proposals if it is determined that the work statement, specifications, or other requirements of the RFP were written in such a way so as to preclude a reasonable pool of vendors submitting proposals. The purchasing agent should consider canceling the RFP or rejecting all proposals if the number of proposals received is inadequate to ensure that the procurement process is competitive.
- Ambiguous instructions: The purchasing agent may consider canceling the RFP or rejecting all proposals if, upon review of the proposals, it is apparent that numerous proposals were determined to be deficient for a similar reason, and it is determined that ambiguous instructions in the RFP were likely the cause for the deficiencies. The purchasing agent

should consider rejecting all proposals if it is determined that there is an inadequate number of acceptable proposals.

- Substantial omission in the work statement specifications: The purchasing agent may consider rejecting all proposals if it is determined that an essential requirement was omitted from the work statement or the specifications. The purchasing agent should consider cancellation or rejection if: (1) the purchasing agent is unable to determine whether the goods or services will meet the County's needs absent compliance with the omitted requirement or; (2) in taking into account the omitted requirement during the proposal evaluation process, fairness, impartiality, or competitiveness in the procurement process is compromised.
- Cost or price exceed available funds: If the cost or price of the goods or services exceeds available funds, the purchasing agent may cancel the procurement or reject all proposals if: (1) the purchasing agent requests that the using department provide him with a suggested reduction in scope of the proposed procurement; (2) the selection committee invites each vendor to amend its proposal based upon the proposed reduction in scope provided by the using department; and (3) no vendor deemed by the selection committee to be fully qualified and best suited for the procurement amends its proposal within the funds available.

This list is not exhaustive.

18-3 Circumstances When Cancellation or Rejection Prohibited

The purchasing agent shall not cancel an RFP or reject all proposals solely to avoid awarding a contract to a particular vendor.

18-4 Procedure to Cancel the Request For Proposals or Reject All Proposals

If the RFP is canceled, or if any or all of the proposals received are rejected, the purchasing agent shall state the reasons for rejecting the proposals in writing and place the statement in the contract file.