

Drafting *Better* Bid Solicitation Documents (IFBs, RFBs, RFQs, IFQs, and RFQs)

Drafting Principle # 1: Be clear, simple, and accurate.

<i>Instead of:</i> Bids shall be due no later than 12:00 P.M. Monday, July 28, 2006, or any time prior thereto at the City of NIGP Purchasing Department, 123 NIGP Ave., NIGP, NC, 12345, Attn: Eileen Youens, Buyer.	<i>Try:</i> Bids shall be due no later than 12:00 P.M. Monday, July 28, 2006, at the City of NIGP Purchasing Department, 123 NIGP Ave., NIGP, NC, 12345, Attn: Eileen Youens, Buyer.
<i>Instead of:</i> If any persons contemplating submitting a Bid under this Solicitation is in doubt as to the true meaning of the specifications of other Bid documents or any part thereof, the Bidder must submit to the Purchasing Department in writing at once, but in no case later than ten (10) business days prior to the scheduled opening of the bids.	<i>Try:</i> Any questions about this Solicitation must be submitted in writing, no later than July 28, 2008, to Purchasing Department, 123 NIGP Ave., NIGP, NC 12345, Attn: Eileen Youens.

Drafting Principle # 2: Avoid fancy-sounding words and legalese.

<i>Instead of:</i> City may utilize any combination of vendors.	<i>Try:</i> City may use any combination of vendors.
<i>Instead of:</i> The submission of a Bid shall be prima facie evidence that the vendor is familiar with and agrees to comply with the contents of this Bid Project.	<i>Try:</i> By submitting this Bid, the Vendor confirms that the Vendor has read the Solicitation and accepts the terms of the Solicitation.

Drafting Principle # 3: Use active voice.

<i>Instead of:</i> The following documents must be submitted....	<i>Try:</i> Vendor must submit the following documents....
<i>Instead of:</i> The quantity of materials must not be exceeded without authority in writing being first obtained from buyer.	<i>Try:</i> Vendor must not exceed the quantity of materials listed in Section 2.9 without first obtaining written authorization from City to exceed those quantities.

Drafting Principle # 4: State the standard of award clearly.

<p><i>Instead of:</i></p> <p>The contract will be awarded to the lowest responsive, responsible Bidder(s) whose Bid(s) conforming to the solicitation is most advantageous to the City.</p> <p>Award will be made to the responsible and responsive bidder whose bid is most advantageous to the City with price and other factors considered.</p> <p>The contract will be awarded to the bidder that supplies the service requested at the least cost to the city.</p>	<p><i>Try:</i></p> <p>The contract will be awarded to the lowest responsive, responsible Bidder(s), considering quality, performance, and the time specified for performance.</p>
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Drafting Principle # 5: Clearly state the number of copies required.

<p><i>Instead of:</i></p> <p>ALL BIDS MUST BE SUBMITTED AS ONE ORIGINAL + TWO COPIES</p> <p>...</p> <p>ALL BIDS MUST BE SUBMITTED IN TRIPLICATE</p>	<p><i>Try:</i></p> <p>ALL BIDS MUST BE SUBMITTED AS ONE ORIGINAL + TWO COPIES.</p>
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Drafting Principle # 6: Use short, descriptive headings.

<p><i>Instead of:</i></p> <p>1.6 AWARDS</p> <p>The City reserves the right to reject all bids or any portion of any bid they deem necessary for the best interest of the City, to accept any item or group of items unless qualified by the bidder, to acquire additional quantities at prices quoted on the Bid Form.</p>	<p><i>Try:</i></p> <p>1.6 ACCEPTANCE OR REJECTION OF BIDS</p> <p>The City reserves the right to reject all bids or any portion of any bid they deem necessary for the best interest of the City, to accept any item or group of items unless qualified by the bidder, to acquire additional quantities at prices quoted on the Bid Form.</p>
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Drafting Principle # 7: Apply user-friendly formatting.

See .doc file titled Sample Bid Spec Format in your handouts for a sample format you can adapt for your own documents.

References and Additional Reading

Adams, Kenneth A. *A Manual of Style for Contract Drafting*. Chicago: American Bar Association, 2004.

Garner, Bryan A. *The Redbook: A Manual on Legal Style*. St. Paul: West Group, 2002.

LeRoux, Kelly, ed. *Service Contracting: A Local Government Guide*. 2nd ed. Washington, D.C.: International City/County Management Association, 2007.

Porter-Roth, Bud. *Request for Proposal: A Guide to Effective RFP Development*. Boston: Addison-Wesley, 2002.

University of Chicago Press. *The Chicago Manual of Style*. 15th ed. Chicago: University of Chicago Press, 2003.