

Grant County Personnel Policy

1605 – Purchasing Appendix C: Contracting for Services

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This appendix serves to both describe what and how Grant County utilizes Personal, Purchased, and Architectural and Engineering (A/E) services. Many departments find themselves needing a vendor who can perform some function the department currently cannot. It may be any number of things. If you are unsure as to what type of contract you may need, personal or purchased service, or A&E services, consult with the Civil Prosecutors office for guidance.

This is adapted from MRSC's guidelines for local governments and contracting for services. You can download this guide on the Central Services internal web page. Grant County recognizes the following as our Policy and Process for these services.

A&E Services

A/E professional services are services rendered by a consultant or any person, other than an employee of the agency, contracting to perform activities within the scope of the general definition of professional practice in chapters 18.08 (Architects), 18.43 (Engineers and Land Surveyors), or 18.96 (Landscape Architects) RCW. RCW 39.80.020(5). Go to Table E for the scopes of practice for these professions.

- Services are procured using the qualifications-based selection (QBS) requirements in RCW 39.80.
- These services may be required in connection with a public works project meeting the definition of “public work” in RCW 39.04.010(4).
- Licenses or certification by state agencies are required.

Personal Services

- Personal services involve technical expertise provided by a consultant to accomplish a specific study, project, task, or other work.
- Personal services do not include purchased services or professional services procured using the competitive selection requirements in chapter 39.80 RCW (A/E).
- These services may or may not be required in connection with a public works project meeting the definition of “public work” in RCW 39.04.010(4).
- Activity or product is mostly intellectual in nature.
- Licenses or certification by state agencies may or may not be required, depending on the type of personal service required.

Examples include:

- Meeting facilitation
- Public outreach coordination

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- Strategic planning development
- Economic development study
- Rate setting study
- Comprehensive plans and zoning codes
- Legal services
- Management analyses

Purchased Services

Purchased services are those provided by vendors for routine, necessary, and continuing functions of a local agency, mostly relating to physical activities. Repetitive, routine, or mechanical in nature, as in these examples:

- following established or standardized procedures
- contribute to the day-to-day business operations.
- completion of specific assignments and tasks
- decision-making is routine or perfunctory in nature.
- may require payment of prevailing wages.

Examples Include:

- delivery/courier service
- landscaping and building maintenance (janitorial)
- herbicide application service
- recycling/disposal/litter pickup service
- vehicle inspection, lubricating, and repair services
- HVAC system maintenance service
- office furnishings installation, refurbishment, and repair service

Consultant

A consultant is an independent person or firm contracting with an agency to perform a service or render an opinion or recommendation according to the consultant's methods and without being subject to the control of the agency except as to the result of the work.

For all these services Grant County utilizes three levels of solicitation

Minimal Competition: The purchased or personal service will be below \$25,000.

Informal Competition: The purchased or personal service will be between \$25,000 and \$75,000.

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Formal Competition: For any personal, purchased, or A&E service with an expected value above \$75,000. A formal competitive process is required.

Requests for Proposals/Qualifications Required for Certain Services

Except as exempted below, acquisition of services, anticipated to be in an amount exceeding \$75,000, require a formal request for proposals or qualifications (RFP/RFQ). In addition, certain services may require an RFP/RFQ by statute, grant, or other requirements. County Officials are required to have knowledge of those services requiring non-standard purchasing procedures. Some vendors will offer to write your RFP for you, this is not allowed if the Vendor is writing an RFP that is in anyway attached to the industry they support or represent, especially if it is expected they would compete for the contract.

Certain services are exempt from the bidding or RFP/RFQ procedures required under this section unless otherwise required by statute. They include:

- a) Attorney Services, including indigent defense.
- b) Insurance Services, including bonding.
- c) Tourism promotional services
- d) Services of the Economic Development Council
- e) Registered surveyors
- f) Appraisals of property
- g) Expert witnesses for litigations or potential litigation
- h) Medical professionals including but not limited to doctors, psychiatrists, and psychologists.
- i) County fair entertainment
- j) Training for County employees

Minimal Process

Below \$25,000 you may directly solicit proposals. Go to the appropriate service provider roster or other sources with a simple set of criteria and select 1-3 firms to submit a proposal. Select directly from

the rosters or other sources for small projects. For basic RFPs, the basis for evaluation may simply be that proposals will be ranked as first, second, and third, etc., based on the proposal's overall quality, price, and reference checks. A simple ranking process presumes that all criteria are weighted equally. However, it does not work well with numerous proposals or if individual criteria are deemed to be more important.

Informal Process

Between \$25,000 & \$75,000 a less structured process is followed and selection of potential firms from a roster or other sources is allowed with no advertisement.

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Departments may use the informal proposal process to solicit proposals for services under \$25,000 when they believe the process would result in a broader response and/or better-quality proposal.

- Develop detailed criteria and prepare RFP.
- Go to the appropriate service provider- or agency-maintained roster, using the criteria, and select 3-5 firms to submit a proposal in response to the RFP.
- Evaluate proposals and make award decision.
- Provide in the advertisement a basic format for scoring firms, you may also place language in case of a tie.

(i.e.) Selection will be made on the basis of the submittals as received. The Selection Committee may deem it necessary to interview responders. The County retains the right to interview responders as part of the selection process.

For an informal process you might state something like the following example in the RFQ/P.

This is a small project, and this request is being performed under an informal request for qualifications. As such the selection is based on a smaller number of requirements such as.

- Ability and Reputation (20 pts possible typ.)
- Quality of previous performance (20)
- Responsiveness to solicitation requirements (20)
- Staff readily available for the project (20)
- Expected timeline to complete. (20)

Selection of firm will be performed by the "(which positions will review and score submittals). In case of a tie between firms, a coin toss or other random means of selection will be utilized.

Formal Process

For any service above \$75,000 and for more complex services

- Develop detailed criteria and prepare RFQ and/or RFQ/RFP.
- Advertise on the agency web site, and/or in local papers. You may also select as many qualified firms as is possible in the appropriate service category of the MRSC Roster. In the spirit of receiving the best/widest audience you may also advertise in the Daily Journal of Commerce.
- Evaluate RFQ and or RFQ/RFP submittals and short-list 4-6 firms for further consideration.
- Request detailed proposals from short-listed firms.

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- Hold interviews and check references.
- Evaluate proposals and make award decision.

There are some examples of formal RFQ processes and RFP processes in the County. If you are writing an RFQ or RFP that is expected to for a larger project, reach out to other department heads or elected officials for help, also see if another County has performed this recently, ask for a copy of their RFQ, (especially if they had a successful outcome) you may not need to reinvent the wheel and if you are lucky, just change the names and a few details. MRSC has examples of all of the preceding processes, and you can always contact them for assistance as well.

The following is a list of items to consider when moving through your selection process. If the process is large or complex, consider the following and utilize them as required to best serve the process and the County.

- Develop a Request for Qualifications (RFQ) and include scoring metrics.
- Advertise RFQs.
- Evaluate RFQ submittals received.
- Select qualified firms for a "Short List".
- Send Request for Proposals (RFP) to firms on "Short List".
- Interview firms who respond to the RFP.
- Select most qualified finalist.
- Identify scope of work, tasks, and milestones.
- Estimate person-hours required for each task.
- Select compensation method(s)
- Negotiate contract with finalist.
- If agreement on price not reached, may negotiate with next most qualified firm.
- Write contract and secure necessary reviews and approvals.

Mind your Ps and Qs!

What is a Request for Proposal? ... While an RFQ determines a vendor's qualifications, an RFP solicits proposals by vendors interested in performing the work. An RFP may come after an RFQ but will not come before it. Sometimes, an RFP stands alone without a need or requirement for an RFQ.

Writing your RFP

Once you have decided this is the type of service required, you may need to write a "Request for Proposals" (RFP) Every RFP should include the following.

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Basic Elements of RFP	Suggestions for Content
Statement of Need (Scope)	Well written with adequate level of detail describing project tasks and products; List availability of supporting documents
Estimated Budget (except for A/E projects*)	Adequate and well-matched with the requested scope of services
Estimated Schedule	Realistic; Matched to the scope.
Evaluation Criteria	Clear; Matched to the scope of services; Provide scoring criteria up front; Provide decision schedule, if available
Proposal Elements (information to be submitted) Deadline for acceptance of the proposal	Keep submittal requirements, page limitations, and due date in same section of the RFP; Allow for flexibility in format of response. Allow adequate response time (3-4 weeks); Accept electronic submittals; Acknowledge receipt of proposal
Agency's standard terms and Conditions	Copy of contract terms and conditions attached to the RFP, if available

*Price cannot be used as a selection criterion for A/E projects.

In addition to the basics, other common RFP elements include:

- Background on the agency and project, including budgets.
- Reference documents – large files may be posted to a website for consultant access.
- Whether interviews will be scheduled or whether the selection may be based on the submitted proposals without interviews.
- Pre-proposal conference schedule
- Page limits
- Public disclosure guidance
- Formal certification by the proposer of its authorization to submit the proposal, time validity of proposal, non-collusion, etc.
- Notice that cost incurred in the development of proposals and participation in the selection process shall be borne by proposers.

Basic criteria to consider in the initial selection of any service provider may include:

- Fees or costs (except use QBS procedures for A/E)
- Ability and reputation

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- Quality of previous performance
- Ability to meet deadlines for contract performance.
- Responsiveness to solicitation requirements
- Staff readily available for the project
- Experience and reputation
- Compliance with statutes and rules relating to contracts or services.

Beyond this you may decide to assign a weighted criterion, this can be done with more detailed proposals where there are specific criteria that should be met., If you consider a top score of 100 points, you can assign a specific number of points to a specific requirement such as, This is required for formal A&E Services RFQ's. Remember that for an RFQ for A&E services, price cannot be a consideration.

- Experience of key personnel-20%
- Ability to meet schedule-20%
- Cost-40%
- Interview-20%

If doing this and it is for a larger requirement or will be lengthy and costly, you will want to write a formal RFP/Q. This should include those things in a basic RFP but the scope should be very detailed, expectations should be detailed, if a contract is required you should have a copy of a blank standard contract included so the proposer knows the legal requirements of the County (hold harmless, contractual issues, arbitration etc.) For this type of proposal and contract you should consult with the Civil Prosecutors office for guidance on how the contract should be written.

Further, you may describe the evaluation process, the size of the evaluation team, the time you expect evaluations to be concluded and if a follow-on interview will be required with one or more of the respondents.

For A&E Services consider the following scenario (this is only for A&E services). You hold an RFQ, you rank the 5 submissions you received in order from 1-5, number one being the company that really stands out. You may or may not hold interviews, but you award the RFQ to company number one. Once they are selected you begin the negotiation of your contract, scope (if anything has changed) and their cost but you believe their cost is excessive and you cannot agree.

The COUNTY as per RCW 39.80.050 (in short you contact your second firm and begin negotiations).

- a) The agency shall negotiate a contract with the most qualified firm for architectural and engineering services at a price which the agency determines is fair and reasonable to the agency. In making its determination, the agency shall take into account the estimated value of the services to be rendered as well as the scope, complexity, and professional nature thereof.

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- b) If the agency is unable to negotiate a satisfactory contract with the firm selected at a price the agency determines to be fair and reasonable, negotiations with that firm shall be formally terminated and the agency shall select other firms in accordance with RCW 39.80.040 and continue in accordance with this section until an agreement is reached or the process is terminated. MRSC has excellent guidance for public agencies needing to contract for A&E, purchased or personal services. You can download the guide "Contracting for Services" on the Central Services website and should study it as you begin the process of writing your RFP or RFQ. Much of the work is done by the department needing the services as you best understand your needs, your operations, and your industries landscape. Ask others for help, but each EO/DH must be the leader and provide the correct information to have a successful outcome.