

McMinnville School District #40

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Bidding Requirements -- Personal Services, Requests for Proposals

1. 1. Definitions.
 - a. For purposes of this Policy, “Contractor” shall mean a personal services contractor.
 - b. “Personal Services” shall be as defined in the McMinnville School District Public Contracting Rules.
 - c. “Project” means all components of a planned undertaking that gives rise to the need for a personal services contract.

2. Selection Criteria for Personal Services.

Selection of personal services contractors shall be as provided in the District Public Contracting Rules.

Selection criteria should include but not necessarily limited to the following:

- a. Specialized experience, capabilities, and technical competence;
- b. The resources available to perform the work and the proportion of the candidate’s staff time that would be spent on the project including any specialized services within the time limits;
- c. Record of past performance, including but not limited to price and cost data from previous projects, quality of work, ability to meet schedules, cost control and contract administration;
- d. Ownership status and employment practices regarding minority, woman and emerging businesses or historically under-utilized businesses;
- e. Availability to and familiarity with locale of the project;
- f. Familiarity with the locale of the project; and
- g. Proposed project management techniques.

3. Selection Process.

The purchasing manager shall review and rank all proposals received according to the criteria set forth in the informal written solicitation. The purchasing manager may work with a committee in this process.

The purchasing manager will enter into contract negotiations with the selected contractor to enter into a written agreement that specifies:

- a. The contractor’s performance obligations and performance schedule.
- b. Payment methodology and maximum amount payable for the personal services that is fair and reasonable to the district taking into account the value, scope and complexity of the personal services; and
- c. Any other provision deemed to be in the best interest of the district.

The district is under no obligation to award a contract pursuant to any such negotiation.

4. Requests for Qualifications.

A request for qualifications may be used to evaluate potential contractors and establish a short list of qualified contractors to whom the district may issue a request for proposals for some or all of the personal services described in the request for qualifications.

Each request for qualifications should:

- a. A brief description of the project for which the district is seeking contractors;
- b. A description of the required personal services;
- c. Conditions or limitations, if any, that may constrain or prohibit the selected contractor's ability to provide additional services related to the project, including construction services;
- d. The deadline for submitting a response;
- e. A description of required qualifications for the personal services;
- f. The evaluation criteria, including weights or points applicable to each criterion. If the applicable number of points is not indicated, then each criterion shall carry the same weight or shall be worth the same number of points;
- g. A statement whether or not the district will hold a pre-qualification meeting for all interested contractors to discuss the project and the personal services and, if a pre-qualification meeting will be held, the location of the meeting and whether attendance is mandatory; and
- h. A statement that parties responding to the request for qualifications do so solely at their expense and that the district is not responsible for any expenses incurred by the person in responding to the request for qualifications.

At its option, the district may also require for any or all of the following in a request for qualifications.

- a. A statement describing contractor's general qualifications and related performance information;
- b. A description of contractor's specific qualifications to perform the personal services, including the contractor's available resources and recent, current and projected workloads;
- c. A list of similar projects for which personal services were provided in the past, and references concerning past performance, and a copy of all records, if any, of contractor's performance under contracts with any other public body;
- d. The number of contractor's experienced staff available to perform the personal services, including specific qualifications and experience and an estimate of the proportion of time that such personnel would spend on the personal services;
- e. An approach to personal services, and design philosophy, if applicable;
- f. Proposer's geographic proximity to and familiarity with the physical location of the project;
- g. Any other information the district deems reasonably necessary to evaluate contractor's qualifications.

5. Evaluation Committee.

The Board or purchasing manager may appoint an evaluation committee to review, score and rank the responding contractors according to the evaluation criteria established for that project.

No proposer will be eligible for award of the contract if the proposer or any of proposer's principals, partners or associates are members of the evaluation committee.

If the request for proposals provides for the possibility of interviews, the evaluation committee may interview proposers if it considers interviews necessary or desirable.

6. Screening Criteria.

Any reasonable screening or evaluation method may be used to establish a short list of qualified contractors, including but not limited to:

- a. Requiring contractors to achieve a threshold score (if a point system is used) before qualifying for the short list;
- b. Limiting the short list to a pre-determined number of highest scoring contractors; or
- c. Placing on a short list only those contractors with certain essential qualifications or experience, whose practice is limited to a particular subject area, or who practice in a particular geographic locale or region, provided that such factors are material, would not unduly restrict competition, and were announced as dispositive in the request for qualifications.

7. Short List of Contractors.

After the evaluation committee reviews, scores and ranks the responding contractors, the purchasing manager may establish a short list of qualified contractors or cancel the request for qualifications and issue a request for proposals.

No contractor will be eligible for the short list if the contractor or any of contractor's principals, partners or associates are members of the evaluation committee.

Except when the request for qualifications is cancelled, the district shall provide a copy of the subsequent request for proposals to each contractor on the short list.

8. Request for Proposals.

Each request for proposals should include:

- a. General background information, including a description of the project and the personal services sought, estimated project cost, estimated time for project completion, and the estimated time within which the personal services must be performed.
- b. The evaluation process and criteria which will be used to select the most qualified proposer. The evaluation may use a point system. Evaluation criteria may include, but are not limited to:
 - (1) Proposer's availability and capability to perform the personal services;
 - (2) Experience of proposer's key staff in providing personal services on similar or comparable projects;
 - (3) The amount and type of resources, and number of experienced staff the proposer has available to perform the personal services;
 - (4) The recent, current and projected workloads of staff who will perform the personal services;
 - (5) The proportion of time proposer estimates the staff would spend on the personal services;
 - (6) The proposer's demonstrated ability to complete successfully similar personal services on time and within budget, including whether or not there is a record of satisfactory performance;

- (7) References and recommendations from past clients;
 - (8) The proposer's performance history in meeting deadlines, submitting accurate estimates, producing high quality work, and meeting financial obligations;
 - (9) Status and quality of any required license or certification;
 - (10) The proposer's knowledge and understanding of the project and the personal services as shown in the proposer's approach to staffing and scheduling needs for the personal services, and proposed solutions to any perceived design and constructability issues;
 - (11) Results from interviews, if conducted;
 - (12) Design philosophy, if applicable, and approach to the provision of the personal services.
 - (13) Familiarity with the project's location.
 - (14) Availability and proximity to the project's location.
 - (15) The proposer's method of charging fees for its services including personal fees, staff time and expenses.
- c. Except when using required Qualification-Based Selection processes for architects, engineers, surveyors, photogrammetrists, and related services, the total of estimated fees which proposer would reasonably anticipate with respect to a project of the type contemplated.
 - d. Conditions or limitations, if any, that may constrain or prohibit the selected contractor's ability to provide additional services related to the project, including construction services;
 - e. Any insurance requirements;
 - f. Whether interviews are possible and, if so, the weight or points applicable to the interview;
 - g. The date and time when proposals are due and the delivery location for proposals;
 - h. Reservation of the right to seek clarifications of each proposal;
 - i. Reservation of the right to negotiate a final contract that is in the best interest of the district;
 - j. Reservation of the right to reject any or all proposals and of the right to cancel the request for proposals at any time, if doing so would be in the public interest, as determined by the district;
 - k. A statement that persons responding to the request for proposals do so solely at their expense and the district is not responsible for any expenses incurred by the person in responding to the request for proposals.
 - l. A statement of any applicable protest procedures;
 - m. A statement whether or not the district will hold a pre-proposal meeting to discuss the project and, if a pre-proposal meeting will be held, the location of the meeting and whether attendance is mandatory;
 - n. A request for any information the district deems reasonably necessary to evaluate, rank and select the most qualified proposer; and
 - o. A sample form of contract.

9. Negotiating and Contracting with Contractor.

If the solicitation is not cancelled after review and ranking of the proposals, the district will begin negotiating a contract with the highest ranked proposer. Negotiations with contractors selected under this rule shall result in agreement on:

- a. The contractor's performance obligations and performance schedule;
- b. Payment methodology and a maximum amount payable for the personal services that is fair and reasonable to the district, as determined solely by the district, taking into account the value, scope, complexity and nature of the personal services; and
- c. Any other provisions the deemed to be in the best interest of the district.

The district shall, either orally or in writing, formally terminate negotiations if the district and proposer are unable for any reason to reach agreement within a reasonable amount of time. The district may thereafter negotiate with the next highest ranked proposer and each next ranked proposer until negotiations result in a contract. If negotiations do not result in a contract within a reasonable amount of time, or if the purchasing manager deems it to be in the public interest, the informal solicitation may be cancelled. Nothing in this rule precludes the district from proceeding with a new solicitation for the same personal services that failed to result in a contract.

Following successful negotiation, the purchasing manager shall send written notice to all proposers of intent to award to a contract. The district shall provide a minimum of seven (7) days for appeals before awarding the final contract.

After the protest period expires or after any protest has been finally resolved, whichever date is later, the purchasing manager may make final award of the contract.

10. Public Notice

Except as otherwise provided in this subsection, the purchasing manager shall provide public notice of each request for qualifications or request for proposals. Public notice shall be given not be less than twenty-one (21) days prior to closing, unless the purchasing manager determines that a shorter interval is in the public's interest or a shorter interval will not substantially affect competition. The purchasing manager shall document the specific reasons for shorter public notice period in the procurement file.

The notice shall contain:

- a. A brief description of the project;
- b. A description of the personal services sought;
- c. How and where to obtain a copy of the request for qualifications or request for proposals; and
- d. The deadline for submitting a response to the request for qualifications or proposal.

In lieu of public notice by newspaper publication, the notice of a request for qualifications directly to all contractors on the list of interested contractors.