

SALT LAKE COUNTY
COUNTY-WIDE POLICY
ON
**DIVISION OF CONTRACTS AND PROCUREMENT
REQUEST FOR PROPOSALS (RFP)**

Reference -

Salt Lake County Ordinance Chapters 3.15, 3.16, 3.20, 3.22, and 3.24.

Purpose -

This policy is to establish standards and guidelines for the procurement of various services, products, or combination thereof including, but not limited to, design services, professional services, consultant services, and high technology equipment within the county by the use of a request for proposals (RFP). This policy will establish policies and procedures for RFPs as authorized by County ordinances and provide for a uniform and consistent format to be used in RFPs.

1.0 Introduction

The Division of Contracts and Procurement (“Contracts and Procurement”) is responsible for assisting agencies in obtaining the best products and services at competitive prices, in a timely and efficient manner and in compliance with the county's ordinances. Acquisition in county procurement by the use of RFPs is similar in many ways to requests for bids. Both are competitive methods, are given public notice, and require submissions, but competitive proposals involve certain differences in concept and handling that need guidance in policy and procedures. RFPs are usually used for contracting for professional services, contracting with human services providers, or high technology "state of the art" equipment. Section 13.0 of this policy sets forth the procedure for the expedited RFP procedure allowed in County Ordinance 3.22.00. Examples of a professional service include but are not limited to medicine and the medical arts, architectural, engineering, management and systems consultation, research, the performing arts, and computer design and software professional services.

2.0 Policy

2.1 RFPs are used principally in procurement where competitive bids are not practicable or advantageous to use. RFPs permit discussion with competing respondents and allow comparative judgmental evaluations when selecting among a number of respondents. Contracts are awarded to respondents whose proposals are found to be the most advantageous to the county. The purpose of this policy is to provide specific guidelines for the use of all RFPs in the procurement of supplies or services for county agencies. These requirements do not apply to deposit and investment-related transactions that are subject to the Utah Money Management Act or to the issuance, retirement or refund of county debt, which is subject to the Utah Municipal Bond Act. Contracts and

Procurement will maintain a format to be used by all county agencies in drafting their RFP. This format will contain, at least, information sufficiently detailed for the proper signing authority to make a determination if the services should be acquired by contracting with a person or company to provide the service(s) or product(s) needed. The mayor or purchasing agent may require additional information to clarify questions or concerns.

3.0 Approvals

- 3.1 The request for proposals procedure may be used with consent of the purchasing agent or designee. The determination to utilize the RFP process will be based upon one or more of the following factors:
 - 3.1.1 When the county has identified a county need and requests the respondents to propose the best method for accomplishing it.
 - 3.1.2 When the purchasing agent or designee determines that the use of competitive sealed bids is either not practicable or not advantageous to the county, and when several criteria in determining the award and negotiations may be necessary.
 - 3.1.3 Other factors may be used for the determination as deemed appropriate by Contracts and Procurement. The requesting agency must submit information sufficiently detailed for Contracts and Procurement to make a determination that the services or product(s) should be acquired through the RFP process.
- 3.2 When Contracts and Procurement determines that the RFP process will be used, the requesting agency shall prepare a draft of the RFP document that addresses the following elements:
 - 3.2.1 **Scope of Work and Requirements:** description of the scope of work and minimum requirements of the service, product, or product with service being requested.
 - 3.2.2 **Time Frames of Work to be Performed:** when the project will start and time period to complete the work.
 - 3.2.3 **Scoring Criteria:** all of the evaluation factors and their relative importance, including price.
 - 3.2.4 **Funding:** appropriated funds, or the funding plan for the services or products being requested.
- 3.3 Contracts and Procurement shall complete the RFP document and send it to the elected official or department director for approval. The elected official or department director or their designee shall review and approve the RFP within seven calendar days of receiving the RFP. Contracts and Procurement may release the RFP to the public only upon approval of the elected official or department director or their designee.

- 3.4 The District Attorney's Office shall review the RFP document if requested by the purchasing agent, elected official, department director, division director, or as required by law within seven calendar days of receiving the RFP.
- 3.5 The RFP document will be sent by Contracts and Procurement to notify the following upon release of the RFP, as required:
 - 3.5.1 Agency division director.
 - 3.5.2 The elected official or department director
 - 3.5.3 For capital improvement projects, the capital improvement committee chair.
 - 3.5.4 The Attorney.
 - 3.5.6 Signing Authority.

4.0 Procedure

The requesting agency must submit to Contracts and Procurement all of the requirements containing all applicable elements of the request for proposals as noted in Sections 3.0 through 6.0 of this policy.

- 4.1 Administrative Procedures: the requesting agency will provide to the Division of Contracts and Procurement a schedule, which shall include:
 - 4.1.1 Pre-proposal Conference: the purpose of such a conference is answer questions related to the services/project. The conference is optional unless the purchasing agent deems it mandatory. A list of all participants who attended in person will be maintained by Contracts and Procurement. Contracts and Procurement will conduct this conference.
 - 4.1.2 Proposal Closing Date: the date should be no earlier than twenty (20) calendar days from the date of issue. Additional time should be allowed dependent upon the complexity of the RFP. If there is an urgent need, the purchasing agent may authorize shortening the response time.
 - 4.1.3 List of Potential Respondents if Known: the requesting agency may include names of firms with contact information as potential respondents, agencies, or individuals that may be interested in providing the product or service.

- 4.2 Purchasing Procedures: Contracts and Procurement will proceed as follows when the above information is provided:
- 4.2.1 Dates: Contracts and Procurement will coordinate with the requesting agency regarding all due dates and other meeting schedules, such as pre-proposal conferences.
 - 4.2.2 Announcements: announcements of all RFPs will be electronically noticed through the county's designated system if the estimated dollar volume exceeds the expedited RFP cost limit.
 - 4.2.3 Documentation: all documentation will be assembled and distributed to potential respondents by Contracts and Procurement. Contracts and Procurement will also be the sole issuer of all subsequent addendums that may become necessary.
 - 4.2.4 A RFP shall be amended only by issuing a written addendum prior to the due date for written proposals.
 - 4.2.5 Receipt of proposals: all proposals will be addressed to "the Division of Contracts and Procurement." The package will be plainly marked with the name of the proposal and will contain the proper number of copies requested in the RFP. Proposals may also be submitted by electronic copy through the county's designated system and include an electronic signature. On the closing date and time, the proposals will be opened publicly and logged, identifying only the names of the respondents. Contents will not be disclosed at this time.
 - 4.2.6 Late Proposals: no proposals shall be accepted after the closing date and time. This policy applies regardless of the circumstances surrounding the lateness of the proposal.
 - 4.2.7 Distribution of Proposals: proposals received will be distributed to the selection committee members following the proposal submittal date.
 - 4.2.8 Call for Meetings: the selection committee will meet after the proposals are received for the purpose of making a selection or developing a short list of respondents to interview, conduct product demonstrations, or host on-site visits.

5.0 Selection Committee

County Ordinance 3.22.020 defines the composition of selection committees. The requesting agency may submit a list of potential committee members to Contracts and Procurement. All selection committee members will impartially review the submitted proposals.

- 5.1 Material communications with proposers: Once an individual is appointed to a selection committee, or becomes aware of a reasonable likelihood that he or she will be appointed to a selection committee, the individual shall not have material communications with any prospective proposers concerning the procurement, outside the official process, except as requested in writing by the selection committee chair. "Material communications" is defined for this section as communications that could reasonably provide, or could reasonably create the appearance of providing, a competitive advantage in the procurement process. Selection committee members or potential committee members may only communicate with respondents or prospective respondents during the pre-proposal conference and oral interviews, product demonstrations, or on-site visits. The purchasing agent or designee may contact a respondent for clarification. If information or clarification regarding the RFP is needed, prospective respondents are to contact Contracts and Procurement.
- 5.2 Conflict of Interest Statement: each selection committee member shall submit a conflict of interest and disclosure statement to Contracts and Procurement before participating on the selection committee. The Purchasing Agent or his designee shall disqualify selection committee members with a restricted conflict of interest and may appoint a replacement. Failure to submit the conflict of interest and disclosure statement shall disqualify a selection committee member.
- 5.3 Proposals shall not be disclosed or discussed with anyone not involved in the selection process. Committee members shall not make copies of any proposals. All proposals must be returned to Contracts and Procurement following the selection process.

6.0 Oral Interviews, Product Demonstrations, or On-Site Visits

Oral interviews, product demonstrations, or on-site visits may be scheduled for the purpose of clarifying and verifying information contained in the written proposals. Interviews, product demonstrations, or on-site visits will be conducted with the following directions:

- 6.1 Only members of the selection committee shall be present during the interviews, demonstrations, or on-site visits, unless a written exception is approved by the purchasing agent. If a member does not attend all of the interviews, demonstrations, or on-site visits, his/her final score shall not be included in the final award scoring. Interviews, product demonstrations, and on-site visits are to be directed by the selection committee chair or designee.
- 6.2 Time limits for oral interviews, product demonstrations, or on-site visits, will be equal in length for each proposer.
- 6.3 No respondent will be given information pertaining to another respondent's proposal, or their present standing in the evaluation process, during the oral interviews, product demonstrations, or on-site visits.

- 6.4 The respondent's written proposal cannot be changed in any aspect at the oral interviews, product demonstrations, or on-site visits.

7.0 Best and Final Offer

- 7.1 An amendment to the Request for Proposals may be issued through a request for submission of best and final offers.
- 7.2 Only respondents who submitted proposals by the time announced for receipt of proposals may submit best and final offers. If oral interviews, product demonstrations, or on-site visits are conducted, only the respondents selected for oral interviews, product demonstrations, or on-site visits may submit best and final offers.
- 7.3 The purchasing agent or designee shall establish a common time and date for submission of best and final offers. Best and final offers shall be requested only once unless the Purchasing agent or designee determines before each subsequent round of best and final offers that it is in the county's interest and additional discussions will be conducted or the purchasing agency's requirements will be changed. Otherwise, no discussion of, or changes in, the best and final offers shall be allowed prior to award. Offerors shall also be informed that if they do not submit a notice of withdrawal or another best and final offer, their immediate previous offer will be construed as their best and final offer.
- 7.4 After best and final offers are requested, any offeror may freely correct any mistakes or make modifications to their proposal, which may be relevant in response to the best and final offer, or withdraw their proposal until the time and date set for receipt of best and final offers.
- 7.5 If, in the opinion of the purchasing agent or designee, a contemplated amendment or best and final offer will significantly change the nature of the procurement, the request for proposals shall be canceled and a new request for proposals issued.

8.0 Evaluation

- 8.1 Evaluation factors which will be established for the RFP shall be set forth in the RFP. These factors are to be custom designed for each RFP. Evaluation factors should be developed carefully in relation to their importance to the proposed work or project. Such criteria can be divided into three main categories: (1) technical capability and the approach for meeting performance requirements, (2) competitiveness and reasonableness of price, and (3) managerial capability. The proposals will be evaluated exclusively on the criteria set forth in the RFP.
- 8.2 Evaluation criteria are the factors the selection committee uses to determine which proposal will best meet the agencies' needs. In establishing effective evaluation

criteria, an agency must clearly identify the factors relevant to its selection of a respondent and then prioritize or weight these factors according to their importance in satisfying the agency's needs in the procurement. The proper identification and weighting of the evaluating criteria will form an evaluation plan and will provide a common standard to judge the merits of the proposals. This will also afford the respondents a fair and equitable basis of evaluation. Once evaluation criteria are issued, the selection committee must adhere to the evaluation plan. The evaluation plan must closely reflect the RFP's statement of work and requirements. One word descriptions of the criteria to be used are not appropriate. A complete statement of each evaluating criteria should be expressed.

8.3 The weighting of the evaluation factors must be set forth in the RFP. The weighting of the evaluating criteria must be completed prior to issuing the RFP.

8.3.1 Cost shall be a minimum of 30% of the total score, unless this requirement is waived by the Purchasing agent.

9.0 Scoring

The selection committee chair or designee will direct the scoring process of the proposals per the evaluation criteria specified in the RFP.

9.1 The selection committee may classify a proposal as non-responsive by majority vote if the proposal does not conform in material aspects to the requirements of the RFP.

9.2 All proposals, except for non-responsive proposals, received will be scored by each member of the selection committee on the score sheets provided by the selection committee chair. The criteria will be based on information described in the RFP. Each evaluation criteria will be given a weight based on its relative value to the project and scoring will be consistent with the committee members' findings after studying all proposals. The rank of each proposal will be based on how the committee members scored the respondents. Each selection committee member's scores will list the proposals in a ranking order, the top scoring proposal will be listed as number one, and the next highest score will be listed as second and so on down the list of respondents. Scoring of pricing shall be done separately by Contracts and Procurement or designee(s). The top-ranked respondent based on all scoring criteria will be recommended to the proper signing authority for award.

9.3 After oral interviews, product demonstrations, or on-site visits, committee members that attended all of the oral interviews, product demonstrations, or on-site visits may re-score their proposal, except in the pricing criteria.

- 9.4 The pricing criteria may only be rescored if a Best and Final Offer has been requested.

10.0 Preference System in Procurements under this Policy

- 10.1 It is the policy of the county to award goods and services based upon a Preference System that encourages responsible business practices and that benefits local businesses. Preferences shall not be permitted where prohibited by law.
- 10.2 The Health Care Preference shall accrue to vendors who currently provide and will maintain the following through the term of the contract with the county:
- 10.2.1 A health benefit plan, as defined by Utah law, made available to the vendor's covered employees and their dependents.
- 10.3 The Local Business Preference shall accrue to vendors who currently has and will maintain all of the following through the term of the contract with the county:
- 10.3.1 A completed and signed Local Certification Form, which includes a street address within the county that is not a post office box; and
- 10.3.2 A copy of a current business license issued by the county or any of the cities within the boundaries of the county.
- 10.4 The Veteran's Hiring Preference shall accrue to vendors who currently provide and will maintain all of the following through the term of the contract with the county:
- 10.4.1 A completed and signed certificate explaining its program to actively recruit and employ veterans that includes the success rate of its program by listing the percentage of its workforce that qualifies as veterans under this policy;
- 10.4.2 A completed and signed certificate verifying that a vendor has employed, and is currently employing, at least one veteran under its recruitment program;
- 10.4.3 A drug and alcohol testing policy that applies to all covered individuals employed or hired by the vendor and requires covered individuals to submit to random testing;
- 10.4.4 A job training program recognized by a federal, state, or local governmental entity; and
- 10.4.5 A job safety program that complies with job safety and health standards of the Occupation and Safety Health Administration (OSHA) or the state standards which are at least as effective as the federal standards.

10.5 The Purchasing Agent shall apply the Preference System to procurements under this Policy as follows:

10.5.1 A vendor shall receive one (1) point added to the total score of its proposal for each Preference for which the vendor qualifies.

11.0 Approval of Recommendation

The purchasing agent or designee will notify the mayor of the committee's recommendation. A copy of the master scoring sheet and individual score sheets will be maintained by Contracts and Procurement. Contract negotiation may begin once the mayor has approved of the committee's recommendation. Contracts and Procurement will give notice of the award to each respondent after the committee's recommendation has been approved.

12.0 GRAMA

12.1 Salt Lake County is a governmental entity subject to GRAMA. GRAMA and any applicable federal law will govern requests for records.

12.2 Business Confidentiality Claims: generally, any document submitted to the county is considered a "public record" under GRAMA. Any person who provides to the county a record that the person believes should be protected under GRAMA shall provide both: (1) a written claim of business confidentiality and (2) a concise statement of reasons supporting the claim of business confidentiality. Generally, GRAMA only protects against the disclosure of trade secrets or commercial information that could reasonably be expected to result in unfair competitive injury. The purchasing agent or designee shall determine the validity of a claim of business confidentiality and inform the vendor of its decision and the vendor's right to appeal the classification. Failure to provide support for a claim of business confidentiality may result in the proposal being deemed non-responsive.

13.0 Expedited RFP Procedure

In accordance with County Ordinance 3.22.100, an expedited procedure may be used in the following situations: (1) the total fee or price for product or services will be below the expedited RFP cost limit and more than the small cost limit; (2) when grant funds are used to procure goods or services pursuant to the terms and conditions of the grant regardless of the dollar amount; or, (3) when a partner is needed for a grant application. The proposal closing date for an expedited RFP shall be no earlier than five (5) calendar days from the date of issue, unless the purchasing agent authorizes a shorter response time.

13.1 Expedited RFP procedure: The requesting agency shall prepare and send an expedited RFP document to Contracts and Procurement that addresses all the required information listed in this section. Contracts and Procurement will then process the request in accordance with County Ordinance 3.22.100.

- 13.1.1 Scope of Work and Requirements: description of the scope of work and minimum requirements of the service, product, or product with service being requested.
 - 13.1.2 Time Frames of Work to be Performed: description of when the services will start and when the services will be completed.
 - 13.1.3 Verification the total costs for the above service/project is within the requesting agency's budget.
 - 13.1.4 Selection Process: List of those criteria to be used in the selection process. Detailed description of how the respondent will be selected.
- 13.2 Grant Partner Expedited RFP procedure: A request will be sent to the purchasing agent or designee in Contracts and Procurement that addresses all the required information listed in this section. The purchasing agent or designee will then process the request in accordance with County Ordinance 3.22.100.
- 13.2.1 Grant Description: describe the grant and how an award would be utilized by the county.
 - 13.2.2 Deadline for Grant Application: state when the grant application is due and provide a copy of the grant application.
 - 13.2.3 Expedited RFP criteria: state the criteria to be utilized in evaluating the proposals and determining the award.
 - 13.2.4 The expedited RFP limit on costs does not apply to the Grant Partner Expedited RFP Procedure.
- 13.3 The requesting agency shall establish a selection committee of no fewer than 2 members to review and score the proposals received.
- 13.4 Requests for professional services below the small cost limit will be processed as a small cost purchase. An expedited contract or a small cost purchase order may not be awarded to the same vendor for the same services for the same agency within a one-year period for the same project.
- 13.5 To facilitate the expedited RFP requesting process, Contracts and Procurement will establish the format to be used in the request.

14.0 Request for Qualifications or Multi-Stage Selection Process

- 14.1 Multi-stage sealed bidding is a two-step process which may be used in the selection of a proposer for highly complex projects. In the first stage, proposers submit their qualifications and experience to be evaluated. In the

second stage the county will accept pricing bids or proposals or select from the top ranked proposers as defined in Stage 1.

- 14.2 The county may use the multi-stage selection process when the purchasing agent deems it to the advantage of the county. The purchasing agent may approve this process after receiving justification from the agency requesting this process. The county may hold one or more pre-selection conferences before the proposals are received.
- 14.3 Procedure:
- 14.3.1 The county shall initiate multi-stage selection process by issuing a public notice in the form required by section 4.2.2 of this policy.
- 14.3.2 The multi-stage invitation for Request for Qualifications shall provide:
- 14.3.2.1 That the county is going through a multi-stage selection procurement, and that the county will only consider priced bids or proposals from proposers selected to be top ranked during the first stage;
- 14.3.2.2 The criteria to be used in the evaluation of the qualifications for both stages will be described in the first stage documents of this method.
- 14.3.3 Evaluation of Multi-Stage selection process -- The county shall evaluate and rank all respondents consistent with the criteria set forth in the Request for Qualifications, which may include an evaluation of the past performance of the respondent, responsiveness to the Request for Qualifications, project team, project approach, management plan, minimum standards for responsiveness and other such standards used in the industry.
- 14.3.4 The number of first stage respondents accepted to move to the second stage shall be defined within the Request for Qualifications documents. The purchasing agent or designee will notify the mayor of the selection committee's recommendations.
- 14.4.5 Upon the completion of the first stage, the county shall invite the top-ranked qualified contractors from the first stage to submit a bid pricing or proposal based on the solicitation document for that project. The second stage of the process shall be held consistent with the county's procedure for bidding or the process defined in Stage 1.

APPROVED and PASSED this _____ day of _____, 2016.

SALT LAKE COUNTY COUNCIL

By: _____
Max Burdick, Chairman

ATTEST:

Sherrie Swensen
Salt Lake County Clerk
Date: _____

APPROVED AS TO FORM:

Deputy District Attorney
Date: _____

Voting:

Councilman Bradley voting	_____
Councilman Bradshaw voting	_____
Councilman Burdick voting	_____
Councilman DeBry voting	_____
Councilman Granato voting	_____
Councilman Wilson voting	_____
Councilman Newton voting	_____
Councilman Snelgrove voting	_____