

Salt Lake Countywide Policy 7030: Division of Contracts & Procurement Request for Proposals (RFP)

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 complex technology equipment and systems 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

RFPs are usually used for contracting for professional services, consulting services, or complex technology services and equipment. Section 13.0 of this policy sets forth the procedure for the expedited RFP allowed in County Ordinance 3.22.00.

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 proposers and allow comparative judgmental evaluations when selecting among a number of proposers. Contracts are awarded to proposers 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.

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 proposers 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 multiple criteria in determining the award and negotiations may be necessary.

3.1.3 Other factors may be used for the determination as deemed

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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 provide an RFP development document or 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 county agency representative 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.

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3.5.4 The Attorney.

3.5.6 The Mayor or Designee.

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 5.0 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 Proposers if Known: the requesting agency may include names of firms with contact information as potential proposers 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.

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- 4.2.3 Documentation: all documentation will be assembled and distributed to potential proposers by Contracts and Procurement. Contracts and Procurement will also be the sole issuer of all subsequent amendments that may become necessary.
- 4.2.4 A RFP shall be amended only by issuing a written amendment prior to the due date for submission of proposals.
- 4.2.5 Receipt of Proposals: the RFP shall provide instructions for submitting proposals, which may include submission of hard copies to the Contracts and Procurement office or electronic submission through the county's designated system. On the closing date and time, the proposals will be opened publicly and logged, identifying only the names of the proposers. 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 may meet after the proposals are received for the purpose of making a selection or developing a short list of proposers with whom to conduct discussions described in Section 6.0.

5.0 Selection Committee

County Ordinance 3.22.020 provides that the purchasing agent will establish a selection committee to review the proposals. 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

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create the appearance of providing, a competitive advantage in the procurement process. Selection committee members or potential committee members may only communicate with proposers or prospective proposers during the pre-proposal conference and the discussions described in Section 6.0. If information or clarification regarding the RFP is needed, prospective proposers 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 evaluating proposals. The Purchasing Agent or 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 forward electronic copies or make copies of any proposals. All hard copy proposals must be shredded or returned to Contracts and Procurement following the selection process.

6.0 Discussions with Proposers

As provided in the RFP, discussions may be conducted with responsible proposers who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and conformance to, the solicitation requirements. All such discussions shall be conducted as follows:

6.1 Interviews, Demonstrations and On-site Visits.

6.1.1 Interviews, demonstrations and on-site visits are to be directed by the selection committee chair or designee. 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 of the selection committee 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.

6.1.2 Time limits for interviews, demonstrations, or on-site visits, will be equal in length for each proposer.

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- 6.1.3 Except as provided in subsection 6.1.4.4, the respondent's written proposal cannot be changed in any aspect at the interviews, demonstrations, or on-site visits.
- 6.1.4 The selection committee may elect to conduct interviews and demonstrations by written questionnaire. All such questionnaires shall be conducted as follows:
 - 6.1.4.1 The selection committee shall prepare a single questionnaire of clarifying questions and send an identical copy to each proposer who submitted a proposal determined to be reasonably susceptible of being selected for award.
 - 6.1.4.2 Proposers who receive a questionnaire may answer and deliver it to Contracts and Procurement before the date stated on the questionnaire. The stated date must be prior to any in-person interviews or demonstrations conducted by the selection committee.
 - 6.1.4.3 Upon receipt of a proposer's questionnaire response, the purchasing agent shall review the answers and identify each portion that constitutes a material change to the proposal. All such material changes to the proposal shall be concealed and may not be disclosed to, or considered by, the selection committee in its evaluation.
 - 6.1.4.4 A proposer's questionnaire response becomes part of the proposer's proposal. In the event the proposer is awarded the contract, its questionnaire response shall be included in the contract except to the extent it increases the County's obligations or liability in the proposal or materially changes the nature of the procurement.

6.2 Clarifying Statements.

- 6.2.1 At any time after the proposal closing date and prior to an award, the purchasing agent may invite a proposer to clarify a portion of its proposal by sending the proposer a copy of said portion and the following notice:

"Salt Lake County Division of Contracts and Procurement invites you to restate the enclosed portion of your proposal, in writing, for the purpose of providing clarification. If you choose to provide such a restatement, it must be delivered to the Division of Contracts and Procurement within three business days of the

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date of this notice. If you choose not to provide such a restatement, your proposal shall be evaluated in its original form."

- 6.2.2 Proposers shall be accorded fair and equal treatment with respect to any opportunity for clarification of proposals. Thus, where multiple proposals are similarly unclear, an equal invitation for clarification shall be extended to those proposers.
 - 6.2.3 Upon receipt of a proposer's written clarifying statement, the purchasing agent shall review the statement and identify each portion that constitutes a material change to the proposal. All such material changes to the proposal shall be concealed and may not be disclosed to, or considered by, the selection committee in its evaluation.
 - 6.2.4 A proposer's written clarifying statement becomes part of the proposer's proposal. In the event the proposer is awarded the contract, its written clarifying statement shall be included in the contract except to the extent it increases the County's obligations or liability in the proposal or materially changes the nature of the procurement.
- 6.3** No proposer will be given information pertaining to another proposer's proposal or their present standing in the evaluation process at any time before the mayor approves of the committee's recommendation under Section 11.0.

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 proposers who submitted proposals by the time announced for receipt of proposals may submit best and final offers. If proposals are short-listed by the selection committee based on their scores, best and final offers may only be sent to short-listed proposers.
- 7.3** The purchasing agent or designee shall establish a common time and date for submission of best and final offers. Proposers shall also be informed that if they do not submit a best and final offer or a notice of withdrawal, their immediate previous offer will be construed as their best and final offer.

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- 7.4** After best and final offers are requested, the proposers may freely correct any mistakes or make modifications to their proposal that are relevant in response to the best and final offer, or withdraw their proposal.
- 7.5** Requests for best and final offers shall not materially change the nature of the procurement. If, in the opinion of the purchasing agent or designee, a contemplated request for best and final offer will significantly change the nature of the procurement, the request for best and final offer shall not be issued or the request for proposals may be canceled and a new request for proposals issued.

8.0 Evaluation

- 8.1** Evaluation criteria shall be set forth in the RFP. These criteria are to be custom designed for each RFP. Evaluation criteria should be developed carefully in relation to their importance to the proposed work or project. 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 county's needs. In establishing effective evaluation criteria, the county must clearly identify the factors relevant to its selection of a proposer and then prioritize or weight these factors according to their importance in satisfying the county'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 proposers 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 criteria must be set forth in the RFP. The weighting of the evaluating criteria must be completed prior to issuing the RFP.

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

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- 9.1 In coordination with the selection committee, the purchasing agent or designee may classify a proposal as non-responsive if the proposal does not conform in all material aspects to the requirements of the RFP
- 9.2 All proposals received, except for non-responsive proposals, 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 criterion will be given a weight based on its relative value to the project and scoring will be consistent with the committee members' findings after reviewing all proposals.
- 9.3 Scoring of pricing shall be done separately by the selection committee chair or designee.
- 9.4 The top-ranked proposer based on all scoring criteria will be recommended to the proper signing authority for award.
- 9.5 After all discussions with proposers or best and final offers have concluded, the committee members that participated in all the discussions may re-score the proposals, except in the pricing criteria.
- 9.6 The pricing criteria may only be re-scored by the selection committee chair or designee after a best and final offer has been received.

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 small, women-owned, or minority-owned emerging businesses. Preferences shall not be permitted where prohibited by law.
- 10.2 The Health Care Preference shall accrue to proposers 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 proposer's covered employees and their dependents.
- 10.3 The Small, Women-Owned, or Minority-Owned Emerging Business Preference shall accrue to proposers who provide current certification as a small, women- owned or minority-owned emerging business with their proposal. Agencies through which vendors may obtain and

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provide certification include:

- Small Business Administration
- National Minority Supplier Development Council and regional affiliates

10.4 The Veteran's Hiring Preference shall accrue to proposers who currently provide and will maintain all of the following through the term of the contract with the county:

10.4.1 For Veterans:

10.4.1.1 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,

10.4.1.2 A completed and signed certificate verifying that the proposer has employed, and is currently employing, at least one veteran under its recruitment program;

10.4.2 Companywide:

10.4.2.1 A drug and alcohol testing policy that applies to all covered individuals employed or hired by the proposer and requires covered individuals to submit to random testing;

10.4.2.2 A job training program recognized by a federal, state, or local governmental entity, and

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

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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 proposer 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 ORAMA shall provide both: (1) a written claim of business confidentiality and (2) a concise statement of reasons supporting the claim of business confidentiality. Generally, ORAMA 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 person of its decision and the person'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; (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 and the standard RFP procedure would prevent the county from timely compliance with the terms of the grant; or, (3) when a partner is needed for a grant application and the standard RFP procedure would prevent the county from timely submitting the 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 draft or development document to Contracts and Procurement that addresses all the required information listed in this section. Contracts and Procurement will then process the request in

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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 or Grant Application Deadline: description of when the services will start and when the services will be completed or the grant application deadline.

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 and a detailed description of how the proposer will be selected.

13.2 The requesting agency shall recommend a selection committee of no fewer than two members to review and score the proposals received.

13.3 Requests for professional services below the small cost limit may be processed as a small cost purchase. An expedited RFP contract or a small cost purchase order for professional services 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.

13.4 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 multi-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 subsequent stages, 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.

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14.3 Procedure:

14.3.1 The county shall initiate the 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 engaging a multi-stage selection procurement, and that the county will only consider bids or proposals from qualified proposers selected to be top ranked during the initial stage(s) of the procurement;

14.3.2.2 The criteria to be used in the evaluation of the qualifications for all stages will be described in the first stage documents of the procurement.

14.3.3 Evaluation of Multi-Stage selection process. The county shall evaluate and rank all proposers consistent with the criteria set forth in the Request for Qualifications, which may include an evaluation of the past performance of

the proposer, 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 proposals recommended to move to the subsequent stages will be determined by the selection committee after reviewing the committee's scores and ranking of the proposals.

14.4.5 Upon the completion of the initial stages, the county shall invite the top- ranked qualified proposers from the initial stages to participate in the subsequent stage of the solicitation for that project. The subsequent stages of the process shall be held consistent with the county's procedure defined in Stage 1.

Reference---

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