

June 9, 1999

Financial Affairs
Richard H. Hinds, Chief Financial Officer

**SUBJECT: PROPOSED AMENDMENT OF BOARD RULE: INITIAL READING
6Gx13- 3F-1.021, PROFESSIONAL SERVICES CONTRACTS**

This item is submitted for consideration by the Board and is intended to amend the procedures when issuing a Request For Proposal for professional services and/or goods which are specific or unusual in nature.

The revised rule details the specific procedures, according to monetary thresholds, that must be utilized to solicit such services. The rule also amends internal procedures which delineate the composition of the selection committee, basic criteria for selection of the firm to perform the services, minutes of committee deliberations and recommendation, and records retention requirements.

Attached are the Notice of Intended Action and the rule proposed for amendment. Changes from the current rule are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act for the amendment of Board Rule 6Gx13- 3F-1.021, Professional Services Contracts.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act for the amendment of Board Rule 6Gx13- 3F-1.021, Professional Services Contracts.

RHH/aay

K-25

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on June 23, 1999, its intention to amend Board Rule 6Gx13- 3F-1.021, Professional Services Contracts, at its meeting of August 25, 1999.

PURPOSE AND EFFECT: The proposed rule revision is intended to amend and clarify the procedures for acquiring professional services or goods which are specific or unique in nature, by establishing specific procedures, according to monetary thresholds. The rule also amends procedures requiring detailed records regarding the selection and recommendation of consultants/vendors/contractors for award, as well as the archiving of records.

SUMMARY: The revised rule delineates three monetary categories of Request For Proposal (RFP), and the procedures to be used for solicitation of such within each category. The revised rule also allows for the review and approval of any exclusions to be made by a committee composed of senior staff.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 230.22(2); 230.23(17)F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 230.23(10)(1);230.23005(2); 230.33(12)(1)F.S.; 6A-1.012FAC.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF August 25, 1999, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by July 19, 1999, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED AMENDED RULE is available for inspection and copying at cost by the public in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Dr. Rose Barefield-Cox
Supervisor: Dr. Richard H. Hinds
Date: June 9, 1999

Contracts and Documents**PROFESSIONAL SERVICES CONTRACTS**

DEFINITION

For purposes of this rule, Professional Service is any type of personal service to the Miami-Dade County Public Schools which requires as a condition precedent to the rendering of such service: A. The obtaining of a license or other legal authorization; or B. Work which can only be performed by one who has achieved a high level of training and proficiency in the work to be performed.

The determination of whether to issue a bid or Request For Proposals (RFP) shall be made by the bureau or office in charge of the department requesting the services; ~~after consulting~~ This shall be done in consultation with the appropriate procurement representative.

The following procedures shall be applied when contracting for professional services:

REQUEST FOR BIDS

Bids shall be used when services are uniform in specifications, and the measurable criteria used for evaluation are objective in nature. The major consideration given to bid evaluations is lowest price meeting specifications.

When the determination is made that a bid is appropriate, the performance specifications and standards requirements shall be spelled out in detail and shall be furnished to the Bureau of Procurement and Materials Management; After review, the Bureau which shall issue the request for bids, including all general and special conditions, and evaluate the bids submitted. ~~Board approval shall be sought when the contract is awarded.~~ The requirements of for solicitation of the bids and review of bids by the Procurement Contract Review Committee (PCRC) applicable to all purchasing items shall be followed in all cases. Board approval shall be sought when the contract is recommended for award.

REQUEST FOR PROPOSALS

The Request For Proposals shall be used when seeking to contract for professional services, and for goods and/or services when: A. The services and/or goods are of an specific or unusual nature; when B. The services and/or goods may vary depending on the provider; and C. When the quality and cost of the services and/or goods as well as the price are important are of prime consideration.

Services requiring to be obtained by a Request fFor Proposal are generally subjective in nature. Goods of an unusual nature may require a Request for Proposal but are not considered subjective in nature.

~~When the determination is made that a Request for Proposal is the most viable procedure to obtain the services, t~~The following process shall be followed for the Request For Proposal:

- A. If the cost of the contract is estimated to be \$50,000 or above annually:
1. Board approval shall be ~~sought~~ obtained prior to the issuance of the Request fFor Proposal. The Board agenda item shall specify the services ~~required and major points in or goods to be furnished~~, the selection process, ~~as well as~~, and the estimated ~~of the~~ cost of the contract. The implementation schedule shall be developed by the Bureau of Procurement and Materials Management. Additionally, the Procurement Contract Review Committee should ensure that provisions for the use of the Minority/Women Business Enterprises (M/WBEs) are included. The Board shall be provided with a copy of each proposed Request fFor Proposal at the time authorization to issue the RFP is sought.
 2. The selection committee shall be ~~included~~ specified in the Request fFor Proposal, ~~and The committee shall be composed consist of:~~ (1) ~~t~~Two individuals from the originating bureau/office, however, not more than one of these individuals can be from the requesting department; (2) ~~t~~Two individuals from outside the bureau/office; and (3) ~~o~~One individual from the Division of Business Development and Assistance. Not more than one of these individuals shall be from the department soliciting the services. Additional members may be appointed by at the discretion of the Superintendent of Schools or his/her designee. The committee shall to the extent possible, be ethnically and gender representative.
 3. The Board shall approve the composition of the selection committee prior to mailing ~~of the~~ Request fFor Proposal.
 34. The Procurement Contract Review Committee shall review the Request fFor Proposal to determine minority participation in the project: prior to the item being placed on the School Board agenda.

45. The Request for Proposals shall be advertised to solicit ~~greater maximum~~ vendor participation. To enhance Minority/Women Business Enterprise (M/WBE) participation, it is recommended that all advertisements be published and announced in major ethnic publications and organizations, as outlined in applicable School Board ~~rules~~; specifically, 6Gx13- 3G-1.03, Administrative Procedures for M/WBE Participation In Construction Contracting, and 6Gx13- 3G-1.04, Administrative Procedures For M/WBE Participation in Procurement Contracting.
56. Board approval shall be sought after the selection process is completed but prior to the issuance of the contract.
- B. If the contract is estimated to cost more than \$10,000 but less than \$50,000 annually:
1. ~~The Request for Proposal shall be advertised to solicit greater vendor participation. To enhance Minority/Women Business Enterprise (M/WBE) participation, it is recommended that all advertisements be published and announced in major ethnic publications and organizations as outlined in applicable School Board rules.~~ Board approval is not required prior to the issuance of the Request For Proposal (RFP). Additionally, the Procurement Contract Review Committee (PCRC) should ensure that provisions for the use of Minority/Women Business Enterprises (M/WBEs) are included.
 2. ~~The selection of the recommended vendor to provide the services is to be made by a committee of at least three individuals who may be from the same bureau or office. Not more than one of these individuals shall be from the department soliciting the services. The selection committee shall be approved by the Superintendent or his/her designee. The committee shall to the extent possible, be ethnically and gender representative.~~ A selection committee shall be approved by the Superintendent, and specified in the Request For Proposal (RFP). The committee shall consist of at least three individuals from the requesting bureau or office, however, not more than one of these individuals can be from the requesting department. The committee's composition should be consistent with the Board's policy.
 3. ~~The Contract Review Committee shall review the minority participation.~~ The Procurement Contract Review Committee shall review the

minority participation levels of the Request For Proposal (RFP).

4. Board approval shall be sought after the selection process is completed but prior to the issuance of the contract. Advertisement of the Request For Proposal (RFP) shall be made with a view toward obtaining maximum vendor response. Advertisements should be published and announced in major ethnic publications and organizations, as outlined in applicable School Board Rules, specifically, 6Gx13- 3G-1.03, Administrative Procedures For M/WBE Participation In Construction Contracting, and 6Gx13- 3G-1.04, Administrative Procedures For M/WBE Participation In Procurement Contracting.
 5. Board approval of recommendations by the selection committee shall be obtained prior to the issuance of a contract.
- C. If the contract is estimated to cost between \$6,000 and \$10,000 annually:
1. There must be evidence that at least three vendors were contacted in writing, and if possible, at least one of these vendors shall be a mMinority/Women bBusiness eEnterprise.
 2. If only one potential vendor is known, an advertisement shall be placed in an appropriate publication that is widely distributed. If no responses are received, the contract can be developed with the one known vendor, in accordance with other established procedures.
- D. ~~Implementation Schedule (for contracts estimated to cost more than \$10,000)~~

~~Each~~ The Request for Proposal shall include an appropriate implementation schedule consisting of the following: for contracts estimated to exceed \$10,000:

Recommendation to the Superintendent
Procurement Contract Review Committee review
 Board ~~r~~Review (only for contracts estimated to cost
 \$50,000 or above)
Mailing or Delivery Instructions
 Pre-Proposal Conference (if required)
Opening Date and Time
Evaluation Criteria
Interview Schedule (if required)
Award Process

E. ~~Evaluation Criteria (for contracts estimated to cost more than \$10,000)~~

~~Each Request for Proposal shall include a list of specific evaluation criteria which shall serve as the basis for the selection committee to select the vendor. Although the criteria will vary depending on the nature of the proposal, the proposal should include the following: The evaluation criteria which shall serve as the basis for recommendations by the selection committee shall include, but is not limited to:~~

- a. General Information
- b. Experience of the Firm
- c. Personnel Assigned to the Engagement
- d. Price
- e. Equal Employment Opportunity Declarations
- f. M/WBE Participation
- g. Administrative Specifications
- h. Other Instructions

~~Each Request for Proposal shall include standard affirmative action language and encourage Minority/Women Business Enterprise participation.~~

E. Selection Committee Meetings

1. When committees are established to evaluate bids or a Request For Proposal, the originating department (Chairperson) will conduct the meetings, and ensure that: (1) minutes are recorded; and (2) proper documentation and records of committee actions are maintained. A copy of the minutes shall be forwarded to the Bureau of Procurement and Materials Management for inclusion in the Master bid file.
2. Subsequent to required oral interviews, and discussions, the committee will conduct an evaluation of the proposers/bidders and recommendation. The written recommendation, signed by all committee members, and all other pertinent documentation shall be forwarded to the Bureau of Procurement and Materials Management.
3. The committee's written recommendation must include the following for inclusion in the Master file within the Bureau of Procurement and Materials Management:

Clear Objective of the Request For Proposal
Identification of the Committee Members

- Dates of Committee Meetings and a Brief Synopsis of the General Discussion
- Dates of the Oral Interviews, if any
- Name and Location of the Offerors
- The Evaluation Criteria
- An Explanation for the Basis of Selection
- Recommendation of Acceptance of the Offeror(s) Proposal
- Votes of Committee Members

FG. The following exclusions to this rule apply:

1. Contracts for legal services by the School Board Attorney and the attorneys supervised by the School Board Attorney, ~~architects, land surveyors and engineers, contracted third-party claims administration,~~ nonpublic school placements and other services/goods for which selection procedures are provided by State ~~s~~Statute, State Board Rule or other School Board ~~r~~Rule.
2. A The Professional Services Contract eCommittee comprised of a representative of School Operations, Financial and Legislative Affairs, ~~Instructional Leadership~~ . Education, Facilities Management, Business Management, Bureau of Procurement and Materials Management, Office of School Board Attorney, and Internal Management and Compliance Audits shall meet to consider requests for further exceptions to this rule. Such exceptions may be granted in the case of sole sources, contractors having specific expertise or as otherwise determined by the committee. Exceptions recommended by the committee will be submitted to the School Board for approval.

The Board may make further exceptions to this rule on a case by case basis.

Specific Authority: 230.22(2); 230.23(17) F.S.

Law Implemented, Interpreted, or Made Specific: 230.23(10)(I); 230.23005(2); 230.33(12)(I) F.S.; 6A-1.012 FAC

History

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

New: 9-7-88

Amended: 12-6-89; 1-9-91; 12-19-91; 12-16-92; 12-8-93; 12-11-96