

**MULTNOMAH COUNTY, OREGON
ADMINISTRATIVE PROCEDURE
PUR-1**


SUBJECT:	Requirements and Procedures for the Procurement of Personal Services
PURPOSE:	To establish a uniform process for the acquisition of Personal Services
ORGANIZATION RESPONSIBLE:	Department of County Management, Central Purchasing
DATE:	01/01/2025
BY:	 Jessica Vega-Pederson, Chair
ORGANIZATIONS AFFECTED:	All Multnomah County Departments
LEGAL CITATION/ REFERENCE:	ORS Chapters 279A.055 , 279A.065 and 279A.070 ; Multnomah County Public Contract Review Board (PCRB) Rules ; CON-1 Contract Procedure and Approval Process ; FIN-16 Direct Payments to Vendors for Small and Exception Purchases ; PUR-0 Public Procurement Definitions ; PUR-8 Sustainable Purchasing and Social Equity ; PUR-9 Source Selection Requirements and Procedures for Goods and Services

TABLE OF CONTENTS

1. POLICY STATEMENT	3
2. GENERAL GUIDELINES	3
3. AUTHORIZATION FOR PROCUREMENT/UNAUTHORIZED PURCHASES	4
4. PROCUREMENT PROCESS FOR PERSONAL SERVICES CONTRACTS	5
5. INTERMEDIATE PROCUREMENT PROCESS	8
6. FORMAL PROCUREMENT PROCESS	10
7. NOTICE OF INTENT (NOI)	12
8. REQUEST FOR INFORMATION	14
9. EXEMPTION FROM COMPETITIVE PROCUREMENT REQUIREMENTS	15

1. POLICY STATEMENT

- a. It is the Policy of the State of Oregon and Multnomah County to provide a screening and selection process for the acquisition of Personal Services that ensures fair and equal opportunity for all Contractors interested and qualified to Contract with Multnomah County. Full and open competition shall be used to the maximum extent practicable when procuring Personal Service.
- b. Any questions relative to the intent or application of this procedure should be directed to the Central Purchasing Manager, to whom the responsibility for interpreting and implementing this procedure has been delegated.

2. GENERAL GUIDELINES

This procedure identifies various Contractor screening and selection methods to be used and steps to be followed when procuring Personal Services. Capitalized terms used in this procedure are defined in [PUR-0](#), which is available on the County Intranet, Multco Commons.

- a. Use the methodology outlined in [PUR-9](#) to determine your source selection requirements.
- b. Intermediate Procurement - For Procurements over the Small Purchase Threshold (\$25,000) and up to the Formal Threshold value (\$250,000), an Intermediate Procurement method shall be conducted by the originating Department.
- c. Formal Procurement - For Procurements over the Formal Threshold value (\$250,000), a formal Procurement method shall be conducted by Central Purchasing in partnership with the originating Department.
- d. Personal Services purchases less than or equal to the Small Purchase Threshold may be fulfilled by Departments without soliciting competitive offers. Purchases may not be artificially divided or fragmented in order to reduce the transaction value below the threshold requiring competition. For additional information regarding payment methods for services less than or equal to the Small Purchase Threshold, refer to [FIN-16, "Direct Payments to Vendors for Small and Exception Purchases."](#)
- e. In the event of conflict between applicable rules, [Multnomah County Public Contract Review Board \(PCRB Rules\)](#) take precedence over rules in PUR-1.
- f. This procedure does not apply to the selection of Architects, Engineers, Land Surveyors and related services. Refer to [Division 48, "Consultant Selection: Architectural, Engineering, Photogrammetric Mapping."](#)

[Transportation Planning, Land Surveying and Related Services Contracts](#)” of the PCRB Rules.

- g. Certain PCRB Rules pertain to Personal Services Procurements; the following rules are applicable: [Division 15, “Authority of the Central Purchasing Manager;”](#) [Division 20, “Miscellaneous Matters;”](#) and [Division 60, “Equal Opportunity in Public Contracting.”](#)
- h. The program requesting services will follow their department’s requirements on submitting an Action Request Form (ARF) in Multco MarketPlace (MMP). See [MMP User Guide UG-SH01 Action Request Form \(ARF\) and Non-Sourcing Request Form \(NSRF\)](#) and [MMP User Guide UG-S02 Completing a Sourcing Request Form](#) for instructions.
- j. The Department's Procurement staff will submit a Sourcing Request Form (SRF) in MMP. See [MMP User Guide UG-S02 Completing a Sourcing Request Form](#) for instructions. For a Formal Procurement process, the Department shall collaborate with Central Purchasing to plan and develop the Sourcing Event Documents and Procurement process.
- k. Exceptions to this procedure shall only be allowed as authorized and specified in Section 9 of this procedure, “Exemption from Competitive Procurement Requirements.” The department’s Procurement staff will submit a Non-Sourcing Request Form (NSRF). See [MMP User Guide UG-SH01 Action Request Form \(ARF\) and Non-Sourcing Request Form \(NSRF\)](#) for instructions in MMP.
- l. Awards by low bid or lowest price are not allowed, this would include Invitation to Bid (ITB) or Request for Intermediate Bid (RIB) sourcing event types. This includes cooperative contracts procured under [PCRB 46-0400 Cooperative Procurement](#) where a low bid competitive sourcing process was used.

3. AUTHORIZATION FOR PROCUREMENT/UNAUTHORIZED PURCHASES

Procurement authorization in MMP is mandatory before initiating a purchase. This authorization signifies that the Department's management has approved the expenditure of funds for the specific service.

- a. Procurement authorization in MMP is required before conducting a purchase. Authorization represents Department management approval to expend funds for the project under the Department’s adopted or proposed (in the case of a pending program offer) budget.
- b. Unauthorized Purchases
Unauthorized Purchases are the purchases of Goods or services, including Personal Services, made without following County Procurement requirements or without delegated authority. Processing of payments for Unauthorized Purchases shall be in accordance with [PCRB Rule 20-0030, “Unauthorized Purchases.”](#)

4. PROCUREMENT PROCESS FOR PERSONAL SERVICES CONTRACTS

Personal Service procurements will generally follow the source selection procedures described in [PCRB Rule Division 47 Public Procurements for Goods and Services - General Provisions](#) as applied to the competitive proposal process. These include the need for a clear and concise sourcing event, promotion of full and open competition, enabling Suppliers to offer innovative solutions, and allowing the Departments to determine which Proposal offers the best value.

Template Sourcing Event Documents, forms, information required to initiate a Sourcing Event, and other guidance describing or related to the formal Procurement process can be found in the MMP Sourcing Library. For User Guides related to the following steps, see [MMP Sourcing User Guides: Development to Publish Phase](#).

1. Initiating The Procurement

- a. Department programs or management personnel will generally initiate the purchasing process. This should be done using the Action Request Form (ARF) in MMP. Userguides for this process are located in the link above.
- b. If it is determined that a competitive Sourcing Event is the best option to meet County needs then Departments will create a Sourcing Request Form (SRF) to initiate the competitive sourcing process and establish the Procurement file ([PCRB 46-0490 Procurement Files](#)). Departments will determine the most appropriate Procurement method, based on the Buy Decision ([PUR-9](#)) findings and Proposal Evaluation approach.
- c. Departments shall prepare a Supplier list and notify any current service providers of the upcoming Sourcing Event. It is the Department's responsibility to ensure Suppliers who are invited to a Sourcing Event are registered in MMP.

2. Sourcing Event Content

Generally, Sourcing Event content is the responsibility of the initiating department. In addition to the standard template language, the Sourcing Event Document shall include the following:

- a. A Scope of Work (SOW), including a clear description of the services to be provided. SOW should not be Written in a manner that would provide an unfair advantage for any one Proposer over another or so restrictive that it limits competition to a single Supplier.
- b. Minimum standards and qualifications required to be met by the Suppliers to be eligible to provide the services.
- c. Information that may be required as part of the Proposal to

support Proposer capability.

- d. Specification required by the funding agency (if other than county general funds).
- e. Standards by which performance of the services will be measured, and conditions affecting delivery of the services.
- f. The questions to which Proposers must respond and any additional information or documents that must be submitted.
- g. The Evaluation process and criteria to be used to select the Contractor(s), including the weight or points applicable to each criterion.
- h. A statement of how the Contract(s) will be Awarded or Proposers qualified.
- i. The number of Contracts to be Awarded or minimum qualification criteria.
- j. The period of time for Contract performance.
- k. A Sample Contract that includes all additional Department specific terms and conditions that will apply to the resultant Contract(s) and if needed, a statement identifying terms that may be negotiated.

3. Central Purchasing Review of the Sourcing Event

- a. Central Purchasing shall review the Sourcing Event for compliance with laws, rules, and policies. Central Purchasing will also work with Departments on any edits or revisions as needed.
- b. Central Purchasing reviews and makes final approval prior to publication on MMP Bid and Proposal webpage.

4. Award Phase - After the Sourcing Event has opened:

- a. Sourcing events should contain language on when, how and who suppliers may contact for information related to the sourcing event. Department program staff should not have discussions with prospective suppliers while a sourcing event is open without approval from the procurement person leading the event.
- b. Correspondence with Suppliers should be in Writing when possible and be transmitted/received using the MMP Q&A portal.

Note: instructions on how to respond to questions related to an open Sourcing Event, make Amendments to Sourcing Events, and on communications to Proposers - See [PCRB Rule 47-0430](#) and [MMP User Guide Q&A Response and Amendment Process](#).

- c. Pre-Proposal Conference

- i. The department determines the need for one or more pre-Proposal conferences. Pre-Proposals may be optional, meaning potential Proposers do not have to attend, or they can be mandatory, which means that a potential Proposer is required to attend in order for them to be allowed to participate in the Sourcing Event.
 - ii. Documentation on who attended the pre-Proposal conference(s), regardless of optional or mandatory, must be included in the Procurement file.
 - iii. The Department is responsible for ensuring arrangements and logistics needs related to the pre-Proposal conference. This may include location scheduling, IT needs including web related set up and invites, and ensuring building access requirements are communicated and followed.
 - iv. All information regarding time, location, and whether the pre-Proposal conference is optional or mandatory must appear in the Sourcing Event Document and in all advertisements.
 - v. Department Purchasing representatives (Intermediate) or Central Purchasing representatives (Formals) will facilitate the pre-Proposal conference, take notes, and maintain a record of those who attend. The Department may have a variety of representatives at the conference, including the program manager, technical experts, Contract administrator, budget or fiscal specialist, etc.
 - vi. The Procurement representative may answer questions of a general procedural nature, while questions concerning technical aspects of the Solicitation should be answered by the Department representative.
 - vii. Questions and answers not covered in the Sourcing Event and complex technical questions or issues discussed must be answered in Writing in the Q&A Tool or by Amendments.
- f. Addenda/Amendments to the Sourcing Event
- i. All questions, responses, requests for change, or protests of specifications approved by Department personnel shall be referred to the Procurement representative for response.
 - ii. If a change or substantive clarification is necessary, the Procurement representative will issue a Written addendum by the date required in the Sourcing Event.
- g. Rules Governing Receipt of Proposals

- i. Proposers are responsible for submitting their Proposals as outlined in the Sourcing Event. This will typically occur by submitting Proposals and other required documents using MMP. See [MMP Sourcing User Guides: Closing to Award Phase](#).
 - ii. On occasions when the Sourcing Event requires a submission method other than through MMP, Proposers should follow the directions outlined in the Sourcing Event for location, method and date and time of submittals. Additional guidance is available in [PCRB Rule 47-0450 Receipt, Opening, and Recording of Offers: Confidentiality of Offers](#).
- h. Evaluation and Scoring Sourcing Events
 - i. Departments will determine the Evaluation process that will be utilized to score Proposals and describe that process in the Sourcing Event. Instructions for Evaluating Competitive Sourcing events and evaluation panel requirements are provided in [P-107](#).
 - ii. Departments are responsible for identifying evaluators for all events and stages, Central Purchasing will approve and manage Evaluation panels for Formal Sourcing Events. [MMP Sourcing User Guides: Closing to Award Phase](#) are available to assist with Evaluation set up in MMP.
- i. Award Notification
 - i. Following response acceptance and approval from the requesting department, and verification of Proposer Award selection, follow the instructions outlined in user guides (see [MMP Sourcing User Guides: Closing to Award Phase](#)) to notify Proposers of Award/qualification results.
- j. Procurement File
 - i. The Procurement Representative shall ensure all appropriate documents and records (per [PCRB Rule 46-0490 Procurement Files](#)) have been collected and appropriately inserted into the official Procurement file (in MMP), including segregation of confidential material.
- k. Contract Negotiation and Development
 - i. Upon finalization of the Award, the Department may enter into and complete Contract Negotiations with the selected Proposer(s) as provided for in the Sourcing Event Document.
 - ii. The Contract Allocation process, used only with RIPQ and RFPQ sourcing events, is conducted by the department after the qualifying

phase of the sourcing event. This process determines the distribution of available funding among qualified Providers. The Contract Allocation method, which must be defined in the sourcing event and consistently applied, is used to select Suppliers for contract awards.

- iii. Prepare Contract and route for approval according to [CON-1](#).

I. Special Circumstances

- i. Proposal Modification or Withdrawal. See [PCRB Rules 47-0440 Pre-Closing Modification or Withdrawal of Offers](#).
- ii. Cancellation, Rejection, Delay, or Suspension of a Procurement. See [PCRB Rules 47-0660 Cancellation, Rejection, Delay or Suspension of a Procurement or Solicitation](#).

5. INTERMEDIATE PROCUREMENT PROCESS

[PCRB Rule 47-0270, Intermediate Procurements](#), outlines requirements for use, creation and managing Intermediate Procurements and is the overarching authority if there are inconsistencies with the administrative procedure.

- a. The Sourcing Event types for Intermediate Procurement Process are the Request for Intermediate Proposal (RIP) and Request for Intermediate Programmatic Qualifications (RIPQ). Scoring criteria for RIP/RIPQ must include Sustainability criterion in accordance with [PUR-8](#).
- b. Departments are responsible for issuing and managing the Intermediate Sourcing Event during all stages including pre-award, award and contract development. Central Purchasing will provide guidance, approval and compliance reviews as outlined in MMP user guides.
- c. RIPs shall be used when one or more Suppliers will be Awarded from the Sourcing Event based on the highest score(s). Regardless of the number of Suppliers Awarded, the total value of all Contracts resulting from an Intermediate Sourcing Event may not exceed \$250,000 over a five (5) year period.

RIPs may include:

- i. A single stage RIP that provides for determination of Proposer Award(s) based solely on the ranking of Proposals.
- ii. A multistep RIP that may include a process leading to the Solicitation of Best and Final Offer (BAFO) Proposals.
- iii. An RIP that results in serial Negotiations beginning with the highest ranking Proposer (single Award) or competitive simultaneous Negotiations with the highest ranked Proposers (multiple Awards).
- iv. A multistep RIP designed to identify, at each level, a class of Proposers

determined to be within Competitive Range, or to otherwise eliminate from consideration a class of lower ranked Proposers.

- v. A multistep RIP that initially solicits un-priced technical Proposals and subsequently invites Proposers whose technical Proposals are determined to be qualified under the criteria set forth in the RIP to submit price Proposals.
- d. A RIPQ shall be used when there is a need to create a pool of qualified vendors. The RIPQ will result in one or more Suppliers being Awarded from the Sourcing Event based on a minimum qualifying score(s). Regardless of the number of Suppliers Awarded, the total value of all Contracts resulting from an Intermediate Sourcing Event may not exceed \$250,000 over a five (5) year period.
 - i. Once the Contract funding limitation of \$250,000 is reached, the RIPQ is complete and no further Awards may be made under this Procurement process. New Procurement authority must be initiated and completed before services or payment for services can continue.
 - ii. Departments are responsible for following a Contract Allocation process to determine which qualified Proposers, if any, will receive funding.
 - iii. RIPQs will establish a qualified vendor pool for up to a maximum of five (5) years beginning at the date of first contract execution. All subsequent Contracts will use the end date from the initial Contract to determine the Contract term.

6. FORMAL PROCUREMENT PROCESS

[PCRB Rules 47-0260 Competitive Sealed Proposals](#) outlines requirements for use, creation and managing Formal Sourcing Events and is the overarching authority if there are inconsistencies with this administrative procedure.

- a. A formal Procurement process (\$250,000 or greater), such as a Request for Proposal (RFP) (direct) or RFPQ (allocation), must be used to competitively source Personal Services Contracts over the Formal Threshold; or if under the threshold, the Department may choose to select the formal process. RFP/RFPQ's will not exceed five (5) years without permission from the Purchasing manager.
- b. Formal Procurement processes are facilitated by Central Purchasing SPAs or by Contracted consultants as directed by the Central Purchasing Manager.
- c. The Formal Sourcing Event methods include, but are not limited to the following types of competitive Solicitations:
 - i. Request For Proposals (RFP) - A formal competitive Procurement process used to solicit Offers (Proposals) from Suppliers when price is not the sole determining factor. RFPs (for formal Sourcing Events) are expected to result in selection of the Contractor whose Proposal Offers the best value. The number of expected contract awards must

be clearly identified in the sourcing documents.

- ii. Request for Programmatic Qualifications (RFPQ) shall be used when there is a need to create a pool of qualified vendors when the total of all contracts will exceed the formal dollar threshold of \$250,000. The RFPQ may result in one or more Suppliers being qualifying based on a minimum qualifying score. Prior to awarding contracts from the RFPQ, Departments must conduct a Contract Allocation process. See item (l) of this section for more information related to Contract Allocation.
- d. Formal Sourcing Events follow steps outlined in [PCRB Rules 47-0260](#) (1) through (13). A Formal Sourcing Event is substantially similar to the Intermediate Sourcing Event with the following differences.
- i. There is no required maximum dollar amount.
 - ii. SRF approval required by Central Purchasing.
 - iii. Central Purchasing and Departments collaborate on SOW, inclusion of county goals and values, non-department specific requirements, drafting Proposer questions and Evaluation criteria.
 - iv. Departments are responsible for ensuring suppliers are invited to the event and should work with Central Purchasing to remove duplicate Suppliers from MMP.
 - v. Central Purchasing is responsible for posting advertisements, managing questions from Suppliers, and all clarifications and addenda/Amendments actions.
 - vi. Central Purchasing facilitates Pre-Proposal and Evaluation activities.
 - vii. Central Purchasing processes all formal correspondence such as Award/non-Award, and qualification letters after department approval.
 - viii. Formal Procurements may be protested - See [PCRB Rules 47-0700](#) through 47-0740.
 - ix. Departments must direct all communication related to the Sourcing Event with Suppliers, as it relates to the Sourcing Event, through Central Purchasing.
 - x. Cancellation of Formal Sourcing Events shall only be conducted by Central Purchasing.
- e. The following steps outline the Procurement process for Competitive Sealed Proposals (RFP/RFPQ). Additional guidance is available in [PCRB Rules 47-0260](#) (1) through (13).

The following elements and actions, and any other activities that pertain to the specific Procurement need should be considered during the Pre-award

phase:

- i. Establish a reasonable timeline to complete the Sourcing Event process. The timeline will take into consideration the complexity of the Sourcing Event as well as the current and expected workload of Department and Central Purchasing personnel. The schedule may be changed due to unforeseen circumstances or complications;
 - ii. If applicable, complete the feasibility or cost determinations as required - See [PCRB Rule 47-0250 \(3\), "Methods of Source Selection: Feasibility Determination: Cost Analysis."](#) or the MMP Sourcing Library for feasibility and cost determination requirements and instructions.
- f. Central Purchasing Review of the Draft Sourcing Event
 - i. Review the draft Sourcing Event for compliance with laws, rules, and policies.
 - ii. In consultation with the Department, add any additional required information and agree upon revisions.
 - iii. Return the revised draft Sourcing Event to the Department for finalization.
- g. Finalization of Sourcing Event
 - i. The Department shall provide the draft version of the Sourcing Event and associated documents to Central Purchasing a minimum of ten (10) days before the scheduled advertisement date.
 - ii. The Department is responsible for approving the final version of the Sourcing Event, including changes and suggested edits identified by Central Purchasing.
 - iii. Central Purchasing will determine if the Sourcing Event is ready to be issued on the scheduled advertisement date. If it is determined that the Sourcing Event is not ready, Central Purchasing may postpone the advertisement date until the Sourcing Event document is complete and ready to be advertised.
- h. After Departmental and Central Purchasing workflow approval of the Formal Sourcing Event, follow [PCRB Rule 47-0260, Competitive Sealed Proposals](#), for advertisement, pre-Proposal, and Award instruction.
- i. Central Purchasing, working with Department program staff or subject matter experts will respond to questions, make Amendments to Sourcing Events or notify Suppliers as outlined in [PCRB Rule 47-0430](#) and [MMP User Guide Q&A Response and Amendment Process](#).
- j. A Proposer may protest a Formal Sourcing Event Contract Award or Notice of Intent to Award a Contract as allowed in [PCRB Rule 47-0740, Protests and Judicial Review of Contract Award](#). Intermediate Sourcing Events may not be protested.
- k. Debriefings

- i. Central Purchasing, upon request, will offer debriefings for Formal Sourcing Events to Proposers interested in gaining insight into their Proposal's strengths and weaknesses.
 - ii. Debriefings will not be offered until after Notice of Intent to Award and protest period is finalized. The Procurement representative will facilitate the debriefing.
- I. Contract Allocation
- Only used with RIPQ and RFPQ sourcing events.
 - Conducted by the department after the qualifying phase of the sourcing event has been completed.
 - Contract Allocation method must be defined in the sourcing event and be consistently applied for all subsequent Contract allocation processes.
 - Only Suppliers who have been selected through a Contract Allocation process may be awarded contracts via the associated RIPQ or RFPQ.
 - For the allocation process prior to the approval of this administrative procedure, the allocation method and documentation must be included in the contract file.
 - For Contract Allocations being conducted after approval of this administrative procedure, the Contract Allocation template in MMP will be used to document all Contract Allocations.

7. NOTICE OF INTENT (NOI)

When there is no known or only one known Contractor to provide a needed service, the NOI process set out below must be followed. NOIs must be open to the public for at least two weeks unless less time is approved by the Central Purchasing Manager. Pre-Proposal conferences and Evaluation committee processes are not required.

- a. The Department shall notify Central Purchasing and take the following steps:
 - i. Collaborate with Central Purchasing to plan the NOI process and develop the documents.
 - ii. Establish a reasonable timeline and plan the NOI process. The timeline shall serve as a guide throughout the process but may be changed due to unforeseen circumstances or complications.
 - iii. Obtain technical assistance to develop the Solicitation Documents.
 - iv. Include language in the NOI that will Identify the method by which the department will determine if a Supplier is qualified to perform services.

- v. Using the MMP, generate a Sourcing Event following the steps in the [MMP Sourcing User Guides: Development to Publish Phase](#).
- b. Upon receipt of the NOI Sourcing Event through workflow, Central Purchasing will perform the following actions:
 - i. Review the NOI for compliance with laws, rules and policies.
 - ii. In consultation with the Department, add any additional required information and suggested improvements.
 - iii. Complete any steps remaining in [MMP Sourcing User Guides: Development to Publish Phase](#).
- c. During the Procurement phase, Central Purchasing shall:
 - i. Complete the steps in [MMP Sourcing User Guides: Open for Supplier Response Phase](#).
- d. After closing:
 - i. Central Purchasing will review for confidential material.
 - ii. The Department will review all submissions received in MMP.
 - iii. When more than one qualified response is received in a timely manner and the Department decides to proceed, Central Purchasing will advise all respondents that a competitive Procurement process will be conducted. Based on the anticipated Contract value, an Intermediate or formal Procurement process will be used to solicit Proposals and Award a Contract.
 - iv. When only one qualified response is received, the Department may enter into Negotiation with the qualified respondent or request that the respondent provide additional information before making a decision to Contract. When satisfied, the Department shall prepare the Contract and route for approval according to [CON-1](#), using the assigned NOI Sourcing Event number as Procurement authority. Contracts Awarded under such circumstances shall have Procurement authority for up to two (2) years. If, during Negotiations and before execution of the Contract, the Department determines that more than one qualified respondent is available to perform the service, the Department shall discontinue Negotiations and begin a formal Procurement process to select a Contractor.
 - v. If no qualified responses are received, the Department may, by whatever means appropriate, seek out a qualified Contractor willing to provide the services. If a Contractor is identified, the Department shall request and obtain a Sole Qualified Contractor Exemption, as described in Section 9.b.i, before entering into a Contract.
- e. The Department shall determine the decision regarding whether or not a Contractor is qualified and shall not be subject to protest or appeal. In

making this determination, the County may consider:

- i. Materials submitted in response to the NOI;
- ii. Additional requested materials or interviews;
- iii. Site visits, and
- iv. Other information relevant to the determination.

8. REQUEST FOR INFORMATION

Departments may consider using a Request for Information (RFI) process to solicit preliminary information and market research from the marketplace or to assess the availability of a desired service. A RFI is not a source selection method to procure services; however, information received in response to a RFI may be used to develop a SOW for a RFP that may be subsequently issued. A template for RFIs is posted in the Sourcing Event Template Library of MMP. Interested parties will be asked to respond with some or all of the following information depending on the circumstances:

- a. Their interest in providing the service or solution to a problem,
- b. A brief description of past experience providing similar services or solutions,
- c. A description of services offered that will meet the needs of the County,
- d. Any potential problems or risks the County may encounter in using the service or implementing the solution, along with suggestions to mitigate potential problems or reduce risk,
- e. An estimated price range to provide the proposed services,
- f. An estimated timeframe to complete the project, if applicable.
- g. The RFI process:

RFIs regardless of estimated cost will be conducted at the Department level. There are no specific requirements regarding how to conduct an RFI, but the recommendation is to follow a process substantially similar to an Intermediate Procurement process. Central Purchasing will provide assistance to the Department in approving the RFI in MMP. Responses to a RFI will be submitted through MMP and then forwarded to the Program for review. Responses will not be scored and no Contract Award(s) shall be made as a direct result of the RFI process.

RFIs may also be used to conduct cooperative contract comparisons, as a means to gather information for an exemption request or to gather information related to Contract obligations as part of the contract administration phase.

9. EXEMPTION FROM COMPETITIVE PROCUREMENT REQUIREMENTS

When the conditions detailed for Personal Services meet the criteria detailed in this section, it is exempt from competitive Procurement requirements. A NSRF justifying how the exemption rule meets the criteria documented below and why it is in the best interest of the County not to conduct a competitive Procurement process must be submitted in MMP and approved by the Central

Purchasing Manager prior to routing any Contracts or Amendments for approval. The NSRF justification must also include a detailed history of previous related NSRFs and a history of associated contracts that will be impacted by the NSRF request. See [MMP User Guide UG-SH05 Completing a Non-Sourcing Request Form \(NSRF\)](#) for instructions.

a. Blanket Exemptions

- i. Contracts for legal services approved in Writing by the County Attorney's Office.
 1. Written approval (email or in MMP) from a County attorney must be included with the NSRF.
- ii. Contracts in which the rates for the services being purchased are established by federal, state, county, or other local regulatory authority where an alternate selection process has been approved in advance by the Central Purchasing Manager.
- iii. Contracts for which a non-County funding source, e.g., a Grant or Contract Awarded by a government agency or private foundation, identifies the Contractor in the funding Award or makes a funding

Award conditioned upon the service being performed by a specific Contractor. Include documentation in the NSRF that details the following information:

1. The name of the external funding source,
2. Background regarding how the funding source selected the Contractor(s),
3. A copy of the funder's document naming the Contractor, and
4. County General Funds (CGF) may be included in a non-County funded exemption, only if a non-County funding source requires CGF Match and CGF amount is equal to or less than the non-County funded amount.

NOTE: This exemption is not appropriate when the funding source requires their funding be dispersed via competitive processes. The program is responsible for allocating Grant funding in full accordance with the terms and conditions stipulated in the Grant funding documentation.

- iv. Contracts where the client selects the service provider and the process for selecting qualified Contractors has been approved in advance by the Central Purchasing Manager.
- v. Contracts for Preschool Early Learning where the provider is subcontracted by the Intermediary provider.
 1. Departments will use the RFI tool in MMP to gather the following minimum information.

2. Valid State of Oregon Child care license
 3. Ensure Supplier meets all requirements to conduct business within the state/county (MMP Supplier Profile)
 4. Attests the Supplier meets PFA Child care licensing history requirements.
 5. Has a completed Preschool Site Questionnaire.
- vi. Non-Emergency Animal Healthcare for Urgent and Overflow Situations.
1. The County may contract for Animal Health Care for overflow services without direct competitive solicitation, only after the County has determined that the services can not be performed in-house or through an existing contract provider.
 2. The County may at its discretion create contingency contracts for these services when situations such as County or current provider capacity limits are anticipated to be exceeded.
- b. Specific Exemptions from the Competitive Procurement Requirements:

i. Sole Qualified Contractor Exemption

See [PCRB Rule 47-0275. Sole-Source Procurements](#), for specific information. Unless extraordinary circumstances warrant a longer exemption period, this type of exemption will not be approved for more than two (2) years.

ii. Temporary Exemption

For Intermediate requirements, the Central Purchasing Manager, or for formal requirements, the County Chair may grant a temporary exemption.

1. A temporary exemption may be granted up to one (1) year if any of the following conditions can be satisfactorily demonstrated:
 - a. Scopes of Work or requirements for a proposed Procurement are radically altered and the change was unforeseen;
 - b. Competition would be enhanced by a temporary delay;
 - c. The County's economic interest would be better served to delay the Procurement;
 - d. The project is of a time-limited duration, will not continue beyond one year, and a competitive

selection process has been followed; or

- e. The SOW for a proposed Procurement is dependent on community planning or other governmental regulations that have not been completed.
2. A temporary exemption may be granted for Pilot Projects to demonstrate or test previously untried treatment modalities or service approaches. These are generally limited to two (2) years, but may be requested for longer with Central Purchasing Manager pre-approval.
- a. Requests for Pilot projects must clearly state expected outcomes of the Pilot Project and how they will be monitored and reported.
 - b. Pilot projects must also state how future competition for the services will be conducted so as not to limit competition to the agency by which the Pilot was Awarded.
3. Temporary exemption requests must include:
- a. The name of the Contractor, the description and amount of the Contract;
 - b. Whether this is a new or continuing Contract;
 - c. If an existing Contract is being extended, how the Contractor was originally selected;
 - d. The conditions that exist which support the need for a temporary Contract; and
 - e. The consequences if the temporary exemption is not allowed, and an appropriate Procurement process is used instead.

iii. Emergency Exemption

See [PCRB Rule 47-0280, Emergency Procurements/Contracts](#).

iv. Exemption Authorized by Rule

- 1. Justification for use of the exemption by rule should be documented on the ARF in MMP when using the Direct Payment method. If departments need to establish or amend a Contract, then the justification information should be submitted using the NSRF.
 - a. State directed Contracts – State has specifically identified the Contractor and directed the Department to create or amend existing Contracts to incorporate specific services. Maximum five (5) year time limit.

- b. Contracts for inpatient or hospital emergency services. Maximum five (5) year time limit.
- c. Contracts for services of physicians who have admitting privileges to hospitals providing inpatient or emergency services. Maximum five (5) year time limit.
- d. State Grants, where the County was required to be the respondent and identified specific Contractors in the Grant application to the State. Maximum five (5) year time limit or as outlined by the Grant Award.
- e. State funded Flex/Wrap Behavioral Health services for non-designated clients. Maximum five (5) year time limit.

See User Guide MMP User Guide [UG-C02 Approve a Non-Sourcing Request Form \(NSRF\)](#) for use of Discussion and workflow approval process.