

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

SUBJECT:	Requirements and Procedures for the Procurement of Personal Services Contractors
PURPOSE:	To establish a uniform process for the acquisition of Personal Services Contractors
ORGANIZATION RESPONSIBLE:	Department of County Management, Central Purchasing
DATE:	12/01/2022
BY:	<i>Deborah Kafoury</i> Deborah Kafoury, County 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 Rules (PCRB Rules); CON-1; FIN-16; PUR-0; PUR-9

**PUR-1
APPENDIX 1**

SOURCING EVENT COMPARISON CHART

Sourcing Event Type	Minimum Dollar Level	Maximum Dollar Level	Maximum Life Cycle	Governing Rule	Minimum time out to the Public?	Multiple Awards Possible?
Request For Information (RFI)	N/A	N/A	N/A	PCRB Rules/PUR-1	Two weeks*	Does not result in Award
Notice of Intent (NOI)	Small Purchase Threshold	None	2 years Maximum	Personal Services only	Two weeks*	No**
Request for Intermediate Bid (RIB)	Small Purchase Threshold	\$150,000	5 years or Maximum Dollar Level, whichever is first	PCRB Rules/PUR-1	Two weeks*	Yes***
Request for Intermediate Programmatic Qualifications (RIPQ)	Small Purchase Threshold	\$150,000	5 years or Maximum Dollar Level, whichever is first	PUR-1	Two weeks*	Yes***
Request for Intermediate Proposals (RIP)	Small Purchase Threshold	\$150,000	5 years or Maximum Dollar Level, whichever is first	PCRB Rules/PUR-1	Two weeks*	Yes***
Invitation to Bid (ITB)	Formal Threshold*	None	Typically 5 years	PCRB Rules/PUR-1	Four weeks*	Yes, no limit
Request for Proposals (RFP)	Formal Threshold*	None	Typically 5 years	PCRB Rules/PUR-1	Four weeks*	Yes, no limit
Request for Programmatic Qualifications (RFPQ)	Formal Threshold*	None	Typically 5 years	PUR-1	Four weeks*	Yes, no limit

*	May be less if approved by the Central Purchasing Manager.
**	If more than one Proposer is identified through NOI, a competitive process must be completed to Award to a Supplier.
***	Multiple Awards may be made from one Procurement, but the aggregate total dollar value of the combined Awards to all successful Proposers may not exceed the Maximum Dollar Level. Example: A single RIP or RIPQ may Award to three Proposers, but the total dollar value of all Awards cannot exceed the Maximum Dollar Level.

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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 Contractors.
- b. Any questions relative to the intent or application of this procedure should be directed to the Central Purchasing Manager who is delegated the responsibility for interpreting and implementing this procedure.

2. GENERAL GUIDELINES

This procedure identifies various Contractor screening and selection methods to be used and steps to be followed when procuring Personal Services. Public

Procurement definitions are available on the County Intranet, Multco Commons in [PUR-0](#).

- a. Use the methodology outlined in [PUR-9](#) to determine your source selection requirements.
- b. Intermediate Procurement - For Procurements over the Small Purchase Threshold (\$10,000) and up to the Formal Threshold value (\$150,000), an Intermediate Procurement method shall be conducted by the originating Department.
- c. Formal Procurement - For Procurements over the Formal Threshold value (\$150,000), 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 maximum Contract term of a Personal Services Contract is five (5) years unless otherwise approved by the Central Purchasing Manager or limited by these Administrative Procedures. In determining the appropriate type of Procurement method, Departments must identify the anticipated annual expenses for services, then multiply that dollar value by the number of years services are expected to be provided. The resulting dollar value is the factor that determines whether a Formal Procurement or Intermediate Procurement method applies.

- i. The program requesting services will follow their department's requirements on submitting an Action Request Form (ARF) in Multco MarketPlace (MMP). See [Action Request Form \(ARF\) and Non-Sourcing Request Form \(NSRF\)](#) and [UG-SH02 Action Request Form](#) for instructions.
- j. The Department's Procurement staff will submit a Sourcing Request Form (SRF) in MMP. See [Commons UG-S02](#) 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 [Action Request Form \(ARF\) and Non-Sourcing Request Form \(NSRF\)](#) for instructions in MMP.
- l. A Sourcing Event may be canceled at any point in time prior to Contract Execution if it is determined to be in the best interest of the County.

3. AUTHORIZATION FOR PROCUREMENT/UNAUTHORIZED PURCHASES

a. Prior Authorization to Conduct Procurement Required

Procurement authorization 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. The authorization is accomplished by using the workflow in MMP to approve the Sourcing Event associated with the Procurement. The Department shall enter and receive approval for the Sourcing Event reflecting the project Work, period of performance and total value.

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

A clear and concise Solicitation promotes full and open competition, enables Suppliers to offer innovative solutions, and allows 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. As soon as the need for a Procurement is identified, the Department shall complete and submit an ARF. The ARF is located on the MMP Home Page. The ARF should be the first stage in initiating the “Buy Decision”, Departments will follow guidance outlined in PUR-9 to determine appropriate actions and activities that pertain to the specific needs and Procurement planning steps.
- 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 Procurement process and create the Procurement file. Departments will determine the most appropriate Procurement method, based on the Buy Decision findings and Proposal Evaluation approach.
- c. The SRF has several required items and departments should review the MMP user guides to ensure current requirements are complete prior to submitting. Common requirements include the Feasibility Determination Form, Procurement timeline, evaluators and advertisement requirements.
- d. 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, standards by which performance of the services will be measured, and conditions affecting delivery of the services. 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 such as licensing, Insurance, etc. Minimum requirements should be carefully established so that qualified Suppliers are not inadvertently precluded from proposing. It is not necessary in all cases to establish minimum requirements.
- c. Information that may be required as part of the Proposal to support Proposer capability, such as references showing experience in providing the same or similar services, copies of license(s), etc. Performance measures, if applicable, to assess receipt of satisfactory services.
- d. Funding information and requirements, a description of the follow-on allocation process, if applicable, and budget constraints.
- e. Establish the pricing approach and method that will be used to solicit a breakdown of costs from Proposers, if any. Include if possible a Proposal price schedule or worksheet that identifies a breakdown of cost elements for Proposers to complete.
- f. The questions to which Proposers must respond and any additional information or documents that must be submitted, making sure that questions and other required information are directly related to the criteria used to score Proposals. No questions should be posed or information requested unless it will be evaluated.
- g. The Evaluation process and criteria to be used to select the Contractor(s), including the weight or points applicable to each criterion.
 - i. Evaluation factors:
 1. a list of all criteria to be used to evaluate Proposals;
 2. the points assigned to each criterion;
 3. how points will be Awarded; and
 4. the minimum total score that must be achieved (if any) to be eligible for Contract Award.
 - h. Identification of optional or mandatory additional stages that may include oral interviews, demonstrations, BAFO Proposals, or other additional scoring steps to be contemplated, along with a

description of the purpose of the process, the criteria for selecting Proposers to participate, and how the process will affect the overall scoring and Award/qualification.

- i. The Proposal structure, such as page limitations, content organization, supplemental information, Proposal submittal or MMP instructions.
- j. A statement of how the Contract(s) will be Awarded or Proposers qualified.
- k. The number of Contracts to be Awarded or minimum qualification criteria.
- l. The period of time for Contract performance.
- m. A copy of or a link to the expected sample Contract template to be used after Award, Contract types and their usage are available in CON-1. Sample Contracts should include 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. Departments should consult with Central Purchasing and the County Attorney's Office before sending out the Sourcing Event Document if they are unsure about which Contract template to use.
- n. A description of Insurance requirements and, if applicable, a statement that Insurance requirements may be increased or decreased depending on the solution proposed.
- o. Notice of pre-Proposal meeting, if any, including date, time, place and whether the meeting is mandatory or optional.
- p. Any additional instructions or information that will assist the Proposers in accurately completing and submitting all Sourcing Event requirements and will assist the evaluators in making an informed selection.
- q. If oral interviews are to be conducted in a multi-stage Sourcing Event, the Sourcing Event must state the purpose of the oral interviews and how the oral interviews will be scored. Oral interviews shall be scheduled so that all evaluators can be present.

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. After the Sourcing Event has opened:
- a. Throughout the Procurement process, from Sourcing Event issuance through Contract Award, with the exception of the Procurement staff assigned as Sourcing Event owner, County contact with Suppliers shall be limited to the Pre-Proposal meeting and oral interviews, if applicable. To ensure any substantive information given to a single potential Proposer is given to all potential Proposers, the Department shall direct all Supplier questions and comments to either their Department Business Services for Intermediate Sourcing Events or Central Purchasing for Formal Sourcing Events.
 - b. Correspondence with Suppliers should be in Writing when possible and be transmitted/received using the MMP Q&A portal.
 - i. For additional 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 Rules 47-0430](#) and [User Guide Q&A Response and Amendment Process - MMP User Guide](#).
 - c. Pre-Proposal Conference
 - i. 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.

5. Addenda/Amendments to the Sourcing Event

- a. All questions, responses, requests for change, or protests of specifications approved by Department personnel shall be referred to the Procurement representative for response. If a change or substantive clarification is necessary, the Procurement representative will issue a Written addendum by the date required in the Sourcing Event.

6. Rules Governing Receipt of Proposals

- a. 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](#).
- b. 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 PCR Rule 47-0450.

7. Evaluation and Scoring Sourcing Events

- a. Instructions for evaluating score based competitive Sourcing Events are available in P-107 Evaluating Best Value Competitive Sourcing Events available in the MMP Sourcing Library.
- b. Departments will determine the Evaluation process that will be utilized to score Proposals and describe that process in the Sourcing Event.
- c. Evaluation panels will be established in accordance with P-107. It is the responsibility of the Department to identify evaluators for all events and stages, Central Purchasing will approve and manage Evaluation panels for Formal Sourcing Events.
- d. If it is recommended that a Proposer other than the highest scoring Proposer(s) be Awarded, a majority of the Board of Commissioners must approve the Contract Award. In such event, the following information shall be submitted to the Central Purchasing Manager to support the recommendation for submittal to the Board:
 - A detailed explanation of the reasons for Award recommendation and justification for deviating from required procedures.
 - Findings that the Award procedure does not violate any applicable law or regulation.
 - A statement that outlines why the proposed Award would be in the best interest of the public and the County.
- e. [MMP Sourcing User Guides: Closing to Award Phase](#) are available to assist with Evaluation set up in MMP.

8. Award Notification

- a. 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.

9. Procurement File

- a. The Procurement Representative shall ensure all appropriate documents and records (per PCRB Rule 46-0490) have been collected and appropriately inserted into the official Procurement file (in MMP), including segregation of confidential material.

10. Contract Negotiation and Development

a. Upon finalization of Award, the Department may:

- Enter into and complete Contract Negotiations with the selected Proposer(s) as provided for in the Sourcing Event Document. For a Request for Programmatic Qualifications (RFPQ), separate from the Sourcing Event process, the Programs will conduct an allocation process in order to determine how the available funding will be allocated among the qualified Providers.
- Prepare Contract and route for approval according to [Administrative Procedure CON-1](#).

11. Special Circumstances

a. Proposal Modification or Withdrawal

See [PCRB Rules 47-0440 Pre-Closing Modification or Withdrawal of Offers](#).

b. 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. Personal Services competitive Procurements can only be conducted using a best value or high/qualifying score Award process. 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 policy, "Sustainable Purchasing and Social Equity."
- b. Departments are responsible for issuing and managing the Intermediate Sourcing Event during all stages including planning, issuance, Evaluation and Award. 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 \$150,000 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 \$150,000 over a five (5) year period.
- i. Once the Contract funding limitation of \$150,000 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 an 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/funding

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 formal Procurement process, 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.

Formal Procurement processes are facilitated by Central Purchasing SPAs or by Contracted consultants as directed by the Central Purchasing Manager.

The Formal Sourcing Event methods include, but are not limited to the following types of competitive Solicitations:

- Request For Proposals (RFP)
- Request for Programmatic Qualifications (RFPQ)
- Notice of Intent (NOI)

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.

- There is no required maximum dollar amount.
- SRF approval required by Central Purchasing.
- Central Purchasing and Departments collaborate on SOW, stakeholder requirements, drafting Proposer questions and Evaluation criteria.
- Departments will provide and validate the initial Supplier invitations and work with Central Purchasing to remove any duplicate Suppliers from MMP.
- Central Purchasing is responsible for posting advertisements, managing questions from Suppliers, and all clarifications and addenda/Amendments actions.
- Central Purchasing facilitates pre-Proposal and Evaluation activities.
- Central Purchasing processes Award/non-Award letters after department approval.

- Formal Procurements may be protested - See PCRB Rules 47-0700 through 47-0740.
- Departments must direct all communication related to the Sourcing Event with Suppliers, as it relates to the Sourcing Event, through Central Purchasing.
- Cancellation of Sourcing Events can only be done by Central Purchasing.

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).

- a. Procurement Planning - As soon as the need for a formal Procurement is identified, or at the earliest time thereafter, the Department shall complete and submit an ARF.

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

- 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. 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.
- b. 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.
 - c. 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.
- d. 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.
- e. 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 [User Guide Q&A Response and Amendment Process - MMP User Guide](#).
- f. 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.
- g. 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.

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 Administrative Procedure 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 the allocation step from qualified vendor pools, as a means to gather information for an exemption request or follow on Contract obligations when additional information is needed.

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 [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. 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.

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.
 - c. See User Guide [UG-SH06 Approve a Non-Sourcing Request Form \(NSRF\)](#) for use of Discussion and workflow approval process.

