CHAPTER 16

REQUEST FOR PROPOSAL (RFP)/DIRECT NEGOTIATION

16-1 PURPOSE

The purpose of this chapter is to establish procedures for procuring complex goods, professional and non-professional services expected to cost more than $50,000 using this process.

16-2 AUTHORITY

Authority is found in School Board Policy 6.14 and State Board of Education Rules. RFPs are normally used by the Purchasing Department when the item or service required cannot be easily specified or is of a qualitative nature. Direct Negotiations may be used when the Purchasing Department determines that negotiations may be necessary for it to receive the best value and as allowed in the State Board of Education Rules. If Direct Negotiations are desired but we do not know the party whom we wish to contract with then an Invitation to Negotiate (ITN) should be used to determine the vendor.

16-3 DEFINITIONS

A. ***Request for Proposal (RFP)***. All documents, whether attached or incorporated by reference, used to solicit proposals for professional services, non-professional services or other complex requirements where specifications are not well defined and price is not the sole factor in determining award.

B. ***Direct Negotiation:*** The process used to discuss and ultimately agree on contract terms, conditions and pricing for the purchase of complex goods or services. Negotiations may be held after the results of the RFP with the finalist or may be done with a vendor selected through an Invitation to Negotiate (ITN) or other informal method, when allowed by State Board of Education rules.

16-4 PROCEDURES

A. **Board Approval** - Board approval **is not required** prior to issuing RFP, ITN or entering into Direct Negotiations.

B. A Purchase Request should be prepared by the requesting department to transmit the Scope of Work for the project. The Scope of Work may be submitted in writing by email attachment in Microsoft Word.

1. The Scope of Work should include the following elements

   a. Background of the requirement;

   b. Data supporting the need for the service or technical equipment;

   c. Objectives;

d. Expected schedule;

e. Expected deliverables;

f. Minimum qualifications of the vendor;

g. Acceptance criteria, if applicable.

C. The Purchasing Department will determine the appropriate and most cost-effective purchasing method for procuring the complex goods and services including competitive solicitation, direct negotiations, and/or methods that allow the School District to take advantage of value discounts and special pricing agreements.

D. If competition is deemed the most appropriate method then they will prepare a draft RFP and submit it to the school/department for review as well as the Legal Department and, if applicable, Risk Management. After all changes are made to the draft RFP, it will be released to the prospective offerors and advertised by the Purchasing Department.

E. If Direct Negotiations are determined to be in the best interest of the District then the Purchasing Department will document the reasons that negotiations terms and conditions including price with a particular proposer is in the best interest of the School District in lieu of soliciting competitive Bids/Proposals. Documentation commensurate with the value of the contract will be maintained as follows:

For Negotiations of goods and/or services:

Up to $5,000:	No Documentation is Required.
$5001 - $50,000:	a) Rationale for Using Direct Negotiation b) Basis for Determining that contract aligns with District's best interest.
Over $50,000:	a) Rationale for Using Direct Negotiation b) Basis for Determining that contract aligns with District's best interest. c) A negotiations file will be kept documenting the review, approvals, members of the negotiation team, negotiation strategies and techniques from the negotiations sessions.

The Purchasing Department will prepare a draft Invitation to Negotiate (ITN) to select the vendor and submit it to the school/department for review as well as the Legal Department and, if applicable, Risk Management. Upon finalization of the ITN documents, it will be released to the prospective offerors and advertised by the Purchasing Department.

The Purchasing Department is responsible for doing research for benchmarking the results prior to the beginning of any negotiations session. They will further manage the process along with the requesting department/school until a contract is completed. Upon finalization of the contract, including legal department review and approval, the contract will be submitted to the School Board for approval.

F. The Purchasing Department will receive proposals through Bidnet Direct or other method as established in the documents until the date and time announced for the closing for either RFP's or ITN's. At that time, they will be opened, recorded and reviewed to be certain the administrative requirements of the RFP or ITN have been met.

G. Names of the responding vendors along with an instruction memorandum and copy of the Conflict of Interest is submitted to committee members (See Enclosure 16-1). Upon determination that there is no conflict of interest, the proposals are sent to the committee members, electronically whenever possible.

H. Committee members will be asked to independently read and evaluation the proposals prior to the committee's first meeting. The evaluation must be done in accordance with the criteria contained in the RFP or ITN. Committee members must treat the information in proposals as confidential during the evaluation process. Further, committee members may not meet privately with other committee members outside of the public meetings during the evaluation process.

I. A representative of the Purchasing Department will act as a facilitator during the evaluation committee meeting and will assist the committee as needed to complete the evaluation process in accordance with the criteria in the RFP/ITN.

J. When the committee completes its evaluation, it will submit a recommendation through the Purchasing Department for ranking of proposers and award. The committee's recommendation must include:

1. A ranking of the proposals submitted;

2. The scores based upon the criteria in the RFP/ITN;

3. The recommendation for award of the committee; and

4. If applicable, recommendations for any negotiations and if anyone on the committee will participate in these negotiations along with the Purchasing Department.

K. If required, the Purchasing Department, in cooperation with the school/ department, will conduct negotiations with the highest ranked offeror. If agreement cannot be reached, negotiations may begin with the next highest ranked proposer or subsequent proposers until an agreement is reached or all proposals are rejected. The school/department will be asked to review the draft contract document before the Purchasing Agent and the Contractor execute it.

L. The Purchasing Department will notify all offerors of the selection and debrief any offerors requesting a debriefing.

M. If the RFP is for a professional service which does not allow cost to be a factor in evaluating, the committee will provide Purchasing with a short list of offerors in the order in which they are ranked. Purchasing will seek price proposals and negotiate a contract in coordination with the school/department.

16-5 EVALUATION COMMITTEE POLICIES AND PROCEDURES

A. All proposals received in response to an RFP, which are determined to be responsive by the Purchasing Department, shall then be evaluated by an Evaluation Committee.

B. The Evaluation Committee is often comprised of School District Staff, however, other knowledgeable people may be on the committee. The committee should include both technical and administrative personnel and, if appropriate, should include user department staff and persons from other departments such as personnel and finance, or on specific commodities and/or services shall be in accordance with Board Policy and/or union contracts. Members of this Committee or their immediate family shall not have any financial interest in or any personal relationship with any of the proposing firms.

The Purchasing Department may help coordinate the selection of committee members and assign tasks.

The Purchasing Department shall have a representative (normally the Purchasing Agent who issued the RFP) who shall act as an advisor to the Evaluation Committee. This individual shall also distribute the RFPs to the Evaluation Committee members.

C. Each member of the Evaluation Committee must receive a complete copy of each proposal, a copy of the original RFP including all addenda, and an Evaluation Committee Scoring Sheet for each proposal. This information will be distributed promptly in order to provide each committee member adequate time to review and evaluate each proposal. Each committee member should have a preliminary score entered for each proposal prior to the first committee evaluation meeting.

The Purchasing agent will provide to the committee for their review, the results of the references submitted by each proposer.

D. Proposals shall ONLY be evaluated by using the criteria listed in the EVALUATION CRITERIA section of the RFP. Initial evaluation must be based solely upon the proposal submitted; no other or additional information is to be used.

E. Any Evaluation Committee meeting discussion must be taped and summary minutes recorded for the Purchasing files. If oral presentation from proposers is part of the meeting, then that meeting must be taped and the meeting minutes will indicate oral presentations occurred.

F. The committee should begin work by establishing procedure, with a general discussion of their tasks, and review of the proposals received. On highly technical matters, a technical review sub-committee should make a report to the full

committee. After discussion and reports, each member will review their scoring sheets and pass them to the Chairperson for tabulation. The scores will be added together and the average score for each proposal ranked.

G. Oral presentations by proposers for clarification purposes only. Committee members shall not communicate with Proposers outside of presentations. The committee may not receive or consider any material, additions, or changes to the proposal submitted. If oral presentation option is offered to all proposers, the presentations shall occur before individual scoring sheets are submitted to the Chairperson. If oral presentations are available only to the finalists, then new evaluation scoring sheets will be distributed to the committee prior to presentations. Each committee member will reevaluate each of the finalists on both the oral presentation and the proposal submitted using the same process of tabulation as noted above.

H. The District reserves the right to further negotiate any terms or conditions, including price, with the highest rated proposer. If an agreement cannot be reached with the highest rated proposer, the District reserves the right to negotiate and recommend award to the next highest rated proposer or subsequent proposers until an agreement is reached.

I. The committee Chairperson shall be responsible for transmitting to the Purchasing Department the following: All of the individual scoring sheets collected, minutes and/or tapes, and tabulations; All RFP information including the evaluation committee scoring sheets, tabulations, minutes, and tapes shall become public record upon recommendation for award or ten days after proposal opening, whichever occurs first. Any proposer may review the scoring as presented. It is very important to enter comments on the scoring sheets, particularly when giving a low score, so that committee members can recall scoring rationale if it is required at a later date.

ENCLOSURE 16-1

SCHOOL DISTRICT OF PALM BEACH COUNTY

PURCHASING DEPARTMENT

RFP 0 - Evaluation

To: Evaluation Committee Members

From: , Purchasing Agent

Date:

Subject: Evaluation of Responses for RFP XXXXX for

Thank you for agreeing to serve on the committee to evaluate responses to provide the above services.

The following procedures will be used to evaluate the responses and award contract(s):

1. Each committee member will receive an email listing the names of the responders and a Conflict of Interest Certification form that must be signed and returned to me. You will then receive an email from Bidnet Direct, our electronic bid administrator, which will provide you with your password to access the electronic responses. The names of the respondents and the contents of their responses are strictly confidential until the evaluation and negotiations are completed. Please direct any questions to me at 434-XXXX.

2. Prior to the evaluation meeting, independently evaluate the responses based on the criteria of the RFP and use the evaluation score sheet provided to you through Bidnet Direct to mark your preliminary scores. Be prepared to discuss your scores when you attend the evaluation meeting.

3. The evaluation committee meeting will be held on . Oral Presentations, if required will be conducted on

4. For further details regarding the RFP process, please refer to the attached RFP Evaluation Committee Handbook.

Enc. Blank RFP
RFP Evaluation Committee Handbook
Addendum(s) (if there are any)

ENCLOSURE 16-1 (Cont'd)

CONFLICT OF INTEREST CERTIFICATION FORM FOR EVALUATION COMMITTEE MEMBERS

I hereby certify that I have read School District of Palm Beach County Policy 3.02 *Code of Ethics* and that, to the best of my knowledge and belief, neither I nor any relative* or domestic partner is an officer, director, trustee, partner (general or limited), employee or regularly retained consultant of any company, firm or organization that has responded to the competitive solicitation, or has a direct or indirect financial interest, economic interest, or business relationship with any offeror, or to a direct competitor of any offeror under consideration by this Evaluation Committee.

I further certify that neither I nor any relative or domestic partner, to the best of my knowledge and belief, has accepted any gift, loan, reward, promise of future employment, favor, service, lodging, dining or entertainment gratuities from any offeror or direct competitor of any offeror under consideration by this Evaluation Committee, which will influence my decisions, compromise my judgment or prevent me from objectively evaluating any proposal solely on its merits and in accordance with the competitive solicitation's evaluation criteria.

Furthermore, I agree to notify the Purchasing Director in writing if I learn that my, or any of my relatives or domestic partner's, financial, business, or economic relationship with one of the offerors changes at any time during the evaluation process.

_____
Name

_____
Department

_____
Date

_____ RFP
Number

*

*"Relative" means an individual who is related to a public officer or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the public officer or employee or who otherwise holds himself or herself out as or is generally known as the person whom the public officer or employee intends to marry or with whom the public officer or employee intends to form a household, or any other natural person having the same legal residence as the public officer or employee.