



## **04-08 PROCUREMENT OF SPECIAL AND PROFESSIONAL SERVICES**

### **I. OVERVIEW**

“Special services and advice,” also referred to as professional services, are described in Government Code section 53060. Special services include financial, auditing, legal, architectural/engineering, insurance brokerage, payroll issuance and preparation, and other administrative matters where the practitioner is specially trained and experienced to handle such matters. The key to determining a “special service” is whether the professional's independent knowledge, expert training, discretion and judgment is needed to render complete and adequate service under the contract. When procuring a professional service in combination with a personal service, it must be determined which service is the primary part of the overall services requested in order to direct whether an Invitation for Bid (IFB) or a Request For Proposals (RFP) is the legally appropriate means of procurement.

Special services/professional services procurements are deemed to be exempt from the legal requirement of formal bidding. Nonetheless, the District has adopted as its business practice to procure such services through a competitive process whenever possible. Specifically, the following situations may arise when it is advantageous for the District to competitively procure the services: (a) multiple suppliers of the service compete in the local market and may be interested in doing business with the District, and (b) the District could reasonably derive a material benefit, such as significant cost savings or superior service, from inviting competitive offers, and (c) the service is expected to cost \$5,000 or more. At the discretion of the procuring location, services costing less than \$5,000 may be obtained utilizing quotes.

Professional services are to be procured through a RFP or Request For Qualifications (RFQ) process. Depending on the anticipated dollar amount for the service, the transaction is either handled by the college, College Procurement Specialist or District Purchasing and Contracts Section in accordance with the preceding section 04-01 and the division of authority set forth in Administrative Regulation B-19.

Unlike the RFP, the RFQ omits the requirement for submittal of a price proposal and limits the District's evaluation of offers to an assessment of the relative qualifications of the competing firms to perform the services. Generally, RFQs are used only for engineering and architectural services. Accordingly, this method of procurement is addressed in the Facilities Section.

As with the sealed bidding process used for Large Purchases, the purpose of the RFP is to create a fair, equitable and objective process for qualified suppliers of a



particular service to compete for the District's business on a "blind bid" basis (that is, each proposer not knowing what its competitors are offering), with the goal of selecting the most advantageous offer to the District, price and other relevant factors considered.

## **II. PROCESS**

### **A. Request for Proposals (RFP)**

**1. Specifications (Scope of Work)** – The requestor will initiate the RFP process by preparing a set of service specifications and deliverables. Often referred to as the Scope or Statement of Work, the specifications describe the work to be accomplished, the time frame for completion, any relevant professional or industry standards to be followed, and the deliverables—or work products—to be provided during and at the end of the engagement. If possible, a requestor should also provide with the Scope of Work a list of suggested suppliers to which the RFP should be sent.

**2. Evaluation Criteria** – Accompanying the Scope of Work should be recommendations for evaluating the proposals submitted. Unlike invitations for bids, in which award is made to the lowest responsible and responsive bidder, the RFP evaluates qualitative factors in the proposal in addition to price. However, evaluation criteria should still utilize qualitatively objective standards for determining whether a vendor should be selected. Some examples of objective but qualitative criteria are the following:

- a) Number of years of experience in the service field being procured;
- b) Number of years of experience serving clientele similar to the District;
- c) Experience and education of the personnel proposed for the project;
- d) Possession of a specific license or certification in order to provide the service.

Other more subjective evaluation criteria also may be applied, such as previous clients' satisfaction as reflected in reference checks, and the quality of the technical approach proposed for accomplishing the work objectives. Finally, price (hourly rate or overall project pricing) should always be solicited in the RFP and evaluated as part of the overall proposal.

To enhance the objectivity of the evaluation process, points or weights are to be assigned to the various evaluation criteria and published in the RFP, so that both proposers and evaluators know in advance how proposals will be comparatively scored.



**3. Notice** – For professional services anticipated to equal or exceed the statutory bid threshold, the District Contracts and Purchasing Section will legally advertise for proposals in the same manner as bids for Large Purchases are advertised. A notice requesting proposals will be published at least once a week for two weeks in a newspaper of general circulation published in the District service area boundaries. The notice must include, at a minimum, the scope of work to be performed and when proposals are due. If a pre-proposal meeting is scheduled, the date, time and place of the meeting also must be included in the notice. If a pre-proposal meeting is mandatory to all proposers, this information should also be included in the notice. Notices also may be advertised in trade journals or other publications targeted at suppliers of the services being procured. For services expected to cost less than the statutory bid threshold, legal advertising of the notice is optional.

In addition to advertising, copies of the notice or RFP may be sent directly to suppliers that have requested to receive such solicitations or which have been identified by the requestor or District as potential proposers. Finally, a copy of the RFP also will be posted on the LACCD Website.

**4. RFP Document** – The RFP document will generally contain the following information:

- Background on the District, the requesting college (if applicable), and other information relevant to describing the District as a prospective customer;
- Explanation of why the specified services are needed;
- Instructions to proposers on how and where to submit their proposals;
- Instructions on what information to include in the proposal and how to organize the information;
- Evaluation criteria to be applied and their relative weights;
- Scope of Work;
- Price Proposal Form, on which the proposer enters its identifying information, pricing and signature;
- Terms and conditions of the contract or the proposed contract template to be offered to the successful proposer, if award is made;
- Miscellaneous forms and instructions.

**5. Changes to the RFP** – Any material changes to the RFP will be made only through written addenda distributed to all who received the original RFP.



Distribution may be made by first-class US Mail, email, facsimile or personal delivery to addresses or telephone numbers furnished by the RFP recipients. A copy of the addendum also will be posted on the LACCD website [http://www.laccd.edu/business\\_services/](http://www.laccd.edu/business_services/) along with the original RFP. Issuance of an addendum will be provided far enough in advance of the proposal-submittal deadline to provide a reasonable period of time for proposers to receive the addendum and modify their offers accordingly; otherwise, the submittal deadline must be extended. Any addendum should be sent to all interested proposers and posted on the LACCD website.

**6. Pre-proposal Meeting** – Whenever it is deemed necessary in order to facilitate the communication of information between the District and prospective proposers, a pre-proposal meeting will be convened by the District prior to the submittal deadline. The date, time and place of the meeting will be included in any RFP advertisement placed or notice issued. The pre-proposal meeting may be conducted at the site where the work is to be performed and conducted as a “job-walk” for prospective proposers. Any questions and answers of a material nature from the pre-proposal meeting, together with any material changes to the RFP announced at the meeting by District representatives, will be documented in an addendum sent to all recipients of the original RFP and posted on the LACCD website.

**7. Proposal Submission** – Proposals, contained in a sealed wrapper, will be accepted up to the noticed proposal submittal date and time. Time and date of receipt will be mechanically stamped or handwritten accompanied by the signature of the recipient, on the wrapper. Proposals received after the deadline will not be opened but will be either returned to the proposer or held sealed until the conclusion of the RFP process. Only if fewer than two responsive proposals are received will any late proposals be considered, in which instance all late proposals must be considered. If required in the RFP instructions, an electronic file of the proposal (e.g., in MS Word or PDF format) must be submitted on diskette or CD-ROM together with the paper proposal.

Proposals may be delivered in person by the proposer, through the US Mail or via a private third-party carrier (e.g., overnight delivery or courier service), but in no event will a delay caused by such delivery method be allowed by the District as a valid reason for acceptance of a late proposal. Only if the District is the direct cause of late receipt of a proposal will such offer be accepted. Faxed proposals will not be accepted.

If permitted in the RFP instructions, as an alternative to the submittal of a paper proposal, proposals may be prepared in MS Word or PDF format and submitted electronically as an attachment to an email message sent to a secure mail box designated by the District.



Unlike sealed bids, proposals are not opened in a public setting. Instead, they are opened by District employees in private so as not to expose the contents of any proposal to competitors. This serves to preserve the District's ability to negotiate changes favorable to LACCD with one or more proposers without their knowledge of what their competitors may be offering.

**8. Proposal Evaluation** – Proposals will be evaluated in accordance with the criteria and weights published in the RFP. To further the objectivity of the process, a panel of evaluators—including representatives from other District locations or from outside LACCD altogether—may be convened to score the offers independently. The proposal receiving the highest score will be deemed the offer most advantageous to the District and be recommended for contract award.

**9. Interviews/Negotiation** – After the proposals have been initially evaluated, but before the final selection of a supplier, interviews may be conducted with the proposers judged to be in the competitive range based on the evaluation scores. "Competitive range" is defined as the field of proposers which, by virtue of their written proposal, could conceivably be awarded the contract resulting from the RFP. Information obtained through the interviews may then be considered by the proposal evaluators in assigning final scores to the proposals.

In addition, negotiations may be conducted with proposers in the competitive range with the objective of eliciting a more advantageous offer for the District. When conducting negotiations, care must be taken to not (a) divulge the contents of one proposer's offer to any other proposer, and (b) give one proposer a competitive advantage over another.

**10. Proposal Rejection** – At its sole discretion and without cause, the District may, without awarding a contract, reject all proposals, cancel the RFP and either re-issue the RFP or cancel the entire solicitation.

**B. Award** – Any award of a contract to a successful proposer must be authorized or ratified by the Board of Trustees at a regular public meeting. All proposers will be notified in writing of the recommendation of award or the actual award. Any vendor who had submitted a proposal shall have five working days from the date of notice to protest an award made to another vendor.

**C. Recordkeeping** - A copy of the original RFP, including all addenda issued thereto, and originals of all proposals, correspondence and other proposer-generated documents will be retained by the issuer of the RFP for the duration of the contract award or for a longer period if required by the District's records retention policy.

The District is subject to the California Public Records Act set forth in Government Code sections 6250-6270. As such, proposals, correspondence and other proposer-generated documents are subject to public inspection, unless



otherwise excluded by the Public Records Act. For this reason, proposers are to be instructed to identify in their proposals information they deem to be proprietary in nature. Identification of information as "proprietary" by the proposer does not guarantee non-disclosure of the information if public disclosure is otherwise permitted or required by law.

### **III. LEGAL AUTHORITY AND CITATIONS**

Public Contract Code sections 20650-20660

Education Code sections 81550 et seq, 81641, 81651

Government Code section 53060

Board Rules 7100 and 7102.16

04-02 – Types of Transactions

Government Code sections 6250-6270