

OFFICE OF CHIEF OPERATIONS OFFICER
Summary of State Board of Education Agenda Items
December 18-19, 2014

OFFICE OF PROCUREMENT

22. Report on the Request for Proposals process to procure personal services contracts as per Section 25-9-120, Mississippi Code of 1972, as amended

Section 25-9-120, Mississippi Code of 1972, as amended, established the Personal Service Contract Review Board (PSCRB) and authorized it to [p]romulgate rules and regulations governing the solicitation and selection of contractual services personnel” for agencies under the authority of the Mississippi State Personnel Board.

No Action: Discussion Only

Back-up material attached

Basics of Personal Services Procurement

Donna Hales
Director of Procurement





Overview

- Item 22
 - Requests for Proposals process
 - Personal Service Contract Review Board

- Item 23
 - Methods of source selection
 - State Board Policy, Code 2500
 - Employee Procedures Manual Section 17

Personal Services Contract Review Board (PSCRB)

- Established by 1997 Mississippi Legislature
 - MS Code Annotated 25-9-120 authorized PSCRB to promulgate rules and regulations governing the solicitation and selection of contractual services
- Applies to agencies under the purview of the Mississippi State Personnel Board
- Applicable only to the procurement of personal and professional services in excess of \$100,000



Personal Services Contract Review Board (PSCRB)

- Facilitates the procurement process with agencies under their purview
- Board meets monthly to consider for approval personal and professional contracts in excess of \$100,000
- Agency regulatory board approval prior to submission to PSCRB for consideration

- Emergency
- Sole Source
- Competitive Sealed Bidding
 - Invitation for Bid
- Competitive Sealed Proposals
 - Request for Proposals (RFP)

Request for Proposals process

- Program office submits RFP packet
 - Tentative timeline
 - Draft RFP
 - Advertisement Letter
 - Draft contract
- Procurement reviews and works with program office to get finalized
- RFP sent to PSCRB for pre-review



Request for Proposals process

- RFP released
 - Advertised
 - Posted to MDE website
- Intent to submit forms received
- Questions received from potential offerors
- Response to questions posted to MDE website

Request for Proposals process

- Proposals received as outlined in the RFP
- Evaluation of proposals
 - Team of evaluators determined
 - Evaluation of proposals
 - Scores are verified
 - Intent to award is made
- Debriefing offered to all respondents

Request for Proposals process

- Item presented to State Board of Education for approval to award contract
- Submitted to PSCRB for their consideration
- Contract executed



Request for Proposals process

- Questions



Policy

- State Board Policy, Code 2500
 - Awarding office responsible for compliance
 - Establishes governance for contracts
 - Establishes methods of source selection
- Employees Procedures Manual
 - Contract Procurement Policy, Section 17

- Competitive Sealed Bids
- Competitive Sealed Proposals (RFP)
- Small Purchases
 - Pool of Service Providers
 - Three written quotations
- Sole-Source procurement
- Emergency Procurement

Competitive Sealed Bids

- Price is the primary factor in determining award
- Procurements exceeding \$100,000
- Awarded to the lowest responsible bidder
- Alterations in bid price not allowed
- Follows same process as the RFP

Competitive Sealed Proposals (RFP)

- Normally used for procurements greater than \$100,000
- More practicable or advantageous to the State
- Allows discussions with responsible offerors and revisions to proposals
- Price is secondary factor

Content of the RFP

- Statement that discussions may be conducted
- Type of services required and estimate of when and for how long services required
- Description of the work involved
- Type of contract to be used

- Date by which proposals shall be submitted
- Statement that the proposals shall be in writing
- Statement regarding designation in proposals of proprietary data or trade secrets

- Statement of minimum information that the proposals shall contain, including:
 - Name, location of principal place of business and the place of performance
 - Age of the offeror's business, average number of employees over a previous period of time, as specified in the RFP
 - Abilities, qualifications, and experience of all persons who would be assigned

- Listing of other contracts under which services similar in scope, size, or discipline were performed within a previous period of time
- Plan giving as much details as is practical explaining how the services will be performed
- Factors to be used in the evaluation and selection process and their relative importance

Evaluation of RFP

- Evaluation factors must be set forth in the RFP
- Must state relative importance of each evaluation factor
- Numerical ratings systems may be used but are not required
- Factors not specified in the RFP shall not be considered

Evaluation Factors

- The following factors must be listed and considered in conducting the evaluation
 - Plan for performing the required services
 - Ability to perform the services
 - Personnel, equipment, and facilities to be made available to perform the services
 - Record of past performances of similar work
 - Price



Small Purchases

- Contracts \$100,000 or less may be procured by:
 - Three written quotations
 - Pool of service providers



Quotes

- Three written quotes
 - Made to source offering the lowest acceptable quote
 - Must be either signed, on letterhead, or otherwise identifiable to be valid



Quotes

- Written quote should at least contain
 - Statement of price
 - Terms of the agreement
 - Description of services offered
 - Name, address, and telephone number of the offeror



Pool of Service Providers

- Must ensure competition
- Must be established under an open process for interested vendors to become a member
- Awarding office shall make every effort to solicit nominations from entities



Pool of Service Providers

- Policies and procedures that apply to the establishment and use of the pool include
 - Specify the name of the pool
 - Establish method for entry into pool
 - Establish selection criteria
 - Place pool listing on the MDE shared network drive which is accessible to Procurement



Pool of Service Providers

- Establish fee schedule using one of the following options
 - Surveys of similar positions
 - Obtain rate of pay for consultants performing comparable services
 - Obtain approved salaries for comparable positions located on the MS State Personnel Board website
 - Obtain district personnel listing of salaries from the Office of Technology Services at MDE for comparable positions



Pool of Service Providers

- Utilize standard rate of pay set by MDE for comparable positions
- Documentation should be retained in the program office files to support compliance with the pool policy



Sole-Source Procurement

- Awarded without competition
- State Superintendent of Education must approve
- Only permissible when a requirement is available from only a single supplier
- Negotiations shall be conducted
- In cases of reasonable doubt, competition should be solicited



Emergency Procurement

- Awarding office shall provide a written determination of the basis for the emergency and for the selection of the particular contractor
- State Superintendent of Education or designee must approve
- Emergency procurement limited to those services necessary to meet emergency