

	<p style="text-align: center;">STATE OFFICE for SERVICES to CHILDREN and FAMILIES</p> <p>ADMINISTRATIVE SUPPORT MANUAL III</p> <p>ISSUED BY: Management Operations</p> <p>EFFECTIVE DATE: January 2, 1996</p>	<p>NUMBER: III-D.2.1</p> <p>SECTION: D. Contract Management</p> <p>SUBSECTION: 2. Contractor Selection and Negotiation</p>
<p>SUBJECT: 1. Screening and Selection of Contractors</p>		

Interpretation: Assistant Administrator,
Management Operations

Approval: Assistant Administrator,
Management Operations

REFERENCE: OAR 125-310-092

PURPOSE AND POLICY

413-330-200 (1) These rules describe the process of screening and selecting personal services contractors.

(2) The State Office for Services to Children and Families shall use competition to the maximum extent practicable when selecting contractors to provide personal and professional services. When the cost of services is less than \$25,000, price quotations and statements of qualifications shall be solicited from at least three sources before selecting a contractor. When the cost of services is \$25,000 or more, proposals shall be solicited as outlined in these rules.

(3) Competition is presumed not to exist when:

(a) Less than two qualified persons or organizations respond to an advertised request for proposal or

(b) After following the procedures in these rules, it is established that there is only one source available to provide the service.

Statutory Authority: HB2004

Stats. Implemented: ORS 279.051 and ORS 291.021

DEFINITIONS

(See Glossary)

413-330-210 (1) "Offeror": A prospective contractor who has submitted a proposal for delivery of specified services.

(2) "Qualified Offeror": An offeror who meets the minimum requirements stated in the

	<p style="text-align: center;">STATE OFFICE for SERVICES to CHILDREN and FAMILIES</p> <p>ADMINISTRATIVE SUPPORT MANUAL III</p> <p>ISSUED BY: Management Operations</p> <p>EFFECTIVE DATE: January 2, 1996</p>	<p>NUMBER: III-D.2.1</p> <p>SECTION: D. Contract Management</p> <p>SUBSECTION: 2. Contractor Selection and Negotiation</p>
<p>SUBJECT: 1. Screening and Selection of Contractors</p>		

Request for Proposals (RFP).

(3) "Personal Service Contracts": Contracts for human care services, educational services, consultation, training, etc. See OAR 125-310-092.

(4) "Proposal": A written statement, usually in response to a Request for Proposals (RFP), which describes how an offeror (prospective contractor) proposes to deliver the specified services, the offeror's qualifications, and the offeror's price for the services.

(5) "Quotation": An oral or written statement by a prospective contractor of the price and any conditions for delivery of specified services.

(6) "Request for Proposals (RFP)": The document which specifies requirements for services and solicits proposals for meeting the requirements from prospective contractors.

(7) "Competitive Proposal": Proposals received from two or more qualified offerors in response to an RFP.

(8) "Noncompetitive Proposal": A proposal which is the only one received from a qualified offeror in response to an RFP.

(9) "Specification": A clear, accurate, detailed description of a service.

(10) "Standard": A statement expressed in measurable terms which sets the required level of performance of a service.

(11) "Statement of Qualifications": An oral or written statement by a prospective contractor of the contractor's education, training, experience and other qualifications related to provision of specified services.

Statutory Authority: HB2004

Stats. Implemented: ORS 279.051 and ORS 291.021

SOLICITING QUOTATIONS

413-330-220 (1) Quotations and statements of qualifications will be used to select

	<p style="text-align: center;">STATE OFFICE for SERVICES to CHILDREN and FAMILIES</p> <p>ADMINISTRATIVE SUPPORT MANUAL III</p> <p>ISSUED BY: Management Operations</p> <p>EFFECTIVE DATE: January 2, 1996</p>	<p>NUMBER: III-D.2.1</p> <p>SECTION: D. Contract Management</p> <p>SUBSECTION: 2. Contractor Selection and Negotiation</p>
<p>SUBJECT: 1. Screening and Selection of Contractors</p>		

contractors to provide the following services:

(a) Regular, customary professional services of a physician, psychiatrist, psychologist or similar professional person, for any amount;

(b) Other personal services contracts of less than \$25,000.

(2) Timely notice of all contract solicitations in excess of \$1,000 shall be given to the Advocate for Minority, Women, and Emerging Small Business for the Oregon Opportunity Register and Clearinghouse.

(3) Quotations and statements of qualifications are not required for:

(a) The services of certified providers of family foster care and shelter care. When special rates are authorized, the basis for the special rates must be documented;

(b) Educational services provided by a public school or school district;

(c) Housekeeper and other services provided by qualified providers at federal minimum wage;

(d) A person making a speech at a conference or other event where honorariums are to be paid. This does not include a person giving a training presentation;

(e) Contracts for \$1,000 or less;

(f) The services of county, municipal and other local government agencies, which the agencies are authorized to provide within their jurisdiction including but not limited to sanitarian, health, safety and welfare services;

(g) Service for which satisfactory documentation shows that only a single source is available or practical. Competition is presumed not to exist when it can be documented by a professional certification or licensing agency or is confirmed by a

	<p style="text-align: center;">STATE OFFICE for SERVICES to CHILDREN and FAMILIES</p> <p>ADMINISTRATIVE SUPPORT MANUAL III</p> <p>ISSUED BY: Management Operations</p> <p>EFFECTIVE DATE: January 2, 1996</p>	<p>NUMBER: III-D.2.1</p> <p>SECTION: D. Contract Management</p> <p>SUBSECTION: 2. Contractor Selection and Negotiation</p>
<p>SUBJECT: 1. Screening and Selection of Contractors</p>		

professional third party who is knowledgeable of available providers;

(h) Amending an existing contract;

(i) Recontracting when the conditions of rule 413-330-300(2)(c) are met.

Statutory Authority: HB2004

Stats. Implemented: ORS 279.051 and ORS 291.021

SERVICE DEFINITION

413-330-230 Contract services shall be defined in writing before any action is taken to solicit quotations and statements of qualifications from prospective contractors.

Statutory Authority: HB2004

Stats. Implemented: ORS 279.051 and ORS 291.021

COMPETITION

413-330-240 Competition shall be used in obtaining services to the maximum extent practicable. As used herein, competition means obtaining quotations and statements of qualifications from a reasonable number of prospective contractors when considering the nature of the services and value of the contract. When practicable, quotations and statements of qualifications should be obtained from at least three sources except as outlined in OAR 413-330-220(3).

Statutory Authority: HB2004

Stats. Implemented: ORS 279.051 and ORS 291.021

SELECTING THE CONTRACTOR

413-330-250 The contractor who has been judged best able to provide the services at a reasonable price will be selected to perform the contract. Consideration should be given to the quality of the services, and the results which the services are expected to produce.

Statutory Authority: HB2004

Stats. Implemented: ORS 279.051 and ORS 291.021

OBTAINING QUOTATIONS AND STATEMENTS OF QUALIFICATIONS

	<p style="text-align: center;">STATE OFFICE for SERVICES to CHILDREN and FAMILIES</p> <p>ADMINISTRATIVE SUPPORT MANUAL III</p> <p>ISSUED BY: Management Operations</p> <p>EFFECTIVE DATE: January 2, 1996</p>	<p>NUMBER: III-D.2.1</p> <p>SECTION: D. Contract Management</p> <p>SUBSECTION: 2. Contractor Selection and Negotiation</p>
<p>SUBJECT: 1. Screening and Selection of Contractors</p>		

413-330-260 Informal means, such as letter or telephone, may be used to obtain quotations and statements of qualifications when appropriate. The following shall be recorded and made a part of the contract records using the CONTRACTOR SELECTION STATEMENT, form CF 11-A:

(1) Names of individuals or firms solicited, and price quoted by each.

(2) Basis for selection of the contractor (e.g., lowest price quoted, best qualified at reasonable price, only known contractor able to provide the services at the required time and place, etc.). When only one contractor is known, the method used to search out other contractors will be explained. If a better qualified contractor is selected over a contractor whose price is equal or lower, the better qualifications will be explained.

Statutory Authority: HB2004

Stats. Implemented: ORS 279.051 and ORS 291.021

SOLICITING PROPOSALS

413-330-270 Proposals will be solicited through the RFP process outlined below for contracts of \$25,000 or more unless the procedures in rule 413-330-220 apply, or unless the programs or services are exempted in OAR 413-330-300. Competitive proposals will not be solicited for information or planning purposes.

Statutory Authority: HB2004

Stats. Implemented: ORS 279.051 and ORS 291.021

SERVICE DEFINITION

413-330-280 Contract services shall be defined in writing before any action is taken to solicit proposals from prospective contractors.

Statutory Authority: HB2004

Stats. Implemented: ORS 279.051 and ORS 291.021

COMPETITION

413-330-290 (1) Competition shall be used in obtaining services to the maximum

	<p style="text-align: center;">STATE OFFICE for SERVICES to CHILDREN and FAMILIES</p> <p>ADMINISTRATIVE SUPPORT MANUAL III</p> <p>ISSUED BY: Management Operations</p> <p>EFFECTIVE DATE: January 2, 1996</p>	<p>NUMBER: III-D.2.1</p> <p>SECTION: D. Contract Management</p> <p>SUBSECTION: 2. Contractor Selection and Negotiation</p>
<p>SUBJECT: 1. Screening and Selection of Contractors</p>		

extent practicable. As used herein, competition means obtaining proposals from two or more sources capable of providing the services.

(2) Agreements with state and other government agencies are not included in the definitions of public and personal services contracts and therefore do not come under the requirements for competition in contractor selection.

Statutory Authority: HB2004

Stats. Implemented: ORS 279.051 and ORS 291.021

PROGRAMS AND SERVICES EXEMPTED FROM SEEKING COMPETITIVE PROPOSALS

413-330-300 (1) A Request for Proposals (RFP) is not required:

(a) For services listed in OAR 413-330-220(1) and (2);

(b) If the SOSCF director or the responsible assistant administrator and the Department of Administrative Services is satisfied that only a single source is available or practical and waives, in writing, the requirement to use an RFP. The prospective contractor will submit a proposed description of services to be provided and a proposed budget which will be evaluated in accordance with OAR 413-330-350;

(c) To contract for personal services when the responsible assistant administrator has determined that federal funds are not involved and use of quotations and statements of qualifications will provide a reasonable basis for selecting the contractor;

(d) When two or more certified or licensed child care providers capable of providing the services, exist in the area where the services are required and SOSCF uses the services of each of the providers. Competition is presumed not to exist for the services of such providers, and competitive proposals are not required;

NOTE: ORS 418.205 - 418.327 establishes certification and licensing requirements to be met by child caring providers.

(e) To amend an existing contract;

	<p style="text-align: center;">STATE OFFICE for SERVICES to CHILDREN and FAMILIES</p> <p>ADMINISTRATIVE SUPPORT MANUAL III</p> <p>ISSUED BY: Management Operations</p> <p>EFFECTIVE DATE: January 2, 1996</p>	<p>NUMBER: III-D.2.1</p> <p>SECTION: D. Contract Management</p> <p>SUBSECTION: 2. Contractor Selection and Negotiation</p>
<p>SUBJECT: 1. Screening and Selection of Contractors</p>		

(f) To recontract for the services of a licensed or certified child care provider with which SOSCF has a current contract, when:

(A) Competition to provide the services does not exist;

(B) The provider's services have been reviewed by the responsible SOSCF manager, and the provider and SOSCF have agreed to a detailed description of the provider's services in a form acceptable to SOSCF sufficient for recontracting; and

(C) The provider's current management of SOSCF funds as shown in recent audit(s) and expense statements indicates that SOSCF funds are being used for contractually allowable costs, or a satisfactory corrective action agreement from the provider indicates that SOSCF funds will be appropriately used in the future.

(2) Except as prohibited by law or administrative rule, the responsible SOSCF assistant administrator may waive part or all of the requirements of these rules relating to soliciting proposals, for any specific service, upon determining that:

(a) Such waiver is necessary to carry out an authorized SOSCF program in a timely manner; and

(b) It is unlikely that such a waiver will encourage favoritism in awarding a contract or substantially diminish future competition;

(c) Waiver of rules relating to soliciting proposals may not be made to recontract for a second contract period. Proposals will be solicited in accordance with these rules prior to recontracting;

(d) The waiver shall be made a part of the contract records.

Statutory Authority: HB2004

Stats. Implemented: ORS 279.051 and ORS 291.021

	<p style="text-align: center;">STATE OFFICE for SERVICES to CHILDREN and FAMILIES</p> <p>ADMINISTRATIVE SUPPORT MANUAL III</p> <p>ISSUED BY: Management Operations</p> <p>EFFECTIVE DATE: January 2, 1996</p>	<p>NUMBER: III-D.2.1</p> <p>SECTION: D. Contract Management</p> <p>SUBSECTION: 2. Contractor Selection and Negotiation</p>
<p>SUBJECT: 1. Screening and Selection of Contractors</p>		

REQUEST FOR PROPOSALS (RFP)

413-330-310 (1) When the RFP process is used, whether for more or less than \$25,000, it shall be used in accordance with this policy, rules 413-330-310 through 413-330-360, and shall be processed by the Contracts Section.

(2) RFP's should include the following, when applicable:

(a) Statement of the required work, 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;

(b) Minimum standards and qualifications which contractors must meet to be eligible to provide the services;

(c) Information which prospective contractors must submit in their proposals to support their capability, such as experience providing the same or similar services (when, where, for whom, type of service, etc.);

(d) Funding information and budget requirements. If rates of payment will be based on a budget or if for other reasons an offeror budget is requested, a budget form should be included;

(e) The form and organization of proposals, when and where proposals are to be submitted, and when award of a contract is expected;

(f) The method and criteria to be used in evaluating proposals and the weighting assigned to each criterion if competitive proposals may be received;

(g) Notice that all costs incurred in the preparation of a proposal will be the responsibility of the offeror and will not be reimbursed by SOSCF;

(h) Notification whether late proposals may be considered, or whether late proposals will not be considered;

	<p align="center">STATE OFFICE for SERVICES to CHILDREN and FAMILIES</p> <p>ADMINISTRATIVE SUPPORT MANUAL III</p> <p>ISSUED BY: Management Operations</p> <p>EFFECTIVE DATE: January 2, 1996</p>	<p>NUMBER: III-D.2.1</p> <p>SECTION: D. Contract Management</p> <p>SUBSECTION: 2. Contractor Selection and Negotiation</p>
<p>SUBJECT: 1. Screening and Selection of Contractors</p>		

(i) Contract General Provisions.

(3) Offerors will be instructed to submit proposals in two parts:

(a) The technical proposal which describes how the services will be provided, contractor's qualifications, experience, etc.; and

(b) The cost and pricing proposal which states the price for the services and describes the basis for the price including all significant elements of cost.

Statutory Authority: HB2004

Stats. Implemented: ORS 279.051 and ORS 291.021

PUBLICIZING THE RFP

413-330-320 (1) Timely notice of the RFP shall be given to the Advocate for Minority, Women, and Emerging Small Business for the Oregon Opportunity Register and Clearinghouse.

(2) A copy of the RFP will be mailed or delivered to known, prospective contractors who are considered qualified to provide the services in the area where the services are required.

(3) Except as stated in section (4) of this rule, RFP's will be publicized by placing a short notice, describing the services and stating where a copy of the RFP may be viewed or obtained, in an appropriate newspaper, trade journal, or other publication for at least one issue of the publication using DAS master contract, and advertising on the Vendor Information System.

(4) Publicizing is not required for services of child caring agencies or for other child caring services when, because of SOSCF's certification/licensing responsibilities, or for other reasons, SOSCF is aware of all qualified providers of the services.

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OFFEROR'S CONFERENCE

	<p style="text-align: center;">STATE OFFICE for SERVICES to CHILDREN and FAMILIES</p> <p>ADMINISTRATIVE SUPPORT MANUAL III</p> <p>ISSUED BY: Management Operations</p> <p>EFFECTIVE DATE: January 2, 1996</p>	<p>NUMBER: III-D.2.1</p> <p>SECTION: D. Contract Management</p> <p>SUBSECTION: 2. Contractor Selection and Negotiation</p>
<p>SUBJECT: 1. Screening and Selection of Contractors</p>		

413-330-330 When competition to provide the services may exist, an offeror's conference may be conducted to explain the procedures related to preparation, receipt and evaluation of proposals, and to answer any general oral questions which the offerors may have. The conference should be scheduled sufficiently in advance of the date of receipt of proposals to allow offerors to make use of the information in preparing their proposals. Offerors should be instructed to submit questions related to interpretation of RFP requirements in writing early enough for a written answer to be furnished to each offeror in time for the offeror to use the information in the proposal.

Statutory Authority: HB2004

Stats. Implemented: ORS 279.051 and ORS 291.021

RECEIPT AND PROTECTION OF PROPOSALS

413-330-340 Proposals received in response to an RFP will be stored unopened and protected from public disclosure until the final date and time set for receipt of proposals. (When necessary, proposals may be opened for identification and resealed thereafter.) Proposals received after the date and time specified in the RFP are "late proposals." SOSCF is under no obligation to accept or consider late proposals, but may do so if the RFP authorizes SOSCF to consider them and if the proposal is received early enough so contract award will not be delayed.

Statutory Authority: HB2004

Stats. Implemented: ORS 279.051 and ORS 291.021

EVALUATION OF PROPOSALS FOR CONTRACTS OF \$10,000 AND MORE

EVALUATION OF NONCOMPETITIVE PROPOSALS

413-330-350 Noncompetitive proposals will be evaluated to determine the extent to which the service requirements of the RFP have been satisfied, and to establish if the price is reasonable. The offeror will be required to submit information to explain any questionable elements of service or cost.

Statutory Authority: HB2004

Stats. Implemented: ORS 279.051 and ORS 291.021

	<p style="text-align: center;">STATE OFFICE for SERVICES to CHILDREN and FAMILIES</p> <p>ADMINISTRATIVE SUPPORT MANUAL III</p> <p>ISSUED BY: Management Operations</p> <p>EFFECTIVE DATE: January 2, 1996</p>	<p>NUMBER: III-D.2.1</p> <p>SECTION: D. Contract Management</p> <p>SUBSECTION: 2. Contractor Selection and Negotiation</p>
<p>SUBJECT: 1. Screening and Selection of Contractors</p>		

EVALUATION OF COMPETITIVE PROPOSALS

413-330-360 (1) Competitive proposals will be evaluated by a committee of not less than three persons, appointed by the responsible manager, who are not in a conflict of interest position with any person or organization submitting a proposal, who are knowledgeable of the service requirements and are expected to exercise expert, objective judgment.

(2) Evaluation committee members will be notified of their selection, by the DHR contracts officer, furnished a copy of the RFP and advised of the method of evaluation. The committee will review the RFP and evaluation methodology prior to receipt of proposals.

(3) After the time for receipt of proposals has passed, a copy of each technical proposal, describing how the offeror proposes to provide the services, will be furnished to each evaluation committee member. Evaluation of the technical proposals will be conducted in two steps:

(a) Committee members will independently evaluate and rate each evaluation criterion described in the RFP, using a rating scale of 0 to 5 with 5 the highest rating;

(b) After independent evaluations have been completed, the contracts officer will conduct a meeting of the committee to resolve differences in independent evaluations. The rating will be multiplied by the weighting for each criterion shown in the RFP to determine the score for the criterion. Criterion scores will be totaled to obtain the technical proposal score. The committee may interview offerors as considered necessary for clarification, and will perform any necessary review and verification. Offerors will be tentatively ranked in order of preference to provide the services based on the technical proposals.

(4) The evaluation committee will next consider the cost and pricing proposals, other fiscal information, and comments of any reviewing personnel. To assure objective evaluation of the technical proposals, offerors' price and other fiscal information should not be revealed to the committee until after technical proposal evaluations are complete.

	<p style="text-align: center;">STATE OFFICE for SERVICES to CHILDREN and FAMILIES</p> <p>ADMINISTRATIVE SUPPORT MANUAL III</p> <p>ISSUED BY: Management Operations</p> <p>EFFECTIVE DATE: January 2, 1996</p>	<p>NUMBER: III-D.2.1</p> <p>SECTION: D. Contract Management</p> <p>SUBSECTION: 2. Contractor Selection and Negotiation</p>
<p>SUBJECT: 1. Screening and Selection of Contractors</p>		

(5) Final ranking of offerors will be based on all information obtained by the committee during the evaluation process. Price will be considered but will not necessarily govern. Only those offerors whom the committee finds to possess the current or potential ability to perform successfully under the proposed contract will be considered for award of a contract.

(6) The contracts officer will prepare a report of the evaluation committee's findings and recommendations for approval by the responsible assistant administrator. The report will identify the RFP, the services required, proposal evaluation methodology, and evaluation results; and will contain recommendations regarding negotiations and award or nonaward of a contract. The responsible assistant administrator will notify the contracts officer of his/her decision regarding the committee's recommendation(s) and the contracts officer will then notify all offerors of their being awarded or not awarded a contract.

(7) A copy of the RFP, each proposal, and the evaluation report will be maintained as part of the contract record.

(8) Regardless of the method of contractor selection, contracts will be awarded only to responsible contractors who possess the ability to perform successfully under the terms and conditions of the proposed contract and who meet appropriate certification/licensing requirements.

Statutory Authority: HB2004

Stats. Implemented: ORS 279.051 and ORS 291.021