Intro. Res. No.1577-2010
Introduced by Presiding Officer Lindsay

Laid on Table 5/11/2010

RESOLUTION NO. 680 -2010, ADOPTING A PROCUREMENT POLICY MANUAL FOR CONSULTANT SERVICES

WHEREAS, Resolution No. 676-2009 modified the County's process for procuring consultant services; and

WHEREAS, the goal of Resolution No. 676-2009 was to increase transparency and fairness, establish checks and balances and achieve uniformity in the County's procurement process; and

WHEREAS, Resolution No. 676-2009 authorized the County Comptroller, in consultation with the Department of Public Work's Division of Purchasing, to promulgate rules and regulations for the procurement of personnel services/consultant services, said rules and regulations to be applied to all County departments, offices and agencies; and

WHEREAS, the Comptroller has submitted a Procurement Policy Manual for legislative approval; now, therefore be it

1st **RESOLVED**, that this Legislature hereby approves and adopts the Procurement Policy Manual Applicable to Personnel Services/Consultant Service Agreements, dated June 11, 2010, which is attached hereto as Exhibit "A"; and be it further

2nd **RESOLVED**, that this Procurement Policy Manual shall be applicable to all County departments, offices and agencies; and be it further

3rd **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: June 22, 2010

APPROVED BY:

Steve Levy

County Executive of Suffolk County

Date: July 8th 2010

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY

This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on June 22, 2010 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

Tim Laube

Clerk of the Legislature

Intro. Res. 1577 Res. No. 1180 June 22, 2010

Motion:
Romaine, Schneiderman, Browning, Muratore, Losquadro
Eddington, Montano, Cilmi, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:
Romaine, Schneiderman, Browning, Muratore, Losquadro
Eddington, Montano, Cilmi, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:
Romaine, Schneiderman, Browning, Muratore, Losquadro
Eddington, Montano, Cilmi, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE	✓				
2	Jay H. SCHNEIDERMAN	✓				
3	Kate M. BROWNING	✓				
4	Thomas MURATORE	✓				
6	Daniel P. LOSQUADRO	✓				
7	Jack EDDINGTON	✓				
9	Ricardo MONTANO	✓				
10	Thomas CILMI	✓				
11	Thomas F. BARRAGA	✓				
12	John M. KENNEDY, JR.	✓				
13	Lynne C. NOWICK	✓				
14	Wayne R. HORSLEY	✓				
15	DuWayne GREGORY	✓				
16	Steven H. STERN	✓				
17	Lou D'AMARO	✓				
18	Jon COOPER				✓	
5	Vivian VILORIA-FISHER, D.P.O.	✓				
8	William J. LINDSAY, P.O.	✓				
	Totals	17	—	—	1	—

MOTION

X Approve
___ Table: _____
___ Send To Committee
___ Table Subject To Call
___ Lay On The Table
___ Discharge
___ Take Out of Order
___ Reconsider
___ Waive Rule ____
___ Override Veto
___ Close
___ Recess

APPROVED X FAILED ___
No Motion ___ No Second ___

RESOLUTION DECLARED

X ADOPTED
___ NOT ADOPTED

Roll Call ___ Voice Vote X

Tim Laube
Tim Laube, Clerk of the Legislature

SUFFOLK COUNTY
OFFICE OF THE COMPTROLLER
AUDIT DIVISION

Joseph Sawicki, Jr.
Comptroller

Procurement Policy Manual
Applicable to
Personal/Consultant Service Agreements

Date Issued: April 21, 2010

EXHIBIT "A"

IR. 1577

Procurement Policy Manual
Personal/Consultant Service Agreements
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SECTION ONE: PURPOSE, SCOPE AND DEFINITIONS

Purpose

The purpose of County procurement is to facilitate each County department's mission while protecting the interests of the County and its taxpayers and promoting fairness in contracting with the business community. The County Procurement Policy Manual is intended to increase accountability and provide transparency in the awarding of personal/consultant service contracts.

The policy is designed to:

- Ensure fair and open competition
- Guard against favoritism, improvidence, extravagance, fraud and corruption
- Ensure that the results of procurement meet the County's needs
- Provide for checks and balances to regulate and oversee departmental procurement activities

Scope

The County Procurement Policy applies to all personal/consultant service agreements/ contracts entered into by a County Department, County Agency, and by the Office of an Elected Official.

Definitions

The following definitions and distinctions apply to the County Procurement Policy:

Agreement / Contract – A legal document that formalizes the obligations of all parties involved. For purposes of this Procurement Policy, agreements and contracts include Letters of Agreement, Letters of Intent, Memorandums of Understanding, and any document indicating procurement or future procurement of personal/consultant services.

Appropriation – A sum of money from public funds set aside for a specific purpose.

Backdrop Contract – A contract established by the State Office of General Services (OGS) which results from a process in which vendors respond to specifications in order to pre-qualify for future procurement. These contracts establish standard terms and conditions and set maximum not-to-exceed prices, but may be subject to an additional competitive process.

Best and Final Offer – Revised proposal solicited from one or more finalist in a competitive procurement proposal process based on discussions between the County and finalist.

Best Value – The basis for awarding all personal/consultant service contracts to the offerer that optimizes quality, cost and efficiency among responsive and responsible offerers. Such basis shall be, whenever possible, quantifiable.

Bid – An offer or proposal submitted by a bidder to provide a product or service at a stated price for a stated contract term.

Bid Letting – Bids for Public Works Construction and Maintenance Projects which are awarded to the lowest responsible bidder.

Centralized Contract – Any contract established by the State Office of General Services (OGS) for use by state agencies or any other authorized user for the purchase of commodities or services.

Client Services – Services that are contracted for by the County on behalf of third-party clients, i.e., members of the public, to whom the services are directly provided.

Competitive Process – A process in which two or more firms can compete for a contract.

Comptroller – As used herein represents the Suffolk County Comptroller.

Conflict of Interest – An actual or perceived clash between the personal interest of a contractor, public official or employee and the apparent or actual interests of the County.

Consultant Services – Services that are provided by independent contractors which require the consistent exercise of judgment or specialized skills, generally professional in nature. Examples include, but are not limited to, medicine and the medical arts, counseling, architecture, engineering, surveying, accounting, law, financial advisory and underwriting services, management consulting services, feasibility studies of a scientific or technical nature, and other services that require advanced education or professional licensing or certification.

Department – Represents any County Department, Elected Office or Agency as established in the County Charter.

Discretionary Procurement – Procurement of personal/consultant services up to $1,000.00 that is considered non-competitive and is made at the discretion of the County Executive or his/her duly authorized representative without a formal competitive procurement process.

Emergency Procurement – A purchase made without following normal competitive procedures in order to obtain services to meet an urgent and unexpected requirement where health and public safety or the conservation of public resources is at risk and when such a public emergency is declared in writing by the County Executive.

Encumbrance – A reservation or commitment of budgeted funds related to unfulfilled contracts for goods or services. The purpose of encumbrance accounting is to prevent further expenditure of funds in light of commitments already made.

Minority or Women-Owned Business Enterprise (M/WBE) – A business certified under Article 15-A of the State Executive Law that is independently owned, operated and authorized to do business in New York State, and is owned and controlled by at least fifty-one percent women or minority group members who are citizens of the U.S. or permanent resident aliens.

Offerer – An individual or company that submits an offer in response to a solicitation.

Personal Services – Services that are provided by independent contractors which require the use of specialized skills that are not necessarily professional in nature, i.e., are not necessarily based on advanced education, professional licensing or certification.

Preferred Source – A designated organization pursuant to State Finance Law §162 from which services must be procured without competitive bidding requirements where the services meet the form, function and utility requirements of the County. For the list of preferred source offerings, see: www.ogs.state.ny.us/procurecounc/pdfdoc/psguide.pdf

Procurement Record (Record) – All documentation maintained in support of the procurement process. The Record should include but not necessarily be limited to written documentation that supports the decision making process and all the materials necessary to be conveyed to the Office of the County Comptroller for review and approval purposes and for post audit, as well as any other material the department deems essential. The Record is designed to both serve and protect departments and the business community during and after the procurement.

Proposer – An individual or company that submits a proposal in response to an RFP or other solicitation for proposal.

Request for Expression of Interest (RFEI) – An information gathering document used when a department is seeking to gauge interest, to target an audience for a particular project as an aid in developing a bidder's list or to create a short list. This request must not result in the award of a contract, but may only be used as assistance in the development of an RFP. If the RFEI is utilized to create a short list, it must clearly convey that only responders to the RFEI may respond to the RFP.

Request for Information (RFI) – A research and information gathering document used when a department is seeking to learn about the options available to address a particular need and wants to obtain information to help create viable requirements for a potential solicitation. This request must not result in the award of a contract, but may only be used as assistance in the development of an RFP.

Request for Proposals (RFP) – A document that can be issued by the County to solicit proposals for the procurement of personal/consultant services where cost is not the sole determining factor.

Request for Qualification (RFQ) – A document that can be issued by the County to solicit qualified providers to provide client services on behalf of the County. Cost is not a factor because rates are pre-established by the County, State, or Federal government.

Responder – An individual or company that submits a response to an RFQ.

Responsible Offerer – The offerer conforms to all responsibility requirements regarding qualifications and performance, such as financial ability and organizational capacity; legal authority to conduct business; integrity related to business conduct; and past performance.

Responsive Offerer –The offerer meets all mandatory requirements and specifications of the solicitation document.

Services – The performance of a task or tasks, which may include the use of a material good or a quantity of material goods.

Single Source – A procurement in which, although the required services may be supplied by two or more providers, the award may be to one offerer over the other(s) based on written justification for the selection of the provider.

Sole Source – A procurement in which only one offerer is capable of supplying the required services.

Solicitation – The process of notifying prospective bidders or proposers that the County is seeking bids or proposals for the furnishing of services. This process may consist of public advertising, mailing, posting notices on websites, and faxes or emails to prospective bidders or proposers.

Solicitation of Quotes – A simplified proposal request that can be used to solicit personal/consultant services of $25,000.00 and less where the needed services can be translated into exact specifications and where cost is the principal award criteria.

Vendor – A supplier of commodities or services. For purposes of this Procurement Policy, a vendor is a provider of consultant or personal services.

Waiver – An exemption from the formal RFP process granted in certain situations, generally requiring a special or technical skill, training or expertise or where procurement under the formal RFP process would be impractical or inefficient and therefore not in the best interest of the County.

SECTION TWO: GENERAL POLICY

The County's Procurement Policy (Policy) is designed to ensure fair and open competition; guard against favoritism, improvidence, extravagance, fraud and corruption; ensure that the results of procurement meet the County's needs; and protect the interests of the County and its taxpayers. Although checks and balances to regulate and oversee procurement activities are provided by the Policy and County statute, the primary responsibility for procurement rests with County departments. Departments should always ensure that procurements are conducted in an ethical manner while adhering to the Policy and complying with applicable statutory requirements. Departments must comply with the following general principles which are built into the Policy:

Procurement Ethics

Procurements are expenditures of public monies and County departments must always ensure that all procurements are conducted in a manner not to cause any concern that special considerations have been shown to any vendor. For all competitive procurement, the Policy requires that departments ensure that all staff participating in the evaluation process have no conflicts of interest with any of the proposers. To document this mandate, the completion of the "No Conflict of Interest Disclosure Statement," which is available on the Comptroller's website, is required by all evaluation committee members for procurement of personal/consultant services over $25,000.00, and recommended for such procurement up to $25,000.00.

Competition

Competition in the procurement process serves both the County and potential proposers by:

- Ensuring the procurement process produces an optimal solution at a reasonable price
- Guarding against favoritism, fraud and collusion
- Allowing qualified vendors an opportunity to obtain County business

When competition exists, County departments should make every effort to administer a process which provides maximum opportunities for proposers to compete. The breadth of the competitive field may be defined by a department through the establishment of minimum eligibility qualifications for proposers and the identification of programmatic requirements describing the services to be provided, as long as the rationale is sound and the process itself is documented. Alternatively, when competition does not exist or is not utilized, departments should endeavor to negotiate a reasonable price and terms and conditions which can be justified and documented.

Fair and Open Process

County departments must make every reasonable effort to ensure that vendors are aware of opportunities to compete for County business. In addition, County departments must:

- Define the process by which the procurement is being conducted
- Disclose the general process to potential proposers
- Adhere to the process while conducting the procurement and document the process

Responsibility of Proposers

County departments should establish responsibility requirements and only award contracts to vendors who are deemed responsible. Responsibility requirements may include, but are not limited to, the proposer's qualifications, financial stability, legal authority, integrity and performance. Responsibility differs from responsiveness in that it generally applies to the proposer and the constructs are established in case law. Responsive applies to the extent to which the proposer has complied with the specifications or requirements of the solicitation document.

Evaluation and Award

Information provided to proposers must be clearly written such that all potential proposers understand:

- The requirements of a solicitation or proposal
- How their bid or proposal will be evaluated
- The general method the department will use to make an award

To ensure equitable treatment among competing proposers, each must be provided consistent information throughout the procurement process. Additionally, all proposals must be considered and awards must be made in accordance with a rational, predetermined process. The process may use cost as the sole determinant or may consider a variety of factors such as quality, cost and the efficiency of the proposed solution. Whenever possible, the evaluation should be quantifiable.

Accountability

In order to ensure accountability and transparency in the procurement of personal/consultant services, a Procurement Record (Record) is required for all procurement. The Record, which is comprised of written documentation to support all decisions made and procedures followed by the department during the procurement process, serves to protect both the department conducting the procurement and the vending community during and after the procurement. It is provided to the Office of the County Comptroller (OCC) for all personal/consultant services procurement.

The Personal Services Procurement Record Checklist (Checklist) has been developed by the OCC to provide assistance in the preparation, documentation and submission of the Record and is available on the Comptroller's website. In accordance with Chapter 708-8, Article III of the Suffolk County Code, all County departments, offices and agencies must file the Checklist with the OCC within ten (10) days of the award notification, i.e., the date that the consultant is first notified that the County has awarded the contract. The notification of award predates the execution of the contract.

Aggregate Purchases of Services

In determining the procurement method for services based on dollar thresholds, the aggregate dollar amount known or reasonably expected to be expended for like services in a fiscal year (whether from a single vendor or multiple vendors) must be used.

SECTION THREE: PROCUREMENT METHODS

Procurement Record for All Methods

For all methods of procurement, the department must maintain a Procurement Record (Record) which serves as an audit trail of the procurement and the principal resource for responding to inquiries and debriefing unsuccessful proposers. The Record, which includes all documentation supporting the procurement regardless of method used, must be filed with the County Comptroller's Office along with the Personal Services Procurement Record Checklist (Checklist) within ten (10) days of the award notification, i.e., the date that the consultant is first notified that the County has awarded the contract. The notification of award predates the execution of the contract. (See Section Eight: County Comptroller Personal Services Procurement Record Checklist.)

Preferred Source Requirement for All Procurement

To advance special social and economic goals, certain providers have "Preferred Source" status under the law (See State Finance Law §162). Procurements from these providers are not subject to competitive procurement requirements.

The special status of "Preferred Source" for Services and Commodities is accorded to qualified charitable non-profit making agencies for the blind, qualified charitable non-profit making agencies for other severely disabled persons, qualified special employment programs for mentally ill persons and certain veterans' workshops.

The law prioritizes among Preferred Sources when making a purchase. For services, equal priority is accorded qualified charitable agencies for the blind, qualified charitable agencies for other severely disabled, special employment programs for the mentally ill and veterans' workshops.

Departments must purchase from a Preferred Source when the services required are on the List of Preferred Source Offerings published by New York State Office of General Services (OGS).

Additionally, departments must make reasonable efforts to determine whether the Preferred Source is interested in performing the service before they engage in a competitive procurement method. This "right of first refusal" approach avoids having private businesses invest in a competitive procurement process when a Preferred Source is the likely recipient of the contract. To accomplish this, once service requirements have been specified, departments must notify those preferred sources which provide the service (as indicated on the List of Preferred Source Offerings) of their service requirements.

If within ten (10) days the Preferred Source expresses an interest in performing the service as specified and the department approves the price of the service, the department must purchase the service from the Preferred Source. If within ten (10) days of the

notification the Preferred Source does not respond or expresses no interest in providing the service, the department may conduct a competitive procurement. During the competitive procurement, if the Preferred Source elects to then "bid" on the contract, the department must award the contract to the proposer having the best value irrespective of the Preferred Source's special status. In other words, under such circumstances the Preferred Source will be treated as any other proposer.

For the list of approved Preferred Sources, see:
www.ogs.state.ny.us/procurecounc/pdfdoc/psguide.pdf

Non-Competitive Procurement Method

The procurement of personal/consultant services costing up to $1,000.00 is considered non-competitive procurement and is made at the discretion of the County Executive or his/her duly authorized representative without a formal competitive procurement process. The Record must include the following information which is filed with the Comptroller's Office as attachments to the Checklist:

- A statement indicating how the vendor was selected
- A statement indicating the basis of determining that the County received a fair and reasonable price for the services procured

Solicitation of Quotes Method

The solicitation of quotes method is utilized for contract amounts from $1,000.01 to $25,000.00 where the needed services can be translated into exact specifications and where cost is the principal award criteria. The award for this procurement is based on "best value" as typically demonstrated by the lowest bid price among responsive and responsible offerers. For procedures and information regarding the Record that must be filed with the Comptroller's Office as an attachment to the Checklist, see Section Four: Solicitation of Quotes.

Request for Proposals (RFP) Method

The RFP method is generally utilized for the procurement of personal/consultant services over $25,000.00 where cost is not the sole determining factor. The basis of award optimizes quality, cost and efficiency among responsive and responsible offerers. For information regarding procedures and the Record that must be filed with the Comptroller's Office as an attachment to the Checklist, see Section Five: Request for Proposals (RFP).

Request for Qualifications (RFQ) Method

The RFQ method is utilized for the procurement of client services by the County, i.e., programs contracted for by the County on behalf of third-party clients where the rates are pre-established and funding is budgeted. Funding, which may either be designated as a

line item or may appear as block or generic funding in the Suffolk County Operating Budget, constitutes payment at established reimbursement rates. This method involves a formal request for the credentials, qualifications, expertise, experience, reliability, training, financial viability and background of responders so that the department may select the most qualified vendor to provide the client services. For information regarding procedures and the Record that must be filed with the Comptroller's Office as an attachment to the Checklist, see Section Six: Request for Qualifications (RFQ).

Exceptions to Procurement Methods

Exceptions to the above procurement methods include emergencies, limited situations in which a waiver is obtained by request, and exceptions to the RFP and RFQ process by Law. For information regarding procedures and the Record that must be filed with the Comptroller's Office as an attachment to the Checklist, see Section Seven: Exceptions to Procurement Methods.

Other Considerations

In certain circumstances, a Request for Expression of Interest (RFEI) or Request for Information (RFI) may be utilized by a department prior to initiating the RFP process. The RFEI may be used in order to gauge interest, to target an audience or create a short list for a subsequent RFP issue. A Request for Information may be utilized to gather information to learn about the options available to address a particular need prior to initiating the RFP process. In all cases, these requests must not result in the award of a contract, but may only be used as assistance in the development of an RFP. If an RFEI is utilized to create a short list, it must clearly convey that only responders to the RFEI may respond to the RFP.

When procuring personal/consultant services, consideration should be given to the possible use of existing County or State Office of General Services (OGS) contracts for the needed services before the procurement process is initiated.

Existing County Contracts:
In order to utilize a contract that was developed by another County department, the contract must be general in terms of the required project or services rather than specific to a particular project or service. The County Attorney's Office should be consulted if there is doubt regarding the propriety of utilizing a specific existing contract.

State OGS Contracts:
The State OGS establishes both centralized contracts and backdrop contracts with service providers. While the State centralized contracts result from a competitive procurement process, the State backdrop contracts represent a pre-qualification of providers for services and may be subject to an additional competitive process. The County's policy regarding these contracts is as follows:

If a State centralized contract exists for the desired services, the department may attempt to negotiate more favorable terms with the contractor and may proceed to procure the services by issuing a purchase requisition citing the contract number (in accordance with SOP D-02).

If State backdrop contracts exist for the desired services, the department may attempt to negotiate more favorable terms with the contractor(s) and may proceed to procure the services by issuing a purchase requisition citing the contract number (in accordance with SOP D-02) for procurement up to $25,000.00. However, all procurement over $25,000.00 is subject to a formal RFP process in accordance with Chapter 708-4, Article III of the Suffolk County Code, even if State backdrop contracts exist for the desired services. The department may include the State backdrop-contracted providers in their bidder's list for distribution of the RFP.

SECTION FOUR: SOLICITATION OF QUOTES

Introduction

The solicitation of quotes is utilized for the procurement of personal/consultant services from $1,000.01 to $25,000.00 where the needed services can be translated into exact specifications and where cost is the principal award criteria. Written quotes must be obtained from at least three (3) sources (if available) in response to a uniform solicitation which defines specifications; establishes the required qualifications and "best value" basis of award; states terms and conditions; and provides instructions for responding. Selection is made by the County Executive or his/her duly authorized representative on the basis of "best value" as defined at number 7 below. Verbal quotes are not acceptable.

NOTE: Under State Finance Law §162, the procurement is not subject to a competitive procurement process if it is from a Preferred Source (see Section Three: Procurement Methods). Under such circumstances, the department must file notice of the Preferred Source with the Comptroller's Office as an attachment to the Personal Services Procurement Record Checklist.

Process

1. Specifications are developed for the service needed.

The specifications should be as clear, inclusive and informative as possible and must ensure that offerers know exactly what is required. Specifications should be precise enough so that the County will receive the service needed, yet broad enough to encourage competition. Performance specifications include qualifications, such as licensing, special equipment, etc., which establish the minimum level of acceptable requirements. For example, the specifications should seek to determine if the offerer:

- Is technically qualified to perform the proposed work (develop performance requirements)
- Is able to comply with the performance schedule taking into consideration all existing business commitments
- Has a satisfactory record of past performance
- If selected, would not result in a conflict of interest with regard to either other work performed by the firm or individual staff

Performance requirements may include:

- The length of time a firm has been in business
- The expertise and experience of staff
- The offerer's experience with projects of similar scope and size
- Appropriate business references

The level of detail required in the specification will depend upon the complexity of the services being procured.

2. The solicitation document is prepared.

The solicitation document should include the specifications developed for the services needed (see Number 1 above) as well as the following:

- Issuing office and contact information
- Deadline and procedure for submission of quotes
- Nature of the procurement and any statutory requirements
- Basis of award as "best value" (see number 7 below)
- Contract period and mandatory contract terms and conditions
- Price structure (hourly, per service, etc.)
- Method of payment (periodic, cost reimbursement, fixed price, etc.)
- Contract monitoring, if applicable

The complexity of the solicitation document depends on the nature and anticipated dollar amount of the procurement. For complex procurements, the department may at its discretion consider including in the solicitation document certain reserved rights of the County. These may include the County's right to withdraw the solicitation, seek clarifications and revisions, accept and/or reject any or all bids, make any award in whole or in part, etc. Departments may refer to Section Six: Request for Qualifications (RFQ) for a common set of reserved rights (see page 30).

To achieve uniformity, we recommend that the solicitation document include a form on which offerers may insert quotes in a uniform format and submit to the County as a cover page with their response. This form should give offerers the ability to provide the following information:

- Company name, address, telephone and fax numbers
- Employer's Federal ID number
- All relevant costs in an organized manner

3. The procurement opportunity is advertised.

Although not mandatory, advertising is recommended in order to promote an open and fair competition. It is recommended that advertisements be placed on the County's website from the issue date through the due date; however, as a best practice, advertisements may be placed in other sources in addition to the website, such as newspapers, trade publications, and journals, when such advertising costs are not cost prohibitive. Advertisements should provide prospective offerers with an overview of the proposed procurement including a brief description of the services sought, the contract period, the proposal due date, and contact information.

4. The solicitation document is distributed.

The solicitation document should be distributed to any offerer that requests a copy as a result of the advertisement(s). The department should make every reasonable effort to identify potential offerers in addition to those identified through advertisements. Potential offerers can be identified through web searches, reference directories, previous procurements, bidder lists maintained by the County, and consultation with other departments and/or the Department of Economic Development. The solicitation document and solicitation list must be filed with the Comptroller's Office as attachments to the Personal Services Procurement Record Checklist.

5. Quotes are received.

Written quotes may be received via postal mail, e-mail or facsimile by the deadline specified in the solicitation document. As a general rule, quotes received after the deadline cannot be accepted.

If written quotes are not received from at least three (3) sources, the department must prepare a written memorandum explaining why the required number of quotes was not obtained. This memorandum must be filed with the Comptroller's Office as an attachment to the Personal Services Procurement Record Checklist.

6. The evaluation of quotes is conducted.

The quotes must be reviewed to verify that the specifications of the procurement were understood and the services can be performed at the quoted price. The evaluation of quotes may be performed by one or more departmental staff or an established evaluation committee. In all cases, the department must ensure that all staff participating in the evaluation have no conflicts of interest with any of the offerers. It is recommended that evaluating staff members sign a "No Conflict of Interest Disclosure Statement" (available on the Comptroller's website) which is filed with the Comptroller's Office as an attachment to the Personal Services Procurement Record Checklist.

NOTE: If the requirement for references is included in the specifications, the department must, at a minimum, verify the references provided as part of its evaluation process.

<u>Responsiveness and Responsibility of Apparent Low Bid</u>:
Beginning with the apparent low bid, it must be verified that: 1) the offerer is responsive by meeting all mandatory requirements and specifications of the solicitation document; and 2) the offerer is responsible, i.e., conforms to all responsibility requirements regarding qualifications and performance. If the apparent low bidder is not found to be responsive or responsible, the next lowest price bid must be considered. Notice should be provided to an apparent low bidder who is being rejected as non-responsive or non-responsible.

All quotes received on a timely basis must be reviewed and the review must be documented by a written summary sheet. This sheet must be signed and certified by the responsible County staff and filed with the Comptroller's Office as an attachment to the Personal Services Procurement Record Checklist. A recommended format is presented at Exhibit I of this section.

7. **The selection is made.**

Once the department has reviewed and verified the lowest responsive and responsible bidder(s), the award(s) shall be made on the basis of "best value" (see below). In the case of multiple awards, the award is made to the lowest price or best value offerers meeting all terms and conditions. All supporting documentation must be retained as part of the procurement record.

Best Value Basis:
The "best value" basis optimizes quality, cost and efficiency among responsive and responsible offerers. Such basis shall be, whenever possible, quantifiable. When applied to the solicitation of quotes, best value is typically demonstrated by the lowest bid price among responsive and responsible offerers, or the lowest bid price that meets specifications among responsive bidders. However, there may be situations where it is determined that "best value" is represented by a bidder other than the lowest due to his/her unique skills and/or experience, more favorable timing, or other advantage. In these situations, the award may be made to other than the lowest bidder. However, justification for the award must be documented by a written memorandum explaining why the selection is deemed superior. This memorandum must be filed with the Comptroller's Office as an attachment to the Personal Services Procurement Record Checklist.

8. **The notification of award is made and the contract is awarded.**

All offerers should be notified as to whether they are successful or unsuccessful. Upon request, an unsuccessful offerer should be provided a debriefing as soon as possible after selection of the successful bidder, as to why its bid was unsuccessful. The letter(s) of award must be filed with the Comptroller's Office as an attachment to the Personal Services Procurement Record Checklist.

Contract Negotiation:
Generally, the terms and conditions of the contract must be in accordance with the requirements and specifications of the solicitation document. However, the department may negotiate with the successful bidder prior to settling on contract terms.

Contract Approval:
Contracts resulting from a solicitation of quotes are subject to review and approval by County Attorney.

9. The Personal Services Procurement Record Checklist is filed with the Comptroller's Office.

The Personal Services Procurement Record Checklist (Checklist) has been developed by the Office of the County Comptroller (OCC) to ensure accountability and transparency when contracting personal/consultant services.

The Checklist is available on the Comptroller's website. This form, along with all documentation related to the Procurement Record (Record), must be filed with the Comptroller's Office within ten (10) days of the award notification, i.e., the date that the consultant is first notified that the County has awarded the contract. The notification of award predates the execution of the contract.

The Record must include the following information:

- Copy of the advertisement, if placed
- Copy of the solicitation document
- Copy of the solicitation list
- Copy of the award letter
- Summary of quotes received and evaluated
- Memorandum justifying receipt of less than three quotes, when applicable
- Memorandum justifying award to other than lowest bid, when applicable
- Department's assurance of no conflicts of interest in evaluation (e.g., use of "No Conflict of Interest Disclosure Statements")
- Notification of Preferred Sources, when applicable

See Section Eight: County Comptroller Personal Service Procurement Record Checklist for further information.

Exhibit I

Summary of Quotes for Procurement of Personal/Consultant Services
From $1,000.01 to $25,000.00

All Timely Quotes Received	Quote #1	Quote #2	Quote #3	Quote #4	Quote #5
Offerer Name					
Date Received					
Quote Amount					
Responsiveness: Does the offerer meet all mandatory requirements and specifications of the solicitation document?					
Responsibility: Is the offerer qualified to perform the required services?					
Lowest Quote: Does this quote represent the lowest among responsive and responsible offerers?					
Selection*: Does this quote represent the best value selection?					
Comments					

* Note: A written memorandum must be filed with the Comptroller as an attachment to the Procurement Record Checklist explaining the justification for any award to other than the lowest bidder.

Certification:

Preparer Signature_____ Date_____

Preparer Name and Title_____ Phone # _____

SECTION FIVE: REQUEST FOR PROPOSALS (RFP)

Introduction

A Request for Proposals (RFP) is generally used for the procurement of personal/consultant services over $25,000.00. In these situations price is not the sole determining factor and the award will be based on a combination of cost and technical factors, i.e., "best value." Through its proposal, the proposer offers a solution to the objectives, problem, or need specified in an advertised RFP, and defines how it intends to meet (or exceed) the RFP requirements. The RFP is initiated by the respective department, approved by the County Attorney and processed through the Central Purchasing Office.

The award is made by an evaluation committee appointed solely for the purpose of making the specific award and whose membership shall always include: (1) the County Executive or the County Executive's duly authorized representative(s), (2) the Presiding Officer of the Suffolk County Legislature or the Presiding Officer's duly authorized representative and (3) the department head of the department requesting the RFP or his/her representative(s). Additionally, a representative from the Central Purchasing Office serves an oversight role to provide guidance and direction for the evaluation process and team, and to ensure the integrity of the procurement.

Appropriate planning is essential for a successful RFP. The first step is to view the process as a project and to develop a timeline of events to meet the department's programmatic needs and effectively budget staff time. The required scope of service and deliverables as well as the methodology for evaluating the proposals must be developed. The RFP should indicate whether the agency anticipates making single or multiple awards pursuant to the solicitation. If there will be multiple awards, the method of awards, i.e., by region, type of service, or some other characteristic, should be stated in the RFP. If a consultant participates in the development or writing of the specifications for the RFP, that consultant is prohibited from competing in the procurement.

NOTE: Under State Finance Law §162, the procurement is not subject to a competitive procurement process if it is from a Preferred Source (see Section Three: Procurement Methods). Under such circumstances, the department must file notice of the Preferred Source with the Comptroller's Office as an attachment to the Personal Services Procurement Record Checklist.

Process

1. **The requesting department submits a request to the County Executive's Office for approval to initiate and advertise the RFP.**

   The request is submitted prior to the initiation of the RFP process. To expedite the process, the County Executive's Office either approves or declines the request within fifteen (15) business days thereafter. The department must secure positive

confirmation of approval within this time frame in order to proceed with the RFP. Upon approval, the RFP is prepared and advertised in accordance with the following steps.

NOTE: Based on Executive Order Number 3-2009, this request should be addressed to the Chief Deputy County Executive for Policy and Communications.

2. **The requesting department obtains the current RFP model from the Central Purchasing Office.**

   Since the RFP model is a document which has evolved and will continue to evolve over time, it is the requesting department's responsibility to obtain and utilize the most current template from the Central Purchasing Office.

3. **The requesting department develops a draft of the RFP based on the current RFP model.**

   The RFP should clearly convey all the information needed for potential proposers to determine their interest in participating in the solicitation and to offer a competitive proposal.

   The RFP model format includes a Timeline, Table of Contents, Administrative Information (including RFP Policies and Procedures), Proposer Profile, Background Information, Technical Services Requirements, Fee Schedule, Model Agreement with Exhibits (subject to negotiation prior to award of the contract), and Required Compliance Forms in Accordance with County Laws. The requesting department should provide the following information specific to the requested services:

   Background Information:
   Departmental narrative describing the overall objectives and the underlying reason for the procurement should be provided.

   Technical Services Requirements:
   The detailed scope of services necessary to meet the department's needs should be provided. The department should provide the proposer with a "top down" view of the scope of services to be provided, including the programmatic context for the services and any strategic and tactical plans of the department which would be affected by the services to be provided, as well as strategic direction for the services to be provided, if known. Specifications should not be written to favor a particular vendor and should clearly indicate the department's needs as well as the performance standards to which the contractor will be held. Any minimum qualifications that the proposer must meet to be eligible for consideration such as company capacity, staffing, licenses or certifications should be included. The department should also describe the relative roles and responsibilities that the proposer and department are expected to undertake during the term of the agreement.

Model Agreement with Exhibits:
The term of the agreement and any renewal/extension provisions, the department name and contact information, the description of services, and specific payment terms and conditions should be provided.

Additionally, the department should determine if a proposer's conference will be conducted and if attendance will be optional or mandatory. If conducted, attendance must be defined in the RFP as either optional or mandatory; if attendance is mandatory, proposals may only be considered from proposers who participate.

4. **Simultaneous to the drafting of the RFP, the requesting department develops the criteria, methodology and evaluation instrument that will be used to evaluate general qualifications and technical services.**

The department develops the criteria, methodology and instrument for the evaluation of both general qualifications and technical services that will ensure that the proposals are evaluated objectively, fairly, equally and uniformly in accordance with internal guidelines. The criteria, methodology and evaluation instrument must be completed and secured prior to the initial receipt of proposals.

Criteria:
The criteria should reflect the department's objectives, requirements and scope of services as set forth in the RFP. Examples of criteria include, but are not limited to:

General Qualifications:
- Staff qualifications and experience
- Experience in providing the required services
- Size and structure of the firm
- Management capability
- Financial viability
- References

Technical Services:
- Understanding of the scope of services
- Work plan and methodology to achieve desired end results
- Conformance with the schedule of work set forth in the RFP

Methodology:
Once the criteria for general qualifications and technical services have been determined, the methodology is developed to rank the relative importance or weight of the established criteria and assign values to the criteria and any sub-criteria. For example, the current RFP model assigns 40 points to general qualifications and 40 points to technical services. Values may be assigned to criteria or sub-criteria within each of the two categories as presented in the following example:

General Qualifications = 40 points

- Staff qualifications and experience = 15 points
- Experience in providing the required services = 10 points
- Size and structure of the firm = 5 points
- Management capability = 5 points
- Financial viability = 3 points
- References = 2 points

Technical Services = 40 points

- Understanding of the scope of services = 20 points
- Work plan and methodology to achieve desired results = 10 points
- Conformance with the time schedule of work = 10 points

Criteria may be further broken down into sub-criteria and a subset of points assigned to each sub-criterion. For example, staff qualifications and experience (15 points) may be further broken down into 2 points for at least ten Programmer I positions, 2 points for at least four Programmer II position, etc.

Alternatively, criteria may be considered according to a pre-established scale. For example, within the 40 points assigned to General Qualifications, the staffing plan may be assigned points as follows: an excellent staffing plan would be assigned 8 – 10 points, a good staffing plan would be assigned 5 – 7 points, a fair staffing plan would be 3 – 4 points and a poor staffing plan would be 0 – 2 points.

The evaluation methodology must be consistent with any information provided in the RFP. For example, if the department requires a bidder to submit references as part of the response, the department must, at a minimum, verify the references provided as part of its evaluation process. If the department opts to score reference checks, the scoring methodology must be pre-determined and disclosed in the RFP.

NOTE: Although the current RFP model assigns points of 40, 40 and 20 to general qualifications, technical services and cost, respectively, this point allocation may be tailored to the individual RFP. For instance, if it is expected that the majority of the proposers will be comparatively equally qualified, the evaluation may warrant a higher allocation of points to the cost component. In this situation, the point assignment may be modified to reflect 35, 35 and 30 points for general qualifications, technical services and cost, respectively. Although there is some flexibility in the basic point allocation, it must be pre-determined and clearly stated in the RFP.

The Evaluation Instrument:

The evaluation instrument is the tool that will be used by the evaluators to apply the evaluation criteria to the proposals based on the methodology. This tool consists of a series of documents used during the evaluation process. It includes, but is not limited to, the following:

- Evaluator instructions

- Evaluator forms
- Narrative documenting the basis of rating
- Scripted reference checks

The evaluation instrument will be used by the members of the evaluation committee to evaluate general qualification and technical service aspects of the proposals, and also by the departmental staff in a non-voting technical advisory role to the evaluation committee.

5. **The requesting department submits the completed RFP draft to the County Attorney for approval.**

   The department makes such revisions as the County Attorney deems advisable. Upon approval, the County Attorney assigns a Law number to the RFP and returns the RFP to the department.

6. **Upon County Attorney approval, the requesting department prepares the advertisement and submits the following to the Central Purchasing Office:**

   - RFP with assigned Law number

   - Advertisement:
     Advertisements are generally placed by the Central Purchasing Office on Thursdays, eight weeks prior to the RFP due date. The Central Purchasing Office verifies approval for the RFP advertisement with the County Executive's Office (i.e., the Chief Deputy County Executive for Policy and Communications per Executive Order Number 3-2009); the advertisement for the RFP will not be placed without confirmed approval.

   - Bidder's List:
     The department should make every reasonable effort to identify potential bidders for the RFP distribution. Potential bidders may be identified through bidder lists maintained by the department, web searches, reference directories, previous procurements and consultation with other departments and the Department of Economic Development to determine known Minority or Women-Owned Business Enterprise (M/WBE) offerers. The bidder's list should include contact names, telephone numbers and e-mail addresses.

7. **The Central Purchasing Office reviews and processes the RFP.**

   The department makes revisions as deemed necessary by the Central Purchasing Office. The Central Purchasing Office performs the following:

   - Sets timeline dates and confirms dates with the department
   - Places the advertisement in the County's official publications

- Posts the RFP on the County's website from the issue date through the due date
- Issues the RFP in accordance with the bidder's list
- Provides written notification of RFP issuance and advertisement to the Clerk of the County Legislature, all Legislators, the Chief Deputy County Executive and the County Comptroller

Any subsequent revisions to the RFP or rules of the procurement as well as all information concerning the solicitation will be conveyed in writing to all proposers participating in the process by the Central Purchasing Office.

8. Technical questions are addressed.

Technical questions must be submitted in writing to the Central Purchasing Office in accordance with the timeline established by the RFP, generally within two weeks of the advertisement date. Vendor neutral responses are developed by the requesting department in the form of addendums, which are issued by the Central Purchasing Office within two weeks of the technical questions due date. If a proposer's conference is conducted, questions and responses are handled by the same process. The department must maintain a record of the conference proceedings and prepare an addendum summarizing the questions and answers. Generally, the County Attorney's Office does not review the addendums unless there are specific legal terms involved. The Central Purchasing Office forwards the addendums to all providers submitting technical questions, all proposers who were mailed a copy of the RFP and all attendees at the proposer's conference, if conducted, and in addition, posts the addendums on the County's website.

9. The Central Purchasing Office receives and distributes the proposals.

Proposals are due to the Central Purchasing Office as specified in the RFP, usually not less than two weeks after the addendums are issued. As a general rule, late bids are not accepted.

The opening of the proposals by the Central Purchasing Office involves two staff members who prepare an RFP Opening Sheet to record the process. This sheet, which is retained by Central Purchasing as part of the procurement record, documents receipt of the signed Transmittal Letter, Public Disclosure Statement, RFP Certification Form, Living Wage Forms, Cost Proposal and number of copies for all timely RFPs received. After receipt is recorded and certified by the staff members, the general qualification and technical services proposals are distributed to the members of the evaluation committee by courier service. The cost proposals are retained by Central Purchasing.

The Central Purchasing Office contacts the evaluation committee members and schedules the evaluation meeting which is generally conducted two weeks after the general qualification and technical services proposals are distributed.

NOTE: In situations where only one proposal is received, the contract may be awarded by duly enacted resolution with the approval of at least two-thirds of the entire membership of the County Legislature.

10. General qualifications and technical services are evaluated.

The general qualifications and technical services evaluation measures the extent by which a proposal would meet the department's needs and relies upon the evaluators' expertise in assessing the strengths and weaknesses of each response. This evaluation is a critical part of the ultimate goal of determining which proposal presents the best value to the County and is performed by members of the department (as non-voting technical advisors to the evaluation committee) and members of the evaluation committee. The main steps for performing the evaluation are as follows:

A preliminary review is conducted:
The proposal is reviewed for compliance with the minimum mandatory requirements set forth in the RFP. The department has the authority to waive mandatory requirements that are not material provided that:

- The RFP discloses to the proposers the County's reserved right
- The mandatory requirements are not met by all proposers
- The waiver does not disadvantage the County
- The waiver does not benefit the proposed contractor
- The waiver does not prejudice any non-winning or potential bidder

An in-depth review is conducted:
An in-depth analysis of general qualifications and technical services is performed to evaluate the proposals in accordance with the established methodology. The methodology is not altered after opening the proposals, with the exception of minor changes and only if the modifications are justified and evidence is presented to ensure that the changes would not materially benefits or disadvantage a proposer. The County may reject all proposals or may reject separate parts of the proposal(s) as provided for in the RFP.

NOTE: When evaluating proposals for consultant services, consideration must be given to preference for businesses located within Suffolk and Nassau Counties in accordance with Local Preference Law - Section A4-13 of the Suffolk County Administrative Code, as referenced in the RFP.

11. The evaluation committee meeting is conducted.

The Central Purchasing Office representative schedules the evaluation committee meeting, which is generally conducted two weeks after the proposals are distributed. In accordance with Chapter 708-4, Article III of the Suffolk County Code, the award is made by a separate committee appointed solely for the purpose of making the specific award and whose membership shall always include the following:

- The County Executive or the County Executive's duly authorized representative(s)
- The Presiding Officer of the Suffolk County Legislature or the Presiding Officer's duly authorized representative
- The Department Head of the department requesting the RFP or his/her representative(s)

However, based on Executive Order Numbers 6-2007 and 3-2009, a second member of the County Executive's Office is included on the standard committee, which is generally comprised of the following voting members:

- The County Executive or the County Executive's duly authorized representative (Budget or Management)
- The County Executive or the County Executive's duly authorized representative (Budget or Management)
- The Presiding Officer of the Suffolk County Legislature or the Presiding Officer's duly authorized representative
- The Department Head of the department requesting the RFP or his/her representative

Additionally, the Central Purchasing Office representative serves an oversight role at the meeting to provide guidance and direction for the evaluation process and team, and to ensure the integrity of the procurement.

The department may conduct work sessions as necessary to educate the members of the evaluation committee about the procurement. The process is as follows:

Each member of the evaluation committee signs a "No Conflict of Interest Disclosure Statement" (available on the Comptroller's website) which must be filed with the Comptroller's Office as an attachment to the Personal Services Procurement Record Checklist. See Section Eight: County Comptroller Personal Service Procurement Record Checklist for further information.

Each member of the evaluation committee signs the Evaluation Committee Sign-in Sheet prepared and maintained by the Central Purchasing Office.

Each member of the evaluation committee reviews the proposal for compliance with the minimum mandatory requirements set forth in the RFP and utilizes the evaluation tool to provide written documentation of their evaluation of the general and technical aspects of the proposals. **The basis for the rating must be documented by the evaluator using comments to support the score that he or she assigns to each criterion.**

NOTE: All evaluation documents prepared by the evaluation committee members at the evaluation meeting are collected by the Central Purchasing Office representative

and submitted to the Comptroller's Office as attachments to the Personal Services Procurement Record Checklist (Checklist).

Scoring is based on information provided in the submitted proposal. However, additional factors, as established in the RFP and/or the evaluation instrument, may be considered such as:

- Product or service demonstrations and presentations
- Reference checks (may be used to verify information or as a separately scored criterion)
- Site inspections
- Interviews of key proposed managers and technical experts
- Written proposal clarifications
- Rating services (such as Moody's or Dun & Bradstreet)
- Knowledge of performance based on prior experience and/or contracts

The Central Purchasing Office representative records the general qualifications and technical services scores provided by each committee member on a summary sheet, calculates the average general qualifications score and the average technical services score for each proposer, and adds the two averages to arrive at the combined general qualifications and technical services average score for each proposer. Since an overall passing score of 70 is assumed, the passing score for the combined general qualifications and technical services is 50 (70 overall less 20 assigned to cost). Therefore, if the above calculations result in a combined general qualifications and technical services average score less than 50 for any proposer, the score is deemed below passing and the cost proposal for that proposer need not be opened.

The Cost Evaluation:
The Central Purchasing Office representative opens the cost proposals after the general qualifications and technical services scores have been recorded.

The Central Purchasing Office representative evaluates each cost proposal by conversion of the cost to a weighted point score as follows (based on the current RFP model award criteria which assigns 20 points to cost): Points = (Lowest bid divided by bid being evaluated) x 20. The lowest cost proposal will be assigned the full 20 points in the cost evaluation.

Procurements that entail the expenditure of funds for both the fees associated with the services to be procured (i.e., price) and costs associated with the introduction of the services into the environment (i.e., indirect costs) could be evaluated by analyzing total life cycle costs, defined as the sum of the fees and indirect costs. An example of life cycle costs for a computer system conversion would be the offer price of the new system combined with other expenses, such as, but not limited to, upgrades to existing infrastructure and additional staff requirements if necessary. Once the total life cycle costs for competing proposals have been determined, the life cycle costs

associated with each proposal are converted to a weighted point score using the formula above.

The Central Purchasing Office representative records the cost proposal weighted point score for each proposer on the summary sheet, calculates the total combined final score for each proposer and announces the apparent successful proposer. The summary sheet is retained by the Central Purchasing Office as part of the procurement record.

The process ensures that the award is made on the basis of "best value." This basis optimizes quality, cost and efficiency among responsive and responsible offerers. Although this basis is typically demonstrated by the lowest bid price that meets specifications among responsive bidders, the award may go to other than the lowest bidder due to his/her unique skills and/or experience, more favorable timing, or other advantage that is reflected in a higher evaluation score.

If the lowest bidder is not awarded the contract, the department must prepare written documentation explaining the justification for the award in accordance with Chapter 708-5, Article III of the Suffolk County Code. This memorandum must be filed with the Comptroller's Office as an attachment to the Checklist.

Cost negotiations may be conducted prior to the award of a contract with one or more proposer(s) in cases where selection must be made from comparatively equally qualified proposers with similar cost proposals, e.g., the best and final offer among the top proposers.

12. The notification of award is made and the contract is awarded.

Upon completion of the evaluation and the award selection, notification of award is sent by the Central Purchasing Office to all successful and non-successful proposers. The opportunity for a debriefing, if requested, is also arranged by the Central Purchasing Office.

Contract Negotiation:
Generally, the terms and conditions of the contract must be in accordance with the requirements and specifications of the RFP and the proposer's proposal. However, the department may negotiate with the successful bidder prior to settling on contract terms in cases where the RFP has specifically provided for negotiation of terms and conditions. Deviations may be considered if the changes are to the County's advantage and do not substantially alter the requirements and specifications of the RFP so as to prejudice the other competitors. To assess whether a potential revision constitutes a substantial change, the question should be asked: "Would other bidders or non-bidders have responded differently if the term or condition to be revised as a result of negotiation had been included in the RFP?" If the answer is "yes" or "possibly," then the provision may not be revised.

The term of the contract and any renewal or extension provisions must be specified in the RFP and contract. Contracts that do not allow for any renewals or extensions beyond the initial term cannot be extended.

Contract Approval: Contracts resulting from an RFP are subject to review and approval by County Attorney.

13. The Personal Services Procurement Record Checklist is filed with the Comptroller's Office.

The Personal Services Procurement Record Checklist (Checklist) has been developed by the Office of the County Comptroller (OCC) to ensure accountability and transparency when contracting personal/consultant services.

The Checklist is available on the Comptroller's website. This form, along with all documentation related to the Procurement Record (Record), must be filed with the Comptroller's Office within ten (10) days of the award notification, i.e., the date that the consultant is first notified that the County has awarded the contract. The notification of award predates the execution of the contract.

The Record must include the following information:

- Copy of the advertisement
- Copy of the RFP
- Copy of the bidder's list
- RFP opening sheet
- "No Conflict of Interest Disclosure Statements"
- Evaluation process documents (i.e., description of methodology, copy of completed evaluation instruments, written determination for basis of award, tabulation of proposals)
- Memorandum justifying award to other than lowest bid, when applicable
- Written approval of the RFP from the County Executive's Office
- Written notification of the RFP to the Clerk of the Legislature and Chief Deputy County Executive
- Copy of the Legislative Resolution when one proposal is received
- Notification of preferred sources, when applicable.

For all RFPs processed through the Central Purchasing Office:
Central Purchasing is responsible for the completion of the Checklist and submission to the Comptroller's Office. However, it is the department's responsibility to provide the Central Purchasing representative with all required attachments, e.g., "No Conflict of Interest Disclosure Statements," memorandums justifying award to other than the lowest bidder, etc., that are applicable to the RFP within the ten (10) day period.

For other processes:
In any situation where the RFP is processed outside of the Central Purchasing Office, it is the department's responsibility to file the Checklist along with all required attachments with the Comptroller's Office within ten (10) days of the award notification, i.e., the date that the consultant is first notified that the County has awarded the contract. The notification of award predates the execution of the contract.

See Section Eight: County Comptroller Personal Service Procurement Record Checklist for further information.

SECTION SIX: REQUEST FOR QUALIFICATIONS (RFQ)

Introduction

A Request for Qualifications (RFQ) is utilized for the procurement of client services by the County, i.e., programs contracted for by the County on behalf of third-party clients where the rates are pre-established and funding is budgeted. Funding, which may either be designated as a line item or may appear as block or generic funding in the Suffolk County Operating Budget, constitutes payment at established reimbursement rates.

Examples of client services include, but are not necessarily limited to, programs to provide social services, health or medical services; housing and shelter assistance services; legal services; employment assistant services; and vocational, educational or recreational programs.

The procurement of client services to fulfill programmatic needs with qualified providers must ensure an open and fair competition. Cost is not a factor because rates are pre-established by the County, State, or Federal government. However the department conducts a formal RFQ process in order to select the most qualified vendor(s) to provide the client services.

Exceptions to RFQ Process

In accordance with Chapter 708-6, Article III of the Suffolk County Code, a formal RFQ process need not be followed in the selection process for the following client services:

1. The award of contracts for home health care providers subject to a pre-established rate and subject to a relationship based on accountability, reliability, skill, education and training, judgment, integrity, character and competence pursuant to state regulations and licensing requirements.

2. The award of contracts for home health care providers where clients have the right to choose their provider in compliance with State and Federal law, if the provider agrees to the County's established rate.

3. The award of contracts for foster care services or family day-care services. Family day-care services are defined as caring for three to six children for more than three hours per day in a family home by an individual(s) not associated with other providers of such services for purposes of collecting, qualifying for or securing payment or reimbursement from Federal, State or local government. A qualified provider may however care for up to eight children at any one time if certain circumstances are met (see 708-6, E. 4, Article III of the Suffolk County Code).

NOTE: Under State Finance Law §162, the procurement is not subject to a competitive procurement process if it is from a Preferred Source (see Section Three: Procurement

Methods). Under such circumstances, the department must file notice of the Preferred Source with the Comptroller's Office as an attachment to the Personal Services Procurement Record Checklist.

Process

In accordance with Chapter 708-6, Article III of the Suffolk County Code, contracts for client services shall be awarded to the vendor who scores the highest in the categories of expertise, experience, reliability, training, financial viability, qualifications and overall background as determined by the pertinent department at the conclusion of a formal process. The following RFQ process should be followed:

1. **The requesting department submits a request to the County Executive's Office for approval to initiate and advertise the RFQ.**

   The request is submitted prior to the initiation of the RFQ process. To expedite the process, the County Executive's Office either approves or declines the request within fifteen (15) business days thereafter. The department must secure positive confirmation of approval within this time frame in order to proceed with the RFQ. Upon approval, the RFQ is developed and advertised in accordance with the following steps.

   NOTE: Based on Executive Order Number 3-2009, this request should be addressed to the Chief Deputy County Executive for Policy and Communications.

2. **The requesting department develops the RFQ.**

   Procurements should be administered in accordance with a defined process which is specified in the RFQ. The RFQ should clearly convey all the information needed for potential responders to determine their interest in the request and to offer their qualifications, and must not knowingly favor a particular service offering.

   A recommended RFQ format includes a Timeline, Table of Contents, Administrative Information, Responder Profile, Technical Response Requirements, Compensation, Model Agreement, Legal Appendices and Contract Monitoring, if applicable. Examples of information to include in the RFQ are as follows:

   Timeline:
   Provide the issue date, technical questions due date and response due date.

   Table of Contents:
   Provide an outline of the sections contained in the RFQ, e.g., Administrative Information, Responder Profile, Technical Response Requirements, Compensation, Model Agreement and Legal Appendices, and the respective subsections.

Administrative Information:
Provide the purpose of the RFQ, coordination, program objectives and background information, information relating to the evaluation committee and criteria, process for administrative and technical questions, due date for responses, number of response copies required, RFQ policies and procedures, response format, non-confrontational procedures for the orderly resolution of labor disputes in accordance with Local Law No. 26-2003, administrative information regarding the Model Agreement, and information related to the NYS Freedom of Information Law. If the department plans to monitor contract performance against standards, it is advisable to include the standards in the RFQ together with any plans for enforcing the standards (e.g., financial penalties). Additionally, in acquiring services that represent the "best qualified," the County should reserve the right to:

1. Define requirements to meet department needs and to modify, correct and clarify requirements at any time during the process provided that the changes are justified and that modifications would not materially benefit or disadvantage a responder;

2. Disqualify proposed solutions that fail to meet mandatory requirements, provided that the RFQ discloses to the responders the department's right to make such decisions;

3. Eliminate mandatory requirements unmet by all responders, provided that the RFQ discloses to the responders the department's right to make such deletions;

4. Establish evaluation criteria relating to quality, quantity, and performance; establish the relative importance of each criterion; and evaluate proposals as well as award contracts on the basis of these criteria.

5. Consider every offer as firm and not revocable for a period of sixty days from the bid opening or such other period of time specified in the solicitation. Subsequent to such sixty day or other specified period, an offer may be withdrawn in writing;

6. Award a contract for any or all parts of a proposal and negotiate contract terms and conditions to meet department program requirements consistent with the solicitation;

7. Elect to award a contract to one or more responsive and responsible responders, provided that the basis for the selection among multiple contracts at the time of purchase shall be the most practical and economical alternative and shall be in the best interests of the County;

8. Require, at the discretion of the department and where not otherwise mandated by law, a bond or other guarantee of performance, and to approve the amount, form and sufficiency thereof.

Responder Profile:
Request general information, the responder's history, background information, credentials, qualifications, expertise, experience, reliability and financial viability. Additionally, the RFQ may request references, indebtedness to the County, liens and litigation, and other contracts with the County.

Technical Response Requirements:
Specify the requested services and any minimum qualifications that the responder must meet such as licenses or certifications. Generally, a "top down" view of the scope of services should be provided, including the programmatic context for the services and any strategic plans of the department, as well as specific detailed requirements.

Compensation:
Provide the means of compensation, the contractor's billing responsibility and the financial terms and conditions associated with the services.

Model Agreement:
Provide the current contract template reflecting the term of the agreement and any renewal/extension provisions, the department name and contact information, the description of services, and mandatory contract terms and conditions. Attach all pertinent exhibits.

Legal Appendices:
Provide required compliance forms in accordance with County Laws or the link to the County website to download the documents.

Additionally, the department should determine if a responder's conference will be conducted and if attendance will be optional or mandatory. If conducted, attendance must be defined in the RFQ as either optional or mandatory; if attendance is mandatory, responses may only be considered from responders who participate.

If the department elects to employ a consultant to participate in the development of the RFQ, the consultant would be prohibited from competing in the procurement.

NOTE: The department may refer to the current RFP model for additional guidance in developing the RFQ.

3. **Simultaneous to the drafting of the RFQ, the requesting department develops the criteria, methodology and evaluation instrument that will be used to evaluate qualifications.**

The department develops the criteria, methodology and instrument for the evaluation of qualifications that will ensure that the proposals are evaluated objectively, fairly, equally and uniformly and that the County selects the responder(s) having the best qualifications. The criteria, methodology and evaluation instrument must be

completed and secured prior to the initial receipt of proposals and must be consistent with any information provided in the RFQ.

Criteria:
The evaluation criteria are developed against which the responders' qualifications are measured. The structure of the criteria depends on the nature, scope and complexity of the RFQ. Criteria may include the following:

- The work plan and methodology of the responder
- The experience of the responder in providing the services
- The management capability of the responder
- The responder's overall past performance
- The extent to which the responder is responsive to the RFQ requirements
- The qualifications and experience of the responder's staff
- The conformance with the schedule of work set forth in the RFQ

Methodology:
The evaluation methodology is developed to rank the relative importance or weight of the established criteria and rate the responses accordingly. A method is identified to differentiate the relative importance of each criterion either quantitatively (e.g., Criterion A is four times more important than Criterion B, which is two times more important than Criterion C) or qualitatively (e.g., Criterion A is more important than Criterion B, which is more important than Criterion C). Each response is rated against the established criteria. The department should establish a scale of measures either quantitatively (e.g., a numerical scale in which a superior response would be rated "5" and an unacceptable response would be rated "0"), or qualitatively (e.g., a narrative description of the quality of the response).

Evaluation Instrument:
The evaluation instrument is the tool that will be used by the evaluators to apply the evaluation criteria to the proposals based on the methodology. This tool consists of a series of documents used during the evaluation process. It includes, but is not limited to, the following:

- Evaluator instructions
- Evaluator forms
- Narrative documenting the basis of rating
- Scripted reference checks

4. The requesting department submits the completed RFQ draft to the County Attorney for approval.

The department makes such revisions as the County Attorney deems advisable. Upon approval, the County Attorney assigns a Law number to the RFQ and returns the RFQ to the department.

5. **Upon County Attorney approval, the requesting department prepares and places the advertisement as follows:**

   Advertisements must be posted on the County website in accordance with the posting instructions on the County Intranet. It is recommended that advertisements remain on the website from the issue date through the due date.

   Advertisements must be placed in the official County publications.

   In addition to the required advertisements noted above, the department may elect to advertise the RFQ in other publications and through mailings to associations specializing in the required trade or service that is the subject of the RFQ.

6. **The requesting department issues the RFQ.**

   In addition to advertising the RFQ, the department should make every reasonable effort to develop a responder's list for the RFQ distribution.

   Potential responders may be identified through lists maintained by the department, web searches, reference directories, previous procurements and consultation with other departments and/or the Department of Economic Development to determine known Minority or Women-Owned Business Enterprise (M/WBE) offerers. The responder's list should include contact names, telephone numbers and e-mail addresses.

   NOTE: Any subsequent revisions to the RFQ as well as any information concerning the request must be conveyed in writing by the department to all responders participating in the process.

7. **Technical questions are addressed.**

   Technical questions must be submitted in writing to the requesting department in accordance with the timeline established by the RFQ. Vendor neutral responses are developed by the requesting department and issued in the form of addendums. Generally, the County Attorney's Office does not review the addendums unless there are specific legal terms involved. The department must issue the addendums to all responders who submitted technical questions or were mailed a copy of the RFQ and in addition, must post the addendums on the County's website.

   If a responder's conference is conducted, the department must maintain a record of the proceedings and provide either a transcript or summary of questions and answers to all attendees and to all responders who were mailed a copy of the RFQ.

8. Responses are received.

Responses are received by the department as specified in the RFQ. As a general rule, late responses are not accepted. The department should prepare a certification listing of the responders that have submitted timely responses.

9. Responses are evaluated.

The evaluation, which begins with a preliminary review of the responses for completeness, involves the measurement of the extent to which the responders' qualifications meet the objectives and requirements set forth in the RFQ. Responses are evaluated by each member of an evaluation committee using the evaluation tool in accordance with the established criteria and methodology. The committee should be comprised of at least three members appointed by the Department Head. Each committee member must sign a "No Conflict of Interest Disclosure Statement" (available on the Comptroller's website) which is filed with the Comptroller's Office as an attachment to the Personal Services Procurement Record Checklist.

The overall evaluation criteria should not be altered after opening the responses, with the exception of minor changes and only if the modifications are justified and evidence is presented to ensure that the changes would not materially benefit or disadvantage a responder.

NOTE: When evaluating proposals for consultant services, consideration must be given to preference for businesses located within Suffolk and Nassau Counties in accordance with Local Preference Law - Section A4-13 of the Suffolk County Administrative Code. Additionally, if references are required as part of the Responder's Profile, the department must, at a minimum, verify the references provided as part of its evaluation process.

10. Additional factors may be considered in the evaluation.

In addition to the submitted responses, additional factors may be considered in the evaluation. These should be established in the RFQ and/or evaluation instrument, and may include the following:

- Product or service demonstrations and presentations
- Reference checks (may be used to verify information or as a separately scored criterion)
- Site inspections
- Interviews of key proposed managers and technical experts
- Written proposal clarifications
- Rating services (such as Moody's or Dun & Bradstreet)
- Knowledge of performance based on prior experience and/or contracts

11. The notification of award is made and the contract is awarded.

Upon completion of the evaluation and the award selection(s), notification of award is sent by the department to all successful and non-successful responders. The opportunity for a debriefing, if requested, is arranged by the department.

Contract Negotiation:
Generally, the terms and conditions of the contract must be in accordance with the requirements and specifications of the RFQ and response. Deviations may be considered if the changes are to the County's advantage and do not substantially alter the requirements and specifications of the RFQ so as to prejudice other responders. Contracts that do not allow for any renewals or extensions beyond the initial term cannot be extended.

Contract Approval:
Contracts resulting from an RFQ are subject to review and approval by County Attorney.

12. The Personal Services Procurement Record Checklist is filed with the Comptroller's Office.

The Personal Services Procurement Record Checklist (Checklist) has been developed by the Office of the County Comptroller (OCC) to ensure accountability and transparency when contracting personal/consultant services.

The Checklist is available on the Comptroller's website. This form, along with all documentation related to the Procurement Record (Record), must be filed with the Comptroller's Office within ten (10) days of the award notification, i.e., the date that the consultant is first notified that the County has awarded the contract. The notification of award predates the execution of the contract.

The Record must include the following information:

- Copy of the advertisement
- Copy of the RFQ
- Copy of the bidder's list
- RFQ opening sheet
- No Conflict of Interest Disclosure Statements
- Evaluation process documents (i.e., description of methodology, copy of completed evaluation instruments, written determination for basis of award, tabulation of proposals)
- Written approval of the RFQ from the County Executive's Office
- Notification of preferred sources, when applicable

See Section Eight: County Comptroller Personal Service Procurement Record Checklist for further information.

SECTION SEVEN: EXCEPTIONS TO PROCUREMENT METHODS

Emergencies

Emergencies are considered urgent and unexpected requirements where health and public safety or the conservation of public resources is at risk. A department's failure to properly plan in advance that results in a situation in which normal practices cannot be followed does not constitute an emergency.

In accordance with Chapter 708-6, Article III of the Suffolk County Code, in the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants of Suffolk County require immediate action, and when such a public emergency is declared in writing by the County Executive, contracts for certain consultant services may be let by the County Executive or his/her duly authorized representative. In such situations, a department may obtain approval from the County Executive to procure services without complying with formal requirements. The department should document the nature of the emergency situation; the potential effect on the health, public safety, or the conservation of public resources; and a detailed description of the services to be provided. The department should make all reasonable attempts to solicit at least three verbal quotes for the required services.

All documentation related to the procurement, including written confirmation of each solicitation if obtained, must be filed with the Comptroller's Office as an attachment to the Personal Services Procurement Record Checklist. Contracts entered into as a result of the emergency situation shall be for only the services necessary to remedy or ameliorate the situation.

RFP Waivers by Request

Introduction

Waivers may be granted under certain limited circumstances. A waiver from the RFP process may be requested when procuring personal/consultant services over $25,000.00 in certain situations, generally requiring a special or technical skill, training or expertise or where procurement under the formal RFP process would be impractical or inefficient and therefore not in the best interest of the County.

The written waiver request is initiated by the department and directed to a waiver committee comprised of the County Executive or his/her duly authorized representative and the Presiding Officer of the County Legislature or his/her duly authorized representative. Additionally, a third member may be appointed to the committee by the County Executive where it would be in the best interest of the County to do so. Upon approval by the committee, the department engages in a streamlined competitive proposal process, i.e., a solicitation of proposals, or other justifiable manner of procurement as detailed in the waiver request.

Appropriate Circumstances

A waiver request is appropriate when the provider must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity and moral worth.

The waiver request should describe in detail answers to the following eight questions:

- Is special or technical skill or expertise required in rendering the service (e.g., a sole or single provider)?
- Is formal education or training a prerequisite to the requisition of such skill or expertise?
- Is satisfaction of New York State licensing or testing requirements a prerequisite to rendering such services?
- Does the professional service involve a special relationship between the consultant and the recipient (e.g. lawyer-client, doctor-patient, confidentiality of DSS recipients)?
- Do the services involve "one-of-a-kind" programs provided by not-for-profit corporations (e.g. Meals-On-Wheels in the Smithtown catchment area)?
- Does Federal or New York State law, regulations or grant contracts require that the funds be channeled to certain contractors? (Attach copy of such directives)
- Why is the nature of the services such that they do not readily lend themselves to competitive procurement and why would the best interest of the County not be served by competitive procurement?
- If the services are not to be priced competitively, how will they be priced (e.g., rates set by New York State for personal care aides)?

Waiver Process

1. **The requesting department initiates a waiver request.**

   The requesting department must submit a written waiver request to the waiver committee. The request should explain why a waiver from the formal RFP process is considered appropriate and how the department plans to procure the required services, i.e., if the desired provider is pre-determined or if the department will engage in a streamlined competitive proposal process. If the desired provider is pre-determined, the request must include justification for the selection and the necessity to award a contract without a competitive process.

2. **A determination is made by the waiver committee.**

The waiver committee reviews each waiver request individually and makes a determination, taking the following into consideration:

- Whether the services are subject to state licensing or testing requirements
- Whether substantial education or training is a necessary prerequisite to the performance of services
- Whether the services require a professional relationship between the individual provider and County officials

Examples of services requiring a professional relationship between the individual provider and County officials shall include but not be limited to the following:

- Services of a physician
- Technical services of an engineer engaged to prepare plans, maps and estimates
- Insurance coverage and/or services of an insurance broker
- Services of a certified public accountant
- Investment management services
- Printing services involving extensive writing, editing or art work
- Management of municipally owned property
- Outside counsel or consultants in connection with legal work performed by or on behalf of the County
- Computer software or programming services for customized programs or services involved in substantial modification and customizing or prepackaging software

The waiver committee responds to the department with either a letter of approval or a letter of rejection. This correspondence, along with the original request, must be filed with the Comptroller's Office as an attachment to the Personal Services Procurement Record Checklist.

3. **The department initiates the procurement process.**

If the waiver request is rejected by the waiver committee, the services are procured through a formal RFP process.

If the waiver request is approved by the waiver committee, the department proceeds to procure the services in accordance with the manner stated in the waiver request as follows:

Predetermined provider:
If a predetermined provider is identified in the waiver request, the department notifies the provider of the award and proceeds with contract negotiations. All contracts are subject to the review and approval by the County Attorney.

Streamlined competitive proposal process:
If a streamlined competitive proposal process is used, it is recommended that the department post the solicitation on the County's website in addition to seeking proposals in accordance with the waiver request. If the number of proposals to be sought is not specified in the waiver request, it is recommended that a minimum of three proposals are solicited unless it can be demonstrated that fewer than three qualified vendors are available to provide the services sought. If proposals are solicited, the department should issue written instructions to the solicited firms which set forth:

- A description of the nature and scope of the personal/consultant services sought by the department
- The required form and content of proposals
- The deadline for submitting proposals
- The criteria that will be used to evaluate the proposals

NOTE: If a streamlined competitive proposal process is used, it is recommended that the department refer to Section Four: Solicitation of Quotes for Personal/Consultant Services from $1,000.01 to $25,000.00 for guidance on the solicitation document. All documentation must be filed with the Office of the Comptroller as attachments to the Personal Service Procurement Record Checklist.

4. The basis of award selection.

If proposals are solicited and the waiver request specifies the basis of award, e.g., qualifications only, the award selection is made in accordance with the waiver request.

If the waiver request does not specify a basis of award, the award should be made based on best value as defined below.

Best Value Basis:
The "best value" basis optimizes quality, cost and efficiency among responsive and responsible offerers. Such basis shall be, whenever possible, quantifiable. When applied to the solicitation of quotes, best value is typically demonstrated by the lowest bid price among responsive and responsible offerers, or the lowest bid price that meets specifications among responsive bidders. However, there may be situations where it is determined that "best value" is represented by a bidder other than the lowest due to his/her unique skills and/or experience, more favorable timing, or other advantage. In these situations, the award may be made to other than the lowest bidder. However, justification for the award must be documented by a written memorandum explaining why the selection is deemed superior. This memorandum must be filed with the Comptroller's Office as an attachment to the Personal Services Procurement Record Checklist.

5. **The proposals are evaluated and selection is made.**

The evaluation of proposals may be performed by one or more departmental staff or an evaluation committee. In all cases, the department must ensure that all staff participating in the evaluation have no conflicts of interest with any of the proposers. It is recommended that evaluating staff members sign a "No Conflict of Interest Disclosure Statement" (available on the Comptroller's website) which is filed with the Comptroller's Office as an attachment to the Checklist.

If the proposals are to be evaluated based on best value, they are evaluated in terms of their quality and cost. As in the RFP process, the general qualification and technical services evaluation should be conducted separately from the cost evaluation, and the scores should be combined after they have been recorded to determine which firm provides the best value to the County. Additionally, the evaluators should determine whether or not to engage in discussions with proposers and/or to request "best and final offers."

6. **The notification of award is made and the contract is awarded.**

All proposers should be notified as to whether they are successful or unsuccessful. Upon request, an unsuccessful proposer should be provided a debriefing as soon as possible after selection of the successful proposer, as to why its proposal was unsuccessful. The letter of award must be filed with the Comptroller's Office as an attachment to the Personal Services Procurement Record Checklist.

Contract Negotiation:
Generally, the terms and conditions of the contract must be in accordance with the requirements and specifications of the solicitation document. However, the department may negotiate with the successful bidder prior to settling on contract terms.

Contract Approval:
Contracts are subject to review and approval by County Attorney.

7. **The Personal Services Procurement Record Checklist is filed with the Comptroller's Office.**

The Personal Services Procurement Record Checklist (Checklist) has been developed by the Office of the County Comptroller (OCC) to ensure accountability and transparency when contracting personal/consultant services.

The Checklist is available on the Comptroller's website. This form, along with all documentation related to the procurement and procurement process, must be filed by the department with the OCC within ten (10) days of the notification of the contract award, i.e., the date that the consultant is first notified that the County has awarded the contract. The notification of award predates the execution of the contract. The

documentation, which makes up the Procurement Record (Record), includes support for emergency procurement; the waiver request and approval from the Waiver Committee for waivers; and all documentation required for a solicitation of quotes (see Section Four) if a competitive proposal process is used. If a waiver is obtained and the services are procured from a sole or single source, the Record must contain:

- The unique nature of the requirement and circumstances leading to the selection of the vendor, including the alternatives considered
- The basis upon which it was determined that there is only one known vendor able to meet the need or the rationale for selecting the specific vendor
- The basis upon which the department determined the cost to be reasonable

See Section Eight: County Comptroller Personal Service Procurement Record Checklist for further information.

Exceptions to the RFP Process by Law

In accordance with Chapter 708-6, Article III of the Suffolk County Code, an RFQ process may be utilized in lieu of a formal RFP process for the procurement of client services, i.e., programs contracted for by the County on behalf of third-party clients where the rates are pre-established and funding is budgeted. Funding, which may either be designated as a line item or may appear as block or generic funding in the Suffolk County Operating Budget, constitutes payment at established reimbursement rates. See Section Six: Request for Qualifications (RFQ) for further information.

Exceptions to the RFP and RFQ Processes by Law

In accordance with Chapter 708-6, Article III of the Suffolk County Code, a formal RFP or RFQ process need not be followed in the selection process for the following client services: home health care providers, foster care services and family day-care services. These exceptions are detailed at Section Six: Request for Qualifications (RFQ).

SECTION EIGHT: COUNTY COMPTROLLER PERSONAL SERVICE PROCUREMENT RECORD CHECKLIST

The Personal Services Procurement Record Checklist (Checklist) has been developed by the Office of the County Comptroller (OCC) to provide assistance in the preparation, documentation and submission of the Procurement Record (Record) to OCC, and is available on the Comptroller's website. The Checklist will serve as a resource to report specific data, including the number of service contracts that are competitively solicited, the number of contracts awarded on the basis of "best value" among responsive and responsible offerers, etc.

The Checklist follows the procurement process from documenting the need and describing the service being procured to the contract execution. The amount of documentation necessary to support the decisions made by the department during the procurement process is dependent upon the type and complexity of the procurement.

In accordance with Chapter 708-8, Article III of the Suffolk County Code, all County departments, offices and agencies must file the Checklist with OCC within ten (10) days of the award notification, i.e., the date that the consultant is first notified that the County has awarded the contract. The notification of award predates the execution of the contract.

The Office of the Comptroller will not process any payment vouchers for personal/ consultant services without a Checklist on file.

Questions pertaining to the preparation of this Checklist may be directed to the Comptroller's Contract Compliance Unit (CCU) @ 852-2060.

NOTE: Upon finalization of the contract with the selected vendor, the initiating department must forward a copy of the contract to the CCU. The department should enter the contract and contract number into the County's integrated financial management system (IFMS) as a service contract (SC). This will allow OCC to properly track all contracts and payments.

OCC Review

OCC reviews the Checklist and Record for documentation that supports the selection of the proposer and the cost, and determines if all statutory, regulatory and policy requirements have been met.

If OCC determines that there are any questionable items, the department will be consulted. If matters cannot be resolved with the department, OCC will issue Management Letters to the County Executive and Legislature to report the issue.