



**COUNTY OF SAN BERNARDINO  
STANDARD PRACTICE**

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**PAGE 1 OF 6**  
By      **EFFECTIVE** 03/12/2011

**SUBJECT**  
PROCUREMENT FOR PROFESSIONAL SERVICES

**APPROVED**  
  
**GREGORY C. DEVEREAUX**  
Chief Executive Officer

**PURPOSE**

The purpose of this practice is to implement County Policy 11-05 and to set forth the procedures applicable to County agencies, departments and Board-governed special districts in procuring professional services and negotiating contracts for professional services including, but not limited to, architectural, landscape architectural, engineering, environmental, land surveying and construction project management services and those covered by California Government Code section 4525 et seq. It also does not apply in circumstances where State or Federal law, if applicable, may specifically govern the procurement of services. If such law mandates the procurement of services in a certain manner, then the State or Federal law will govern the acquisition of those services.

County agencies, departments and Board-governed special districts seeking professional services from an outside service provider must utilize the procedures described below.

**DEPARTMENTS AFFECTED**

All County Departments, agencies, and Board-governed special districts.

**POLICY STATEMENT**

It is the policy of the Board of Supervisors to utilize the services of Internal Service Departments and Divisions pursuant to Policy 11-03, then when necessary, to utilize the services of outside service providers. The Board of Supervisors has set purchasing limits of authority at the statutory limits set by the State of California Government Code (GC 25502.5).

**DEFINITIONS**

Client: District, Group, Department, or other County entity requesting outside services.

Service Provider: A firm (individual, partnership, association, corporation, or joint venture, etc.) legally qualified to provide professional services, not covered under the definition of Professional Consulting Services as defined in 11-05SP2.

Office of Primary Responsibility (OPR): The department, division, or other designated activity within the County or Special District which is primarily charged with administering the contract.

Contract/Purchase Order: Contract for professional services covered by Government Code section 4525 et seq. which may be awarded without competitive bidding.

**RESPONSIBILITIES AND PROCEDURES**

**A. SELECTION OF OUTSIDE SERVICE PROVIDERS FOR PROFESSIONAL SERVICE CONTRACTS FOR \$150,000 OR MORE**

1. The Selection Committee
  - (a) The Selection Committee shall be composed of three to five members identified in the agenda item presented to the Board of Supervisors or as identified by the County Administrative Office.

(b) The chairperson of the Selection Committee will be designated by the OPR.

2. Guidelines

(a) The determination of need shall be based upon criteria established by County policies:

(1) Guidelines for Request for Proposal (RFP) development shall be maintained by the Purchasing Department. All forms referred to within this Standard Practice are available from the Purchasing website.

(b) The selection process must be in accordance with the following specific criteria:

(1) The firm should be of high ethical and professional standing;

(2) The principals of the firm should be recognized within their respective profession (e.g. registration, if applicable);

(3) The firm should have required experience in the respective profession and related to the particular applicable project;

(4) Cost consideration, while not necessarily the primary factor in the selection process, should be an important factor in the process.

3. Selection Procedures

(a) The OPR shall:

(1) Maintain current lists and utilize any available centralized database, categorized by types of services, with accompanying data, of outside service providers which have expressed an interest in performing professional services for the County;

(2) Maintain a schedule of contracts awarded indicating the outside service providers, the amount, and the date of last award;

(3) Notify outside service providers of upcoming projects;

(4) Determine the need for outside services;

(5) Be responsible for identifying the scope, time schedule, and approximate cost of the project;

(6) Prepare appropriate RFP utilizing the Purchasing template as a guideline and attaching the Checklist for Approval form. Submit package with supporting documentation to Purchasing for review and further routing to County Counsel and County Administrative Office;

(7) Review all contracts and submit to County Counsel for review and/or approval prior to submission to the County Administrative Office for approval and for placement on the agenda for consideration by the Board of Supervisors, according to the dollar value as appropriate;

(8) As necessary, prepare Board agenda items (including supporting documents);

(9) Monitor contract compliance records for contractors and subcontractors on County projects as may be required.

- (b) The Selection Committee shall:
  - (1) Have responsibility for the entire screening and selection process, but may delegate to County staff members the initial screening and informal briefings for the purpose of clarification and identifying the most qualified applicants. If the Selection Committee delegates the screening process, the process shall include consideration at least three of the best-qualified applicants for the particular project.
- (c) The OPR shall assist the Selection Committee in performing the following functions:
  - (1) Prepare the RFP with instructions that the respondent's proposal shall be submitted in two separate sealed envelopes:
    - (a) Specific outside service provider services (Envelope "A")
    - (b) Compensation (Envelope "B")
  - (2) Write separate letters to each finalist, briefly describing the proposed project and inquiring as to their interest in it. Upon receipt of an affirmative answer, ask each responding firm to appear for a separate personal interview. In the case of design projects, give the respondent an opportunity to inspect the site, explaining the proposed services required;
  - (3) Review all proposals (envelope "A"). During interviews, review the qualifications and records of each firm, its capability to complete the work within the time allocated, and the specific key personnel assignable to the project;
  - (4) List the firms in the order of their desirability, taking into account their location, reputation, experience, financial standing, size, personnel available, quality of references, workload, and any other factors unique to the project being considered;
  - (5) Check carefully with recent clients of each firm and determine the quality of performance. This check should not be limited to references specified by the outside service firm;
  - (6) After the firms are identified in order of the best qualified, review all compensation submittals (envelope "B"). Firms should not be re-identified in order of the best qualified based upon the compensation submittals.

**B. NEGOTIATION AND ADMINISTRATION OF CONTRACTS FOR PROFESSIONAL SERVICES FOR \$150,000 OR MORE**

1. Negotiating Procedures

- (a) The Office of Primary Responsibility (OPR) shall:
  - (1) Negotiate final compensation, (taking into consideration the compensation submittals provided by all firms) terms and conditions of contract with the best qualified firm recommended by Selection Committee pursuant to this Standard Practice.
  - (2) If agreement is not reached:
    - (a) The negotiations shall be terminated and the firm shall be notified of such termination in writing.

- (b) A similar negotiation shall be commenced with the second best qualified firm, and failing agreement with the second firm, the third shall be invited for negotiations. If negotiations are unsuccessful, the OPR shall determine whether to proceed with negotiations or whether to terminate all negotiations and the RFP process.
  - (c) All such negotiations will be strictly confidential, and in no case will the compensation discussed with one firm be disclosed to another firm.
  - (d) Any exception to standard Risk Management language must be approved by Risk Management.
- (3) If agreement is reached, a contract shall be prepared pursuant to the provisions of County Policy 11-05 and this Standard Practice, and reviewed by County Counsel prior to submittal to the County Administrative Office for approval and placement on the agenda for consideration by the Board of Supervisors as appropriate.
  - (4) Negotiate subsequent modifications to such contracts and if agreement is reached, submit to County Counsel for review and approval prior to submittal to the County Administrative Office for approval and placement on the agenda for consideration by Board of Supervisors as appropriate.

2. Administration of Contract

- (a) The OPR shall administer the contract approved by the Board of Supervisors.

**C. SELECTION OF OUTSIDE SERVICE PROVIDERS FOR PROFESSIONAL SERVICE CONTRACTS LESS THAN \$150,000**

1. Guidelines

- (a) The determination of need shall be based upon criteria established by County policies.
  - (1) Guidelines for Request for Proposal (RFP) development shall be maintained by the Purchasing Department. All forms referred to within this Standard Practice are available from the Purchasing website.
- (b) The selection process must be in accordance with the following specific criteria:
  - (1) The firm should be of high ethical and professional standing.
  - (2) The principals of the firm should be recognized within their respective profession (e.g. registration, if applicable).
  - (3) The firm should have required experience in the respective profession and related to the particular applicable project.
  - (4) The selected vendor shall provide the overall best value to the County, based on the evaluation criteria set forth in the RFP.

2. Selection Procedures

- (a). The OPR shall:

- (1) Maintain current lists or utilize any available centralized database, categorized by types of services, with accompanying date, of outside service providers that have expressed an interest in performing professional services for the County;
- (2) Maintain a schedule of contracts awarded indicating the vendor, the amount, and the date of last award;
- (3) Notify vendors of upcoming projects;
- (4) Determine the need for services;
- (5) Be responsible for identifying the scope, time schedule, and approximate cost of the project;
- (6) Have responsibility for the entire screening and selection process;
- (7) Review all proposals submitted and review the qualifications and records of each firm, its capability to complete work within the time allocated, and the specific key personnel assignable to the project;
- (8) List the firms in the order of their desirability, taking into account their location, reputation, experience, financial standing, size, personnel available, quality of references, workload and any other factors peculiar to the project being considered;
- (9) Check with recent clients of each firm and determine the quality of performance. The check should not be limited to references supplied by the outside firm;
- (10) Cost submittals of all firms should be evaluated and used in the negotiation process.;
- (11) Utilize Purchasing Non-Competitive Justification Form as needed;
- (12) Award of contract shall be by the following:
  - (a) All contracts with service providers up to and including \$100,000 may be awarded by Purchase Order by the Purchasing Agent in accordance with established procedures, except for contracts where the aggregate cost exceeds one hundred thousand dollars (\$100,000) per scope of services, per fiscal year, per vendor per agency, department, or Board-governed special district per budget fiscal year. Contracts in this category must be approved by the Board of Supervisors;
  - (b) Departments seeking approval of contracts in excess of \$100,000 but less than or equal to \$150,000 must prepare and provide potential outside service providers with a written scope of work to be performed. The OPR should contact as many local and other firms as possible in order to receive at least three valid written proposals. The search process used to solicit the written proposals as well as the composition of the evaluation committee must be described in the agenda item prepared when the contract is submitted for consideration by the Board of Supervisors. The agenda item must provide justification as to the use of an outside service provider rather than County staff. The justification must indicate one or more of the following:
    - (1) County staff does not have the expertise to provide the services; or
    - (2) There is insufficient staff to perform the services; or

- (3) There is some other reason including, but not limited to, cost for using an outside service provider.

**D. NEGOTIATION AND ADMINISTRATION OF PROFESSIONAL SERVICE CONTRACTS FOR SERVICES LESS THAN \$150,000**

1. Negotiating Procedures

(a) The Office of Primary Responsibility (OPR) shall:

- (1) Negotiate final compensation (taking into consideration the compensation submittals provided by all firms), terms and conditions of contract with the best qualified firm selected.
- (2) If agreement is not reached:
  - (a) The negotiations shall be terminated and the firm shall be notified of such termination in writing;
  - (b) A similar negotiation shall be commenced with the second best qualified firm, and failing agreement with the second firm, negotiations may be commenced with the third firm. If negotiations are unsuccessful, the OPR shall determine whether to proceed with negotiations or whether to terminate all negotiations and the RFP process
  - (c) All negotiations will be strictly confidential, and in no case will the compensation discussed with one firm be disclosed to another firm;
  - (d) Any exception to standard Risk Management language must be approved by Risk Management.
- (3) If agreement is reached, a Purchase Order or contract shall be prepared pursuant to the provisions of County Policy 11-05 and this Standard Practice. In the case of a contract which must be approved by the Board of Supervisors, the contract must be reviewed by County Counsel prior to submittal to the County Administrative Office for approval by the CEO or for placement on the agenda for consideration by the Board of Supervisors, according to the dollar value as appropriate.
- (4) Negotiate subsequent modifications to the purchase order or contract, and submit to County Counsel for review and approval upon agreement by the County and vendor. In the case of a contract which was originally approved by the Board of Supervisors, the modifications must be submitted to Purchasing and County Counsel for review and approval prior to submittal to the County Administrative Office for placement on the agenda for consideration by the Board of Supervisors.

2. Administration of Contract

The OPR shall administer the purchase order, contract, or Board-approved contract.