



**COUNTY OF SAN BERNARDINO
STANDARD PRACTICE**

No. 11-05SP2

ISSUE 4

PAGE 1 OF 2

By

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SUBJECT

SELECTION OF VENDORS FOR PROFESSIONAL CONSULTING SERVICES, INCLUDING LEGAL 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 selecting service providers for Professional Consulting Services other than those covered by Government Code section 4525 et seq. and 11-05SP1 (architectural, landscape architectural, engineering, environmental, land surveying and construction project management services). 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.

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.

Professional Consulting Services– A professional (individual, firm, agency) who provides expert advice in a particular area of expertise such as, but not limited to, advocacy, lobbying, analysis, technology, public affairs, legal or communication.

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

Contract: Contract for professional services which may be awarded without competitive bidding.

RESPONSIBILITIES AND PROCEDURES

A. SELECTION OF VENDORS FOR PROFESSIONAL CONSULTING SERVICES

1. Professional Consulting Contracts

All professional consulting contracts with service providers up to \$100,000 may be awarded by purchase order or other payment and purchasing mechanisms authorized by the Purchasing Agent. Professional consulting contracts between \$50,000 and \$100,000 require signature by the Chief Executive Officer, or designee.

- (a) 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.

2. Professional Consulting Contracts less than or equal to \$100,000

Departments seeking approval of a contract in this category must:

- (a) Prepare and informal Request for Proposal including a written scope of work to be performed, timeline and minimum qualifications desired;
- (b) Contact as many local and other firms as practical in order to receive at least three valid written responses, including posting to the county website; and
- (c) Describe the search process used to solicit the written proposals and the process used to select the recommended vendor as well as the composition of the evaluation committee.
- (d) Utilizing the Checklist for Approval form, submit for approval to the Chief Executive Officer, or designee. Ensure submission is a complete package and includes all supporting documentation. In the event the department is requesting the item be presented to the Board of Supervisors but appears otherwise eligible for approval by the Chief Executive Officer or designee, ensure request and justification is clearly indicated on the Checklist for Approval form under Special Terms.
- (e) Cost, while not necessarily the primary factor used in the selection process, is also an important factor. The agenda item must include how cost was utilized in the selection process.

3. Professional Consulting Contracts in excess of \$100,000

Departments seeking approval of a contract in this category must submit a Request for Proposals for approval of the Chief Executive Officer, or designee, prior to release.

4. Legal Services

Pursuant to Title 1, Division 2, Chapter 19, Section 12.1908 of the County Code, County Counsel is authorized to select and retain through a purchase order, specialized counsel for a particular matter not to exceed \$100,000 per fiscal year. Contracts for services in excess of that amount require approval from the Board of Supervisors. Any purchase orders or contracts for legal services must be approved by County Counsel prior to submission to the Purchasing Agent.

5. Expert Witnesses

Due to the specialized and sensitive nature of expert witnesses, the direct procurement of such services by the County or any board-governed Special District is exempt from Policy 11-05. Payment for such services may be accomplished through a payment process approved by the Director of Purchasing and the Auditor-Controller of the County.