

Business/Non-Instructional Operations

Soliciting Prices (Bids and Quotations)

Professional Services Procurement Policy

Statement of Purpose

All professional service procurements made by the New Haven Public Schools (NHPS) involving the expenditure of general, capital, and special funds in excess of \$25,000 will be made in accordance with the following procurement standards.

All procurement transactions for professional services, regardless of method or dollar value, will maximize open and free competition consistent with the standards of American Bar Association Model Code for Professional Procurement, CT Statute Title 4a, and Chapter 58. New Haven Public School officials shall not engage in procurement practices that may be considered arbitrary or restrictive.

Purchases will be reviewed by the Chief Financial Officer (CFO) or designee, to prevent duplication and to ensure that costs are reasonable.

I. METHODS FOR PROCUREMENT

Procurement for professional services shall be made using one of the following methods: (1) small purchase procedures, (2) competitive sealed bids, (3) competitive negotiations, (4) non-competitive negotiation, (5) sole source methods or (6) State approved contractors, and shall be made in accordance with procedures set forth in this policy, relevant City of New Haven Purchasing regulations.

- a)** For **purchases of less than \$500**, efforts will be made to get the lowest and best price, written records of such efforts are necessary in the form of receipts. **Small Purchases** that cost between **\$500 and \$4,999.99** will require a **Quick Bid Form**, with three over-the-telephone quotations of rate, price, etc. A memorandum will be prepared setting forth the date calls were made, parties contacted, and prices obtained. Purchases of supplies, equipment and services that cost **\$5,000 to \$24,999** will require written estimates. The appropriate program official will solicit written responses from *at least three vendors*, and if no such responses are available, a statement explaining the procurement will be prepared and retained.
- b) Competitive Sealed Bids:** Bidding will be employed when detailed specifications for the goods or services to be procured can be prepared and the primary basis for award is cost. When the cost of a contract, lease or other agreement for materials, supplies, equipment or contractual services, other than those personal or professional, exceeds **\$25,000**, an Invitation for Bids (IFB) notice will generally be prepared consistent with C.G.S. 7-148(v). This notice will be published on the district website. NHPS program officials may also solicit sealed bids from responsible prospective suppliers by sending them a copy of such notice.

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The Invitation to Bid, (IFB) will include a complete, accurate and realistic specification and description of the goods or services to be procured, the bid deposit, payment bond and bond performance required (if applicable), the location where bid forms and specifications may be secured, the time and place for opening bids, and whether the bid award will be made on the basis of the lowest price or the lowest evaluated price. If the lowest evaluated price is used, the measurable criteria to be used must be stated in the IFB. The IFB and website notice must also contain language which calls to the attention of bidders all applicable requirements which must be complied with such as APPROPRIATE CITY, STATE, AND FEDERAL STATUTES, the Civil Rights Act and the Davis-Bacon Act.

All bidders must provide a list of principal owners and executive staff, as well as, the percentage of city residents, women and minority staff.

Sealed bids will be opened in public at the time and place stated in the IFBs. The bids will be tabulated by the Chief Financial Officer (CFO) at the time of the bid opening. The results of the tabulation and the bid procurements will be examined for accuracy and completeness by the appropriate project manager who will make recommendations to the New Haven Public School District. In addition, the CFO shall determine that all firms are responsive and responsible. The New Haven Board of Education will make the decision as to whom the contract shall be awarded in a majority vote. After New Haven Board of Education makes a bid award, a contract will be prepared for execution by the successful bidder.

The New Haven Board of Education may cancel an Invitation for Bid or reject all bids if it is determined that such is in the best interests of the school district. Bidders will be notified in writing of such cancellation or rejection. The New Haven Board of Education may allow a vendor to withdraw a bid if requested at any time prior to the bid opening. Bids received after the time set for bid opening shall be returned to the vendor unopened.

c) Competitive Negotiations

The New Haven Board of Education will use competitive negotiations, regardless of contract amount, upon a written determination that:

- Specifications cannot be made specific enough to permit the award of a bid on the basis of either the lowest bid or the lowest evaluated bid price (in other words, bidding is not feasible).
- The services to be procured are professional in nature.

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With respect to professional services, competitive negotiations will proceed as follows:

- 1) Proposals will be posted on the NHPS website; additionally, a **Request for Proposal and Qualifications (RFPQ)** may be prepared and mailed to qualified vendors. The website posting must be published at least seven (7) days and not more than twenty-one (21) days before the date for receipt of the proposals.

The RFPQ will describe services needed, identify the factors to be considered in the evaluation of proposals and the relative weights assigned to each selection factor, and identify the qualifications required of the vendor. The RFPQ will call attention to the same regulations discussed in the bidding process. Requests for proposals will always include cost as a selection factor. In addition, all bidders must provide a list of principal owners and executive staff, as well as, the percentage of city residents, women and minority staff.

Award must be made to the bidder whose proposal is determined in writing by the New Haven Board of Education to be the most advantageous to the school district. Evaluations must be based on the factors set forth in the Request for Proposal and Qualifications and a written evaluation of each response prepared. The review committee may contact the firms regarding their proposals for the purpose of clarification and record in writing the nature of the clarification. If it is determined that no acceptable proposal has been submitted, all proposals may be rejected. New proposals may be solicited on the same or revised terms or the procurement may be abandoned.

For the procurement of certain professional services, an alternative to RFPQs may be used. The New Haven Board of Education will publish a Request for Qualifications (RFQ) document with the RFP. RFQ's are handled in a similar method to RFP's with the exception that cost is not a factor in the initial evaluation. The CFO will evaluate the responses and rank them by comparative qualifications. The highest scoring person or firm will be contacted and the CFO with appropriate staff will negotiate cost. If the vendor is unable to negotiate a satisfactory cost arrangement, the second highest scoring person or firm will be invited to negotiate. The CFO and the relevant project manager will maintain a written record of all such negotiations.

- 2) **Noncompetitive Negotiations**

Noncompetitive negotiations may be used for professional service procurements in excess of \$25,000 when bidding or competitive negotiations are not feasible. The NHPS may purchase services through non-competitive negotiations when it is determined in writing by the Superintendent or his or her designee that competitive negotiation or bidding is not feasible and that:

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2) Noncompetitive Negotiations (continued)

- a) An emergency exists which will cause public harm as a result of the delay caused by following competitive purchasing procedures, or,
- b) The product or service can be obtained only from one source, or,
- c) The contract is for the purchase of perishable items purchased on a weekly or more frequent basis, or,
- d) Only one satisfactory proposal is received through RFP or RFQ, or,
- e) The state has authorized the particular type of noncompetitive negotiation (for example, the procurement of services by an Area Development District), through a purchasing consortium or through an existing state contract available to municipalities.

Procurement by noncompetitive negotiation requires the strictest attention to the observation of impartiality toward all suppliers. The New Haven Board of Education must approve all procurements by non-competitive negotiation when only one supplier is involved or only one bid or response to an RFP/RFQ is received.

- 3) Bids will be accepted only from those contractors who have a proven record of ability to successfully complete the scope of work being bid. References will be requested along with the contractor's bid proposal. Any contractors submitting a bid must produce (along with his/her bid documents) written proof of liability insurance and worker's compensation coverage. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance and financial and technical resources in awarding contracts.
- 4) Upon submission of a bid, the contractor will present a bid guarantee equivalent to 5 percent of the amount of the contractor's submitted bid. Unsuccessful bidders will have their bid guarantee returned to them with the notice which advises them they are an unsuccessful bidder. The successful bidder will post (at the signing of the contract and notice to proceed) a performance bond equal to 100 percent of the contract amount, along with a payment bond equivalent to 100 percent of the contract amount.

II. PROFESSIONAL SERVICE AGREEMENTS AND CONTRACTS

Generally, all procurement for professional services in excess of \$200 will be memorialized and supported by a written Contract or Agreement. Where it is not feasible or is impractical to prepare a Contract or Agreement, a written finding to this effect will be prepared and some form of documentation regarding the transaction will also be prepared.

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II. PROFESSIONAL SERVICE AGREEMENTS AND CONTRACTS (continued)

The contractual provisions required by the Standards for Professional Services agreements will be included in all contracts.

All contracts will contain language that allows the New Haven Board of Education the opportunity to cancel any contract for cause. Said cause shall include (but not be limited to) demonstrated lack of ability to perform the work specified, unwillingness to complete the work in a timely fashion, cancellation of liability insurance or worker's compensation, failure to pay suppliers or workers, unsafe working conditions caused by the contractor, failure to comply with Davis-Bacon wage laws (where applicable), failure to keep accurate and timely records of the job, or failure to make those records available to the New Haven Board of Education (on request) or any other documented matter which could cause a hardship for the New Haven Board of Education if a claim should arise or the work not be completed on schedule at the specified cost.

All professional service Agreements will contain the Board of Education approved Student Data Privacy Agreement as required by State and Federal regulations.

III. DOCUMENTATION

All source documents supporting any given transaction (receipts, purchase orders, invoices, RFP/RFQ data and bid materials) will be retained and filed in an appropriate manner. Where feasible, source documents pertinent to each individual procurement shall be separately filed and maintained. Where it is not feasible to maintain individual procurement files, source documents will be filed and maintained in a reasonable manner (examples include chronologically, by vendor, by type of procurement, etc.). Whatever form of documentation and filing is employed, the purpose of this section is to ensure that a clear and consistent audit trail is established. At a minimum, source document data must be sufficient to establish the basis for selection, basis for cost, (including the issue of reasonableness of cost), rationale for method of procurement and selection of contract type, and basis for payment.

IV. LOCALLY OWNED, MINORITY OWNED, FEMALE OWNED AND SMALL BUSINESSES

All necessary affirmative steps will be taken and documented to solicit participation of locally owned, minority-owned, female-owned and small businesses. The New Haven Board of Education will solicit proposals from minority- or women-owned businesses that provide the goods or services that are being sought. All bidders must provide a list of principal owners and executive staff, as well as, the percentage of city residents, women and minority staff.

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IV. LOCALLY OWNED, MINORITY OWNED, FEMALE OWNED AND SMALL BUSINESSES (continued)

Where possible and feasible, delivery schedules will be established, and work will be subdivided to maximize participation by small businesses or minority- or women-owned businesses. Subdivided components will be bid as a separate contract. Where feasible, evaluation criteria will include a factor with an appropriate weight for these firms. A list of locally owned, minority-owned, female-owned and small businesses and also minority businesses located within the trade region shall be maintained and used when issuing IFBs, RFPs and RFQs. This list shall also be consulted when making small purchases.

Legal Reference: Connecticut General Statutes

7-148v Requirements for competitive bidding

P.A. 13-71 An Act Concerning Requirements for Competitive Bidding for the Award of Contracts or Purchase of Property by Municipalities June 2017 Special Session PA 17-2, Section 16

Policy adopted:

NEW HAVEN PUBLIC SCHOOLS
New Haven, Connecticut

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Glossary

Agreement: a duly executed and legally binding contract.

American Bar Association Model Procurement Code: The 2000 American Bar Association Model Procurement Code for State and Local Governments provides: (1) the statutory principles and policy guidance for managing and controlling the procurement of supplies, services, and construction for public purposes; (2) administrative and judicial remedies for the resolution of controversies relating to public contracts; and (3) a set of ethical standards governing public and private participants in the procurement process. The Code was approved by the policymaking body of the American Bar Association, its House of Delegates, on July 11, 2000, and represents official ABA policy in this area of the law. It represents a three-year effort to update the text of the 1979 Code to fit the circumstances of state and local procurement at the beginning of the new century.

Competitively Bid: Formal Public Bid – Publicly advertise the scope, specifications and terms and conditions of the proposed Agreement or Contract, as well as, the criteria by which the bids will be evaluated.

Competitive Negotiations: Method used as an alternative to competitive bidding in which an RFP/Q is only sent to qualified contractors whose bid falls within a pre-determined competitive range.

Invitation for Bids, (IFB): A publicly advertised call to contractors to submit a proposal or project for a specific service.

Independent Consultant Agreement: Agreement to obtain consulting services or programmatic services by an individual with highly specialized expertise for defined Scope of Work.

Integrity: Synonymous with honesty, trustworthiness, truth-telling, reliability,

Non-Competitive Negotiations: Used for professional service procurements in excess of \$10,000 when bidding or competitive negotiations are not feasible

Professional Services Agreement: Agreement for purchase of services that are highly specialized and of a technical nature where the supplier performing services has a professional license, is licensed by a regulatory body, and/or is able to obtain professional errors and omissions insurance.

Program Official: A New Haven School employee that is responsible for the administration of one or more of the school district's programs.

Request for Proposal/Qualifications, (RFP/Q): A solicitation that details the need for service, Scope of Service, and the required qualifications, terms and conditions.

Sealed Bids: Contents of bids are sealed to prevent review of contents prior to the deadline for

submission of responses.

Sole Source: A designation provided by the City of New Haven when there are no options but one contractor with the ability to provide the service. If the contractor meets the criteria, the City will issue a Sole Source letter. The Sole Source letter must be obtained prior to submission of an Agreement or Contract.

Quick Bid: The City of New provides the form to document quotes for small dollar amounts. This form is accompanied with the Agreement or Contract.

A. Management and Evaluation of Professional Services Contractors

I. Student Programs and Interventions:

Vendors working directly with students must show that they have produced achievement or behavioral outcomes with the students identified in the Professional Services Agreement. Such outcomes will include one or more of the following:

- Improved criterion reference achievement, standardized test scores and other measures of academic achievement.
- Archival evidence of student work
- Improved attendance
- Improved pro-social conduct in school
- Improved effort in assigned tasks within the classroom and school

II. Professional Development for Staff and Parents:

Vendors working directly with staff and parents must show evidence they can and have produced improvements in the knowledge and skills of the staff or parents identified in the Professional Services Agreement. Evidence would include:

- Authored publications
- Training designs
- Impact assessments with districts similar to the New Haven Public Schools

III. Product Development Agreements: Vendors must provide a portfolio of evidence that they can produce quality work in agreements to produce reliable products, such as, website development, customized computer programs, data base development, and other products necessary for the operation and efficiency of the school district.

All vendors must include program impact or product quality indicator instrumentation with bid submissions.

IV. Program Evaluation Typology:

1. Single group time series design with baseline data
2. Comparative group time series with baseline data
3. Subject perceptions of program intervention
4. Archival products of evidence of knowledge and skill acquisition
5. Clinical evaluation of subject performance
6. Time series evaluation of progression of participant application of knowledge and skill acquisition.
7. Independent evaluation of program impact by recognized experts in the field.

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Management and Evaluation of Professional Services Contractors (Continued)

V. Program Selection and Oversight Structure:

The Grant Program Manager will be responsible for the following:

- Justification of need for the proposed service
- Supporting staff in program selection using the Request for Proposal/Request for Qualifications (RFP/RFQ) Process
- Program Monitoring
- Meeting with stakeholders at three intervals for formative and summative assessment of program implementation
- Providing assurances that vendors have complied with the standards and expectations of the contract award