

CITY OF LYNNWOOD
POLICY/PROCEDURES

TITLE Routine and Professional Service Contracting		NUMBER P00-05	
EFFECTIVE DATE January 1, 2000	SUPERSEDES	PAGES 3 (attachments)	
MAYOR:		DEPARTMENT HEAD <i>M. B. [Signature]</i>	PURCHASING MANAGER <i>MK [Signature]</i>

Subject: Routine Service and Professional Service Contracting
Except architectural, engineering, landscape architecture, surveying, structural design

LMC: 2.92.020 (D)
RCW: Not Applicable
Chapter 273, Laws of 1994, removed services from bid requirements for second class cities, towns, and code cities with a population of fewer than 20,000. First class cities and code cities with a population of 20,000 and over have never been required to put service contracts out for bid. RCW Chapter 39.80 covers architectural design, engineering study and design, landscaping architecture, and structural design.

PURPOSE: To obtain desired services at a reasonable cost, using an open, fair, documented and competitive process whenever reasonable and possible. This does not apply to architectural, engineering services, landscape, surveying or structural design services. This otherwise applies to all City departments, except as expressly delegated as described herein.

DEFINITION:

- Professional services are consultants that provide highly specialized, generally one-time expertise to solve a problem or render professional opinions, judgments or recommendations. Professional Services are generally infrequent, and not routinely performed. Examples include graphics design, advertising, analysis, financial expertise, accounting, artists, attorneys, bond brokers, computer consultants, insurance brokers, economists, financial analysts, planners, real estate services, etc. If a need has a mix of equipment, services, supplies, the predominant need will define the project.
- Routine Services are also covered by this policy. Routine Services (a.k.a. Purchased Services) are considered those where the contractor receives specific instructions and guidance from the hiring agency. Examples: gardening, custodial, machine repairs, equipment service agreements, credit card services, commercial dry cleaning, audiometric testing, auctioning services, advertising, transcription services, debt collection services, delivery services, document storage services, drug testing, engraving, temporary service agencies, mapping services, inventory, inspections, office furniture installations, welding, painting, etc.
- Bids herein will be considered sealed bids, requests for proposals, requests for qualifications and quotations, and other formal competitive procedures.

POLICY STATEMENT: The City desires a fair, open process for selection that is free from the potential for bias and conflict of interest. In addition, the City desires standard approaches to

insure consistent and appropriate practices and methods are used for solicitations and contracts performed by the City.

For service acquisitions less than Mayor authorization limits (\$5,000 for professional services or \$10,000 for routine services) may be

All service acquisitions above Mayor authorization limits (\$5,000 for professional services or \$10,000 for routine services) shall be centralized through City Purchasing, unless delegated by the Finance Director or City Purchasing. This is to insure consistency and fair process, solicitation and awards.

The City encourages solicitations to promote competition while still meeting the City's needs. City Purchasing shall use quotations, requests for sealed proposals, requests for quotes and qualifications, or other solicitation methods based on the need and the dollar value of the solicitation.

Needs greater than Mayor authorization levels (\$5,000 for Professional Services and \$10,000 for routine services) shall utilize formal solicitation methods, whenever practicable and reasonable for the purpose.

The following shall apply to such solicitations:

1. Selection of a winning offer will be based significantly on quality and expertise, although price shall be a consideration. The criteria for selection shall be consistent with the criteria in the solicitation.
2. To provide access and encourage competition, fax, Internet and e-mail communications and submittals will be used when possible.
3. To insure consistency and fair process, the City shall use standard forms, documents, contracts, and terms and conditions, whenever practicable. Purchasing will maintain approved templates for related documents for use by departments. These may be modified for a single-use purpose by the Purchasing Manager or in consultation with the City Attorney.
4. Standards of ethics and conduct shall be as directed by the Purchasing Ethics Policy, and by Lynnwood Municipal Code.
5. The City desires participation from local, small, women and minority firms. Invitations should be mailed to local businesses and to businesses identified by the Minority and Women Business Enterprises, as practicable. City Purchasing shall maintain the OMWBE business list for this purpose.
6. Minimum qualifications may be stated, to insure respondents are reasonably qualified. However, such qualifications should be used judiciously and in no case to purposefully eliminate qualified offerors. Such qualifications should be tested against the marketplace to insure they are not overly restrictive.
7. For any selections that are managed by City Purchasing, Purchasing shall direct and declare both the evaluation process and the selection. This will be the responsibility of Purchasing, and not a decision made by the department, for those bids that are managed through Purchasing.
8. The City allows discussion with potential bidders prior to the solicitation release, to ensure that solicitations and specifications are appropriate to the need and to the industry.

9. Whenever practicable, the City shall conduct a pre-proposal conference to allow a thorough discussion of the City's intention, scope, specifications and terms. Interested companies should be encouraged to attend, and the City shall consider input and comments as practicable. Should a mandatory conference be required, the Purchasing Manager shall approve that requirement.
10. The City shall favor an evaluation selection committee to promote an open, proper selection. Such committee shall be advisory only, and will not be responsible for the final decision.
11. The City allows discussion with the final apparent successful bidder, for the sole purpose of refining and improving the offer to the satisfaction of the City, and for clarifying aspects of the proposal or refining aspects of the proposal once the bidder has been selected. Should award to Council be required, such discussion shall be noted on briefing to Council. Should discussion fail to produce a satisfactory result and the City is not able to enter into a contract, all bids shall be rejected. In no case shall such discussion be used as a Best and Final Offer process, unless otherwise allowed by law.

Attachment #1

Purchasing and Contracts Division Procedures

City Purchasing during solicitation for services shall use this process. In the event of delegated authority, the responsible department may follow the procedures as outlined, with the Project Manager responsible for the Buyer procedures.

- Contracts requiring Council approval will use formal selection processes whenever practicable.
 - For sole source contracts or direct negotiations eliminate steps #5 through #12.
 - Contracts below Council approval eliminate steps #5 through #8.
1. Interviews requestor; determine scale and scope of the project, estimate of the cost, timeline, type of work, experience, minimum qualification, scope of work.
 2. In discussion with the City requestor, determine what process is appropriate, with a preference to formal solicitations for all needs above Mayor authorization levels. Document the decision in writing for the file. Process options include:
 - Informal quotes*
 - Request for Qualifications and Quotations*
 - Sealed competitive proposals*
 - Roster*
 - Direct negotiations without competition,*
 - Sole source*

Considerations as to the appropriate process will include:

- (1) Time requirements
 - (2) Dollar thresholds
 - (3) Scope and complexity of project
 - (4) Visibility of project
 - (5) Availability of vendors
 - (6) Sensitivity, confidentiality requirements
 - (7) Other items as considered appropriate
3. Buyer shall advertise whenever practicable, in advance of the opportunity, to reasonably insure that interested consultants know of the opportunity. Publish at least once in both the *Everett Herald* (City named official notice paper), and the *Daily Journal of Commerce* for 12 calendar days or as practicable. Mail, fax, or e-mail invitations to all appropriate firms in the OMWBE State of Washington listing, available from the Purchasing Office.
 4. A pre-proposal conference shall be conducted whenever practicable. This will include a briefing to participants regarding the City expectations, needs, and the solicitation terms.
 5. State the evaluation criteria in the solicitation documents and adhere to the criteria throughout the selection process. The criteria should be as explicit as possible, to give both the industry and the customer the best possible idea of what is desired from the industry.
 6. Buyer shall receive responses. For proposals, there is no reading of bid amounts or any proposal information and public information is limited to the list of submitting bidders.
 7. All responses shall be handled with confidentiality and security. Proposal submittals contain proprietary information, and will therefore not be fully disclosed, even upon public information request. Should a request be made for information regarding submitted proposals, the Buyer

shall evaluate the proposals for proprietary information, and shall disclose all information that is not declared proprietary (also see policy regarding public information).

8. Buyers shall sort and evaluate responses. The Buyer, under the supervision of the Purchasing Manager shall direct this process. Any Committees used to assist the Buyer are for advisory only, and the Committee recommendations are not the final determination. The Buyer may select a committee or City staff to assist in evaluation, and may provide copies of responses for such purposes. Those participating in review shall be held to the policies regarding ethics (confidentiality, conflict of information, gifts). The Buyer will make an award recommendation to the Purchasing Manager, based on the evaluation results. The Buyer is responsible for establishing and safeguarding the integrity of the evaluation and selection process, and must direct any participants to that end.
9. The Buyer may invite offerors to interview and demonstrate as needed, consistent with the allowances in the solicitation package;
10. The Buyer makes a recommendation to the City Purchasing Manager. Advice from other city employees will not, however, mitigate the Buyer's responsibility from making a fair, impartial and appropriate selection consistent with the evaluation criteria.
11. The Buyer, under the direct supervision of the City Purchasing Manager, shall clarify and negotiate cost, terms, as needed. In no event, may competing proposals, information or pricing be revealed. The intent of the negotiations is to enter discussions with the favored apparent successful submitter, to perfect their proposal. It is not generally a Best and Final Offer process, although modification of the proposal is possible based on these discussions to perfect the bid.
12. The Buyer finalizes contract terms with the successful offeror, under the supervision of the Purchasing Manager.
13. If a contract requires Council authorization, the Purchasing Manager and/or the Requesting Department submit the recommendation for award to Council.
14. Contracts exceeding \$5,000 are routed to Contractor, Mayor, and Finance Director, in that order, for signatures.
15. Contracts below \$5,000 (or as otherwise amended pursuant to Mayor signature authority) will not require such signatures, and may be signed by the Purchasing Manager and the Contractor. Unusual contracts will be routed to the Mayor and/or Department Heads in order to ensure awareness of any unusual contract situations prior to signature.

1. Informal Quotations

If less than \$5,000, needs will not require competitive process. The City may utilize a simple administrative quotation procedure or may select based on unique skills and qualifications. The Purchasing Office or the Departments may solicit three quotes from reputed consultants. No advertising or formal publication is needed, and no formal submittal by interested consultants is required. Staff should document the different firms and the reason for selecting. Selection should not be price based as the main criteria, although price should be a consideration.

2. Roster Program

This establishes a list of qualified firms that can be used for repeated needs, advertising and requesting interested firms to submit a statement of qualifications. Applications are screened, and all eligible and qualified firms are accepted. A list is formed, maintained by Purchasing, and used for referrals in the future. If there are a number of needs now or in the future for such services, a roster may be appropriate.

3. Request for Qualifications – RFQ(Q)

This requests interested consultants to submit a letter of interest and a statement of their qualifications. Consultants are evaluated upon their qualifications, expertise, and references. Consultants are selected primarily on those criteria, although cost may be a lesser consideration when quotations are requested in addition to qualifications.

This process is particularly appropriate if services are not oriented towards a specific project or plan, or project is not reasonably known and definable.

4. Request for Proposals - RFP

This requests interested firms to submit a letter of interest and a statement of their proposal for how to approach the situation. Proposals are then evaluated based on the idea, including originality, suitability, practicality, expertise, etc. Proposals may be selected based on the quality of the proposal, and to a lesser extent, experience, cost, and references. If the concept or approach to the work is of importance idea, this is the best approach.