# COUNTY OF ALAMEDA CONTRACTING POLICIES AND PROCEDURES MANUAL FOR GOODS AND SERVICES

# TABLE OF CONTENTS

ACRONYM/TERM GLOSSARY	3
ALAMEDA COUNTY CONTRACTING POLICIES AND PROCEDURES	4
CONTRACTING LEGAL AUTHORITY OVERVIEW	5
Contracting Legal Authority for Services  Contracting Legal Authority for Goods	
DEBARMENT AND SUSPENSION	6
EMERGENCY PURCHASES	7
SOLE SOURCE PROCUREMENT PROCEDURE	7
EXISTING CONTRACTS	8
PIGGYBACK AND COLLABORATIVE PROCUREMENT PROCEDURES	8
LOCAL PRODUCTS AND VENDORS PREFERENCE	9
SMALL LOCAL EMERGING BUSINESS (SLEB) PROGRAM	9
SLEB BID PREFERENCE	
SUBCONTRACTING	
FIRST SOURCE PROGRAM	11
CONTRACTING POLICIES AND PROCEDURES OVERVIEW	
DELEGATION OF AUTHORITY TO CONDUCTION BIDDING PROCESS	
DELEGATION OF AUTHORITY TO CONDUCTION BIDDING PROCESS	13
Advertising and Contract Reporting Policy	
ADVERTISING AND CONTRACT REPORTING PROCEDURES	
GSA-PROCUREMENT & SUPPORT SERVICES	16
GSA-TSD/BMD	16
FOR OTHER COUNTY DEPARTMENTS/AGENCIES	17
GSA OAP Secretary	
CONTRACTING PROCEDURES	18
REQUEST FOR INTEREST (RFI)	
REQUEST FOR PROPOSAL/QUOTATION (RFP/Q)	20
EVALUATION CRITERIA	
NETWORKING/BIDDERS CONFERENCES	
RFP/Q Addendum	
RECEIPT OF BIDS.	
EVALUATION OF RFQ RESPONSES (LIVEUSET COST)	
EVALUATION OF RFP RESPONSES (HIGHEST RANKED)	
BOARD LETTERS	
NOTICE OF RECOMMENDATION TO AWARD	
REQUEST FOR PROPOSAL COPIES	
BID PROTEST / APPEALS PROCESS	
CONTRACT AMENDMENT / EXTENSION / RENEWAL	45
DELEGATION OF AUTHORITY-CONTRACT ADMINISTRATION AND PERFORMANCE TRACKING	46

# ACRONYM/TERM GLOSSARY

**ACR** – Advertising Contract Request form

**ANC** – Authorization to Negotiate Contract

**Bid Solicitation** – RFP/Q

**Business** – Firm/Potential Bidder

**Client** – County Department/Customer

**Contractor** – Vendor

County Department – Chem.

Customer – Client/County Department

Department – County Department/Client/Customer

Pusiness/Potential Bidder

**GSA** – General Services Agency

OAP – GSA Office of Acquisition Policy

**OCC** – Auditor-Controller's Office of Contract Compliance

Contracts Specialist – GSA-Procurement & Support Services Staff

**RFI** – Request for Interest

RFC - Request for Contract form

**RFP** – Request for Proposal/Bid Solicitation

**RFO** – Request for Quotation/Bid Solicitation

RTA – Recommendation to Award

**SLEB** – Small Local Emerging Business

**Vendor** – Contractor

RNIA

### Introduction

# Alameda County Contracting Policies and Procedures

This document is a reference guide to the policies and procedures, as well as the resources and services available to meet the County's formal competitive bidding and contracting requirements for the procurement of goods and services. The General Services Agency (GSA) Procurement & Support Services is available to assist County departments in a variety of ways from routine purchase orders to preparing contracts to conducting complex bid solicitations. GSA-Procurement & Support Services Procurement & Support Services shall be available to help determine departmental needs, find sources of supply, obtain pricing, negotiate with vendors to garner the best price, prepare specifications/terms and conditions and execute agreements. GSA-Procurement & Support Services staff is also available to assist with vendor relations, disputes and general policy interpretation.

The GSA vision is to achieve the greatest value for our clients through innovative, proactive and convenient service solutions. The GSA mission is to provide high quality services that are on time, fiscally responsible and convenient for our clients. It is the intent of GSA-Procurement & Support Services to make the procurement of goods and services as easy and cost efficient as possible within the required legal framework governing the County.

The examples in this document are written with GSA- Procurement & Support Services poised as the lead contracting entity. However, agencies also may choose to handle the procurement of goods and services themselves, in consultation with GSA- Procurement & Support Services. If GSA- Procurement & Support Services is not directly facilitating the competitive bidding process, references to 'Contracts Specialist', 'Contracts Assistant' and other specific job titles in this document shall refer to the staff member of the agency or department who is filling that specific function in the procurement or competitive bidding process. General adherence to policies and procedures outlined in this document shall be the sole responsibility of those individuals. GSA- Procurement & Support Services shall be available to consult with agencies or departments who are running a competitive bidding process.

GSA is charged with the responsibility of obtaining goods and services required by County Agencies and departments to maintain their operations and deliver services to the County community. GSA-Procurement & Support Services acts as a neutral, independent party responsible for objectively protecting the County's and the public's interest with regard to contracting, while utilizing best practices and industry standards to ensure a fair, inclusive, consistent and successful competitive process.

A successful competitive process is one that:

- 1. is executed in a professional manner, consistent with applicable laws and regulations;
- 2. is well documented and able to survive public scrutiny; and
- 3. the selected vendor performs as expected, on time, within budget and satisfies all requirements.

GSA-Procurement & Support Services seeks to establish mutually beneficial relationships with suppliers to ensure reliable, competitive sources of supply and to increase the participation of local, small and emerging businesses through its contracting efforts and the Small Local Emerging Business (SLEB) program. The County also looks to provide employment opportunities for unemployed and under-employed County residents through the County's First Source Program. The SLEB program is administered by the Auditor Controller's Office of Contract Compliance (OCC). The First Source program is currently administered by the Social Services Agency-Contracting Department.

### CONTRACTING LEGAL AUTHORITY OVERVIEW

The following is an overview of the legal framework governing the County's contracting with respect to procurement of goods and services. The legal authorities cited below are sometimes amended and changed from time to time. These policy and procedures are not meant to contradict any future changes or amendments to federal, state or local laws and regulations. The Office of the County Counsel should be consulted for more specific analysis and advice which may be required for particular transactions and for the most up-to-date legal authorities.

# Contracting Legal Authority for Services

The Board of Supervisors may contract for "special services" with persons specially trained, expert and competent to perform special services (*California Government Code 31000*).

The Board may employ a Purchasing Agent and the Purchasing Agent may, among other things, contract for services (*California Government Code 25501*). The Board of Supervisors may authorize the Purchasing Agent to engage independent contractors to perform services for the County, with or without the furnishing of material, when the aggregate cost does not exceed \$100,000 (*California Government Code25502.5*). The County of Alameda Board of Supervisors has granted the Purchasing Agent \$25,000 authority under this section. Expenditures for services in excess of \$25,000 require the prior approval from the Board of Supervisors. Notwithstanding these provisions, the Board may grant the Purchasing Agent additional authority with respect to the hiring of

independent contractors during local emergencies (*California Government Code* 25502.7).

# Contracting Legal Authority for Goods

The Alameda County Charter (Section 28) provides that the Purchasing Agent shall purchase all materials, supplies and other personal property for all departments, commissions and institutions of the County.

The Board of Supervisors may establish rules and regulations requiring the Purchasing Agent to obtain quotations by the use of formal or informal bids in connection with the purchase of supplies and other personal property which the Purchasing Agent is authorized to purchase (*California Government Code 25508*).

Accordingly, the Board of Supervisors of the County of Alameda has enacted certain purchasing procedures to be followed by the Purchasing Agent, and these rules are set forth in the County's Administrative Code. These procedures provide that, among other things, all purchases of supplies and services which the Purchasing Agent is authorized to purchase shall be based wherever possible on competitive quotations (Section 4.12.010). Expenditures exceeding \$100,000 require formal sealed bids solicited by published notice (Section 4.12.020). For expenditures of \$100,000 or less, informal requests for quotation may be taken, and purchases may also be made on a spot-purchase basis, if deemed to be in the County's best interest (Section 4.12.040). To split or separate purchases into smaller units for the purpose of evading this chapter (4.12) is prohibited (Section 4.12.080).

### **DEBARMENT AND SUSPENSION**

The County of Alameda, under the Code of Federal Regulations (CFR) and *Executive Order 12549*, is generally prohibited from contracting with or making sub grant/subcontract awards at any contract tier to any parties that are debarred or suspended or whose principals are suspended or debarred or otherwise excluded from or ineligible for participation in Federal assistance programs.

In order to prohibit the procurement of any goods or services, exceeding \$25,000 and ultimately funded by Federal awards, from debarred, suspended or otherwise excluded parties, each bidder must be screened at the time of bid response to ensure bidder, its principal and their named subcontractors are not debarred, suspended or otherwise excluded by the United States Government in compliance with the requirements of 7 Code of Federal Regulations (CFR) 3016.35, 28 CFR 66.35, 29 CFR 97.35, 34 CFR 80.35, 45 CFR 92.35 and *Executive Order 12549*.

County departments must, at time of bid response verify bidder, its principal and their named subcontractors are not on the Federal debarred, suspended or otherwise excluded list of vendors located at <a href="https://www.epls.gov">www.epls.gov</a>.

### **EMERGENCY PURCHASES**

The Purchasing Agent may make emergency purchases without the necessity of complying with Section 4.12.020. The circumstances must be submitted to the purchasing agent by the department head. The purchasing agent must concur that the emergency purchase requested is essential to the health, safety and welfare of the people or for the protection of property and arises from a present, immediate and existing emergency which could not reasonably be foreseen (Section 4.12.060).

### SOLE SOURCE PROCUREMENT PROCEDURE

The sole source procurement procedure pertains to cases where a specified brand is the only item which will properly meet the needs of a department, or, a specific vendor is the only source able to provide a service.

Sole Source describes a procurement process in which goods(s) or service(s) are procured from, or are a product of:

- 1. a single source of supply or service not selected through a competitive procurement process; and
- 2. only one person, firm or manufacturer exists that can provide the needed good(s) or service(s) and there is no available equivalent to meet the County's minimum needs.

Purchases from a sole source may be exempt from competitive requirements upon approval of written documentation submitted to the Purchasing Manager. A *sole source forms package* shall include the purpose and need, and a <u>detailed</u> explanation as to why the item is the only one that will produce the desired results or fulfill the specific need. Departments are encouraged to contact the Purchasing Manager for general consultation, processing steps, sole source requirements, and additional documentation needs as early in the project identification phase as possible. When preparing a sole source, departments should be prepared to justify the need for the sole source, and where applicable provide/submit additional documentation along with their sole source form.

GSA-Procurement & Support Services will evaluate all sole source forms packages, submitted for compliance, with the *Sole Source Policy*. After evaluation, the request for sole source will be approved or denied. Final sole source approval will be granted by the Deputy Director, GSA-Procurement & Support Services, Purchasing Manager and the Office of Acquisition Policy (OAP). All approved sole source requests for services \$25,000 and over also must be approved by the Board of Supervisors.

If the approved vendor is not able to comply with the SLEB provisions, then a SLEB waiver is required to be submitted for approval to OAP and included in the Sole Source Request packet. OAP will not process any SLEB waiver requests associated with a Sole Source request until the Sole Source has been approved.

Please refer to the *Sole Source Policy* and forms package for further information and procedures for submitting a sole source request.

### **EXISTING CONTRACTS**

The Contracts Team maintains a database of current contracts that have been established through GSA-Procurement & Support Services in accordance with competitive bidding requirements and has access to other public agency's competitively bid contracts. Departments may be able to take advantage of these contracts and may not be required to repeat the competitive bidding procedures. Contact the GSA-Procurement & Support Services, *Contracts Team* for more information.

# PIGGYBACK AND COLLABORATIVE PROCUREMENT PROCEDURES

The purpose of the Piggyback Policy is to further specify and address exceptions to the County Competitive Procurement Policy and provide guidelines and procedures for procurements that meet the definition of a piggyback or collaborative procurement.

- 1. **Piggyback** describes a procurement process in which goods(s) or service(s) are procured from, or are a product of a competitive bidding process managed by another government entity, or by a mutual benefit association.
- 2. **Collaborative Procurement** is where a group of public agencies has come together to competitively bid a contract for goods or services for use by the participating agency.

Examples of procurements of these types include, but are not limited to:

- 1. The Procurement of goods or services directly from other governmental agencies, or under contracts awarded competitively by other governmental agencies (i.e., California State Association of Counties/CSAC, etc.) to third parties, when the price can be determined to be fair and reasonable.
- 2. Procurement through a consortium of government officials operating under a non-profit mutual benefit organization, alliance or corporation whose mission is to raise the level of service rendered by county governments in California. For example, US Communities and Western States Contract Alliance/WSCA contracts.

For goods and services \$25,000 and under GSA-Procurement & Support Services will enter a purchase order in ALCOLINK. For services over \$25,000, the department is

required to submit a Board letter for approval using the information in the finding memo. The Auditor will issue the PO upon Board approval.

### LOCAL PRODUCTS AND VENDORS PREFERENCE

Alameda County shall endeavor to use local suppliers whenever practical and feasible, while seeking to obtain the lowest and best responsible bid. A five percent (5%) preference shall be granted to Alameda County products or Alameda County vendors for all sealed bids or contracts except with respect to those contracts which state law requires be granted to the lowest responsible bidder. Alameda County products are those which are grown, mined, fabricated, manufactured, processed or produced within the County (County Administrative Code Section 4.12.150 effective 10/9/03). An Alameda County vendor is a firm or dealer with fixed offices and having a street address within the County for at least 6 months prior to the date upon which a request for sealed bids or proposals is issued; and which holds a valid business license issued by the County or a city within the County. Locality must be maintained for the term of any contract. Evidence of locality shall be provided immediately upon request and at any time during the term of any contract that may be awarded.

### SMALL LOCAL EMERGING BUSINESS (SLEB) PROGRAM

The Board of Supervisors relies upon the Auditor-Controller's Office of Contract Compliance (OCC) to manage, operate and evaluate a SLEB program in order to provide an opportunity for growth, capacity building, and participation in County contracting and procurement activities for Alameda County small, local and emerging businesses.

In order to promote the growth of small, local and emerging local businesses and increase the participation of these businesses in the County's purchase of goods and services, the County demonstrated its commitment to advance the economic opportunities of these businesses through the development of the SLEB Program. The requirements of the County's SLEB program apply to contracts for goods and services and the requirements are included in RFP/Q documents.

An Alameda County vendor is a firm or dealer with fixed offices and having a street address within the County for at least 6 months prior to the date upon which a request for sealed bids or proposals is issued; and which holds a valid business license issued by the County or a city within the County. Alameda County products are those which are grown, mined, fabricated, manufactured, processed or produced within the County (County Administrative Code Section 4.12.150 effective 10/9/03).

### SLEB Bid Preference

If Contractor is certified by the County as either a small and local or an emerging and local business, the County will provide a five percent (5%) bid preference, in addition to a five percent (5%) bid preference for local businesses on sealed bids, for a total bid

preference of ten percent (10%). This requirement may only be met if the Contractor is certified as a SLEB at the time they submit a bid.

Subject to the requirements of the SLEB program and the criteria of each procurement process, the maximum bid evaluation preference points for being certified is ten percent (10%) [five percent (5%) local, and five percent (5%) certified]. Compliance with the SLEB program is required for goods, services and professional services contracts, including but not limited to architectural, landscape architectural, engineering, environmental, land surveying, and construction project management services projects.

# **Subcontracting**

Contractors not meeting the small and local or emerging local business requirements set forth above do not qualify for a bid preference <u>and</u> must subcontract with one or more County certified small and local and/or emerging local businesses for at least twenty percent (20%) of Contractor's total bid amount in order to be considered for the contract award. Contractor, in his proposal, must submit written documentation evidencing a firm contractual commitment to meeting this minimum local participation requirement. This requirement may only be met if the subcontractor is certified as a SLEB at the time the Contractor submits a bid. Participation of a SLEB business must be maintained for the contract term resulting from the RFP solicitation. Evidence of participation shall be provided immediately upon request at any time during the term of such contract.

The County reserves the right to waive the SLEB participation requirements of an RFP/SOQ if the additional estimated cost to the County, which may result from inclusion of these requirements, exceeds five percent (5%) of the total estimated contract amount or ten thousand dollars (\$10,000), whichever is less. Waivers may also be granted at the County's sole discretion, where the nature of the contract is such that subcontracting is impractical or infeasible.

The following entities are exempt from the (SLEB) requirements as described above and are not required to subcontract with a SLEB:

- 1. non-profit community based organizations (CBOs) that are providing services on behalf of the County directly to County clients/residents;
- 2. non-profit churches or non-profit religious organizations (NPO);
- 3. public schools and universities; and
- 4. government agencies.

Non-profits must provide proof of their tax exempt status. These are defined as organizations that are certified by the U.S. Internal Revenue Service as 501(c)3.

The Auditor-Controller's OCC reviews and assists bidders in complying with the subcontracting requirements of the SLEB program.

For additional information regarding the SLEB program, please contact the Auditor Controller's OCC located at 1221 Oak St., Rm. 249, Oakland, CA 94612 at Tel (510) 891-5500, Fax (510) 272-6502 or via e-mail at <a href="mailto:ACSLEBCompliance@acgov.org">ACSLEBCompliance@acgov.org</a>.

### FIRST SOURCE PROGRAM

The First Source Program has been developed to create a public/private partnership that links *CalWORKs* job seekers, unemployed and under employed County residents to sustainable employment through the County's relationships/connections with business, including contracts that have been awarded through the competitive process, and economic development activity in the County. Welfare reform policies and the new *Workforce Investment Act* require that the County do a better job of connecting historically disconnected potential workers to employers. The First Source program will allow the County to create and sustain these connections.

Vendors who are awarded contracts for goods and services in excess of \$100,000 as a result of the competitive process through the General Service Agency, are required to provide the County 10 working days to refer potential candidates for consideration by the vendor to fill any new or vacant positions that are necessary to fulfill their contractual obligations to the County during the contract term before advertising to the general public. Potential candidates referred by County to Vendor will be pre-screened, qualified applicants based on vendor specifications. Vendor agrees to use its best efforts to fill its employment vacancies with candidates referred by County, but the final decision of whether or not to offer employment, and the terms and conditions thereof, rest solely within the discretion of the Vendor.

Vendors participating in the First Source Program may be eligible for incentives, including but not limited to tax credits for employees hired, *Enterprise Zone credits*, and on the job training subsidy.

Bidders are required to agree that they shall comply with the First Source program upon award of a contract. This includes their agreement that, if awarded, they agree to notify, throughout the term of the contract, First Source Program staff of job openings prior to advertising elsewhere.

For additional information regarding this requirement, please contact the Auditor Controller's OCC located at 1221 Oak St., Rm. 249, Oakland, CA 94612 at Tel (510) 891-5500, Fax (510) 272-6502 or via e-mail at ACSLEBcompliance@acgov.org.

### CONTRACTING POLICIES AND PROCEDURES OVERVIEW

The GSA-Procurement & Support Services Contracts Team works with and for County departments to:

- 1. implement, extend, and renew contracts in order to maximize the amount of savings that can be earned through contract purchasing;
- 2. ensure compliance with governing laws and codes; and
- 3. promote the growth of local small and emerging businesses (SLEB) through increasing the participation of these businesses in the County's purchase of goods and/or services.

The Contracts Team manages and leads the entire contract process, including but not limited to:

- 1. Working with County departments to determine contracting needs;
  - a. provide guidance and information regarding policies, procedures, and other contracting requirements;
  - b. provide advice on alternative products/services;
  - c. recommend different procurement approaches (e.g. obtaining equipment and related services in the same RFP/Q, etc.); and
  - d. recommend alternative acquisition methods consistent with policies, best practices and governing authorities, when required.
- 2. Providing advice on the time and nature of work required to conduct the solicitation process, including but not limited to:
  - a. conduct market research;
  - b. research existing contracts;
  - c. coordinate procurement needs with other users;
  - d. analyze solutions of other public agencies;
  - e. assist with business outreach efforts;
  - f. source potential vendors;
  - g. prepare and issue bid solicitation documents (RFI/P/Qs);
  - h. evaluate responses;
  - i. secure appropriate approvals; and
  - i. negotiate contracts.
- 3. Working with County departments to develop bid documents (RFI/P/Qs) that reflect the best approach, ensure fairness and acceptability, are not

restrictive but accurately and completely define the needs, problems and requirements;

- a. consider life cycle/total cost of ownership and cost/benefit in developing bid forms;
- b. recommend changes as required to specifications provided by departments to reflect market and internal conditions that may affect the results; and
- c. secure approval and acceptance of the solicitation package from all required parties.
- 4. Work with the Auditor-Controller's OCC to identify and provide contracting opportunities for SLEBs;
- 5. Support Board mandated and other approved programs beneficial to the community and County;
- 6. Develop vendor bid lists, utilizing vendor data bases and other source selection resources;
- 7. Issue and advertise request for bids via the Office of Acquisition Policy (OAP);
- 8. Coordinate with OAP to advertise contracting opportunities in local newspapers, post contracting opportunities and award information on the County's *Current Contracting Opportunities* website, and post contracting related events on the County's GSA *Calendar of Events website*;
- 9. Receive, and respond to, all inquiries and documents regarding the project through the signing of a contract by all parties;
  - a. document all inquiries;
  - b. coordinate with client responses for technical inquiries received; and
  - c. issue RFP/Q and contract Addenda.
- 10. Facilitate Bid conferences/network meetings, vendor presentations, site visits, etc.;
- 11. Receive all bid responses;
- 12. Conduct public bid openings and document bid results;
- 13. Review all bid document submittals for conformity to bid requirements and compliance with internal and external policies;
- 14. Record bid amounts and document irregularities;
- 15. Ensure Bidder, its principal and named subcontractor(s) are not debarred, suspended or otherwise excluded by the United States Government in

- compliance with the requirements of Code of Federal Regulations and Executive Order 12549. (See Debarment and Suspension);
- 16. Examine irregularities and determine bid acceptance/rejection;
- 17. Manage the evaluation process by coordinating the activities of all parties and record scores to determine successful vendor(s) to recommend for award:
- 18. Assess critical information items for documenting in the event of a dispute or litigation;
- 19. Develop Board Letter, Recommendation to Award (goods only), or other required contract award approval request and contract documents (*Standard Services Agreement*, Purchase Order etc.);
  - a. notify bidders in accordance with policies and procedures, etc.;
  - b. communicate, within the aforementioned documents, County standards for contracting utilizing standard procurement practices; and
  - c. update contract database with award information for reporting to management and Board of Supervisors and for use in the development of contract compliance goals, etc.
- 20. Plan and conduct negotiations in accordance with standards for professional procurement and the GSA-Procurement & Support Services *Contract Negotiation Guidelines*;
- 21. Coordinate finalization of the procurement and the issuance of a purchase order and sign contract;
- 22. Facilitate the transfer of day to day contract administration to the client department according to the provisions of the *Delegation of Authority for Post-Award Contract Administration Notice* and the *Contract Administration Guide*;
- 23. Investigate any performance disputes between client and vendor and initiate appropriate action to remedy and/or discharge the contract; and
- 24. Update and maintain contract database for contract extensions/renewals/expirations.

These contracting policies and procedures are an aid to the practitioner and serve as guidelines only. These contracting policies and procedures shall not be used or cited as a basis for a bid protest or any appeal thereon. Since contracting requirements change and each contract is different, many contract procedures and documents are flexible and may be customized to best meet the specific needs of each project. To ensure the accuracy and maintain the integrity of contracting policies and procedures, contract documents are not issued without prior approval from the requesting County department and GSA-

Procurement & Support Services Management. GSA Management and County Counsel should review contract documents if necessary or required.

### DELEGATION OF AUTHORITY TO CONDUCTION BIDDING PROCESS

The GSA-Procurement & Support Services Manager may choose to delegate authority to departments to conduct certain parts of the contracting process under the approval and guidance of GSA-Procurement & Support Services staff.

Delegation of authority may include, but is not limited to, assigning responsibility to appropriate County department staff for the preparation of bid solicitations, management of the bid process, receipt and evaluation of bids, recommendations for contract awards, contract negotiations and development of contract documents. Delegation of authority may be granted as needed in those instances where GSA-Procurement & Support Services does not have the required resources to meet specific County department project timelines.

Departments who receive authority to conduct any portion of the contracting process shall agree to follow the guidelines of the GSA-Procurement & Support Services, Goods and Services Policies and Procedures, utilize related document boilerplates, perform duties and responsibilities of Contracts Specialist, all as directed by GSA-Procurement & Support Services.

GSA-Procurement & Support Services does not recommend that County departments conduct the competitive process for goods or services purchased with County funds without the support of GSA-Procurement & Support Services. Further delegation of authority procedures are forthcoming and include, but are not limited to, required training and monitoring performance of delegates. For additional information regarding this delegation of authority, contact the GSA-Procurement & Support Services Manager.

# Advertising and Contract Reporting Policy

GSA-OAP will manage the advertising of RFP/Qs issued and contract awards for <u>all</u> County departments. For projects managed by GSA only, OAP will collect contract award data and manage the contract reporting function to provide information to senior management and the Board of Supervisors.

- 1. Information regarding contracts for County departments that are managed by GSA-Procurement & Support Services will be included in reports to senior management and the Board of Supervisors; and
- 2. Requests for bids issued by GSA-Procurement & Support Services require:
  - a. bidders notification source (i.e., how were bidders informed of an opportunity to bid);

- b. as required, the SLEB vendor partnering provision and partnering information and certification exhibits:
- c. as required, First Source Program provision and exhibit (contracts over \$100,000);
- d. as required, use of Recycled Products provision; and
- e. as required, use of environmental language.

### ADVERTISING AND CONTRACT REPORTING PROCEDURES

### **GSA-Procurement & Support Services**

Upon issuing a bid document (RFI, RFP, RFQ, Addenda), GSA-Procurement & Support Services is to follow instructions for posting as indicated on the *GSA*-Procurement & Support Services *Advertising and Contract Request Form* (GSA-Procurement & Support Services ACR Form) and submit it with a copy of the bid document.

### The GSA OAP will:

- 1. Post the bid documents on the *Current Contracting Opportunities* internet website;
- 2. Prepare and submit publication notices via the Daily Journal Adtech website to legally advertise contracting opportunities;
- 3. Post in local chambers of commerce and trade organizations;
- 4. Send EGOV notice to subscribing members of Current Contracting Opportunities; and
- 5. Department shall be responsible for sending notices to other potential/interested vendors who may not be subscribed in the County EGOV delivery service.

### GSA-TSD/BMD

Upon issuing a bid document (RFP/Q, Notice to Bidders), TSD/BMD is to follow instructions for posting as indicated on the *TSD/BMD Advertising and Contract Request Form* (TSD/BMD ACR Form) and submit it with a copy of the bid document.

### The GSA OAP will:

- 1. Post the RFP/Q on the Current Contracting Opportunities Internet website;
- 2. Prepare and submit publication notices to legally advertise contracting opportunities;
  - a. Utilize as required the:

- (1) Advertising List for Construction Projects (Public Bids); or
- (2) Advertising List for Architectural, Engineering and Professional Services.
- b. Fax Notice to Bidders to plan rooms; and
- c. Prepare and submit publication notices via the Daily Journal Adtech website to legally advertise contracting opportunities.
- 3. Post in local chambers of commerce and trade organizations;
- 4. Send EGOV notice to subscribing members of the County EGOV delivery service; and
- 5. Department shall be responsible for sending notices to other potential/interested vendors who may not be subscribed in the County EGOV delivery service.

# For Other County Departments/Agencies

Upon issuing RFP/Qs, all other County departments and GSA-RPM are to follow instructions for posting as indicated on the *Advertising and Contract Request Form* (ACR-For County Departments Form) and submit it with a copy of the bid document (if applicable).

### The GSA OAP will:

- 1. Post the RFP/Q on the Current Contracting Opportunities Internet website;
- 2. Prepare and submit publication notices to legally advertise contracting opportunities (usually does not apply to RPM requests);
- 3. Post in local chambers of commerce and trade organizations (usually does not apply to RPM requests);
- 4. Send EGOV notice to subscribing members of the County E-Gov delivery service (usually does not apply to RPM requests); and
- 5. Department or GSA-RPM shall be responsible for sending notices to other potential/interested vendors who may not be subscribed in the County E-Gov delivery service.

### GSA OAP Secretary

GSA OAP Secretary will:

- 1. Receive and maintain confirmation of legal advertising from newspapers;
- 2. Receive and process advertising invoices for payment; and
- 3. Work with the GSA-Procurement & Support Services Procurement Team to maintain blanket purchase orders (POC's, etc.).

### CONTRACTING PROCEDURES

Departments that are interested in having GSA manage the formal competitive contracting process for their goods and services projects are required to submit a Request for Contract (RFC) form to the Purchasing Manager for review, approval and the assignment of a Contracts Specialist to work with them. The RFC Form is available on ALCOWEB and the related procedures are below.

Standard contracting procedures for County Departments working with the Contracts Team are as follows:

- 1. Submit requests for contract assistance to Purchasing Manager.
- 2. Submit new, and renewal/extension contract/termination requests using the RFC form (that is available in Purchasing Forms in ALCOWEB), and shall include, but is not be limited to:
  - a. Completion of information all fields;
  - b. Signature approval from the requesting County Department Head/Agency Director;
  - c. Preliminary draft of RFP/Q Specific Requirements attached to RFC (REQUIRED); and
  - d. Any other pertinent information.
- 3. RFC forms will be reviewed and a Contracts Specialist assigned to the project, usually within one week of receipt.
  - a. Contracts Specialists will be assigned contracts based on their current workload and expertise; and
  - b. An ALCOLINK master contract number will be created by the Contracts Assistant and added to the contracts database.
- 4. Once the RFC has been assigned, the Contracts Specialist will:
  - a. Contact the client to schedule a pre-procurement meeting in order to introduce himself or herself (provide contact information, etc.),

- review the project, process, timeline and request any additional information, etc.;
- b. Determine the appropriate SIC/NAICS code(s) for the project and email GSA OAP to verify;
- c. Check the *Risk Management Unit* (RMU) website to determine the correct insurance level required and refer all insurance questions to RMU;
- d. Determine the need for appropriate solicitation document for publishing (e.g., is RFI necessary, RFP vs. RFQ, SLEB only, etc.) and determine the opportunity for unbundling;
- e. Research existing contracts in place, other RFI/P/Qs issued, etc.;
  - (1) The Contracts Team maintains a database of contracts that have been managed and established through GSA-Procurement & Support Services that may meet the Departments' needs without having to repeat the competitive bidding process; and
  - (2) The Contracts Team has access to contracts that have been competitively bid by other public agencies that may meet the Departments' needs without having to repeat the competitive process.
- f. Serve as the point of contact for the Department and vendors interested in the contract.
  - (1) To maintain the integrity of the competitive bid process, all inquiries regarding the contract are to be referred to the Contracts Specialist; and
  - (2) Work with the Department Contact and request, wherever possible, content required to develop RFI/P/Qs.
- 5. The timeframe required to develop and issue RFI/P/Qs and award contracts varies. The average contract is established in approximately 120 to 180 days.

Note: Bid documents that affect the timeframe for completion require review and approval from the client and Procurement & Support Services management prior to being issued. Typically, RFQ projects require approximately 4 to 5 months for completion; RFP projects require an estimated 6 months. Additional approvals may also be required from County Counsel, etc. Board Letters require approval from the client, Procurement & Support Services and GSA management and the CAO prior to being submitted for placement on the Board Agenda. The signed Board Letter is required to be submitted to the Clerk of the Board for placement on the Agenda at least 14 calendar days prior to the Board meeting date.

### Request for Interest (RFI)

If deemed necessary, an RFI may be issued prior to the RFP/Q, primarily as a business outreach effort, in order to assist in the development of an RFP/Q bid list of interested and qualified vendors. RFIs remain open until an RFP/Q is issued or the project is terminated.

- 1. The RFI is typically a short summary of an upcoming contract opportunity. (See the *Current Contracting Opportunities* website for current RFI issuances).
- 2. The Contracts Specialist will work with the Department contact to develop an RFI. The RFI usually consists of sections containing brief, general descriptions, including but not limited to:
  - a. Intent;
  - b. Scope of Work / Background: the who, what, when, why and where of the project;
  - c. Minimum Specific Requirements and Vendor Qualifications;
    - (1) Minimum vendor qualifications require that vendors either be a certified SLEB or partner with a SLEB for at least 20% of the value of the contract; and
    - (2) Other minimum vendor qualifications may include a required length of time in business providing the required goods or services, required credentials, level of staffing or other resources and the completion of a specified number of successful projects.
  - d. An estimated Calendar of Events;
  - e. County Contact Information; and
    - (1) The Contracts Specialist is the main contact to receive all calls, questions, correspondence, etc.
- 3. The RFI vendor list will be developed by the Contracts Specialist or Contracts Assistant, and consists of:
  - a. Vendors provided by client department;
  - b. The current vendor; and
  - c. Vendors known to the Contracts Team and from other sources.
- 4. RFIs will be approved by GSA-Procurement & Support Services management and the Department Contact prior to being issued.
- 5. RFIs will be posted on the County of Alameda, GSA-Procurement & Support Services Goods and Services *Current Contracting Opportunities* website (until an RFP/Q is issued or a project is terminated).

- 6. One or more *pre-proposal/vendor networking/outreach meetings* may be held as needed (although not required), during the RFI process, prior to an RFP/Q being issued for those projects that are of high interest to large numbers of the vendor community, require vendor input and feedback to develop RFP/Q, etc.
  - a. Meetings will be coordinated by the Contracts Team and held as needed to:
    - (1) Provide a forum for SLEBs to network with larger firms;
    - (2) Ensure that SLEBs are aware of specific contracting opportunities;
    - (3) Provide information and instructions to potential bidders regarding the RFI/P/Q and contract process; and
    - (4) Obtain feedback from potential bidders for consideration in the development of subsequent RFP/Qs.
  - b. Meetings will be advertised at a minimum on the GSA Calendar of Events website.
- 7. RFI responses will be received by the Contracts Assistant.
- 8. Vendors responding to RFIs will be placed on the Bid List for the specific subsequently issued RFP/Q by Contracts Assistant.
- 9. RFI responses will be accepted after the due date and time. Every attempt will be made to place vendors who have responded to the RFI after the due date and time on the specified bid list.

# Request for Proposal/Quotation (RFP/Q)

- 1. The Contracts Specialist will work with the Department Contact to develop and issue RFPs and/or RFQs.
  - a. RFQs will typically be issued for standard goods and services contracts that are awarded to the qualified vendor(s) that submits the lowest cost.
    - (1) RFQs typically request prices for goods, works or services that meet standard specifications and are readily available.
    - (2) RFQs may be issued for either one-time or recurring purchases.
    - (3) Local and SLEB bid preferences are applied to the total cost quoted by the bidder.

- (4) Bidders must meet all the RFQ specifications, terms and conditions and submit the lowest cost in order to be awarded a contract as a result of the RFQ process.
- (5) RFQ responses are reviewed and the lowest responsible bidder(s) is determined by the Contracts Specialist. As GSA-Procurement & Support Services staff are not experts in all fields, the lowest responsible bidder's response is then forwarded to the client department, with pricing redacted, for verification that the specifications proposed meet those contained in the RFQ.
- b. RFPs are used to solicit competitive written proposals where cost is usually not the only award criterion. An RFP will describe the situation and background for which proposals are being requested and state the outcome(s) desired and/or provide a statement of work. The RFP will describe any conditions affecting delivery of the subject of the RFP and the time period in which it is to be completed.
  - (1) RFPs will typically be issued for more complex goods and services contracts that are required to be customized to fit unique circumstances.
  - (2) RFP specifications can be very complex requiring more time to develop and the responses take significantly longer to evaluate (than RFQ responses).
  - (3) RFPs, in addition to standard boilerplate language, shall at a minimum include:
    - (a) Minimum standards and qualifications to be met by the bidder(s) to be eligible to contract;
    - (b) Description of requirements for a desired end result; and
    - (c) Description of the evaluation process and criteria to be used to select a responsible bidder, including the weight applicable to each criterion. The total weight of evaluation criteria must total 100 for each project. The total points available for each RFP project typically totals 550 points (including maximum bid preference points available).
  - (4) Typical evaluation criteria include Relevant Experience,
    Description of Proposed Services/Equipment/System,
    Implementation Plan and Schedule, Overall Understanding
    and Approach, Technical Experience, Financial Stability,

- Cost, References, and Oral Interview/Presentation. However, evaluation criteria may be customized as required per project.
- (5) The County Selection Committee (CSC) will be established and members identified during the development of the RFP.
- (6) Awards will not necessarily be made to the vendor who submits the lowest cost proposal.
- (7) RFPs are awarded to qualified vendor(s) whose proposal ranks the highest based on evaluation criteria as determined by CSC.
- (8) RFPs may be issued for either one-time or recurring purchases.
- 2. The RFP/Q is a comprehensive document that typically consists of sections containing in-depth information.
- 3. RFP/Qs will be approved prior to issuing, at a minimum, by the:
  - a. Department Contact;
  - b. GSA-Procurement & Support Services management; and
  - c. As required, GSA management and County Counsel.
- 4. RFP/Qs will be:
  - a. Posted for a minimum of five business days prior to the first bid conference
  - b. Legally advertised in local newspapers for one day; and
  - c. Posted on the Contracting Opportunities website.

### Evaluation Criteria

While cost must be included in every procurement evaluation, and will be the deciding factor for RFQs, cost is not the only deciding factor in evaluating RFPs.

The process of evaluating proposals is unique to the RFP process. This method allows the County to consider factors other than price in deciding to whom a contract should be awarded which is consistent with the California Public Contracting Code. Since the goal of an effective evaluation is to reflect the project needs, it must be determined what evaluation factors/criteria are relevant to the procurement during the development of the RFP that will best meet the County's needs. The RFP must provide bidders with a clear idea of the factors that will be important in making an award.

The establishment of meaningful evaluation criteria is a critical step in choosing the best contractor for a particular procurement and should be individually tailored to each RFP. Evaluation criteria must reflect the particular requirements of the contract and while the

choice of criteria is within the County's sound discretion, only those factors relevant to the acquisition should be included.

Evaluation criteria should reflect the minimum needs and will usually include such general factors as cost, technical expertise, management capability, personnel qualifications, experience and past performance. The numerical weight of each evaluation criteria must be assigned and identified in the RFP, with a cumulative total of the evaluation criteria equaling 100. The identification and weighting of the evaluation criteria provides a common standard by which to judge the merit of proposals. This allows the CSC to rank the proposals received while simultaneously providing bidders with a fair basis for comparison.

Prior to issuing the RFP, the Contracts Specialist will work with the Client to develop and prioritize or weight these factors according to their importance in satisfying the County's needs. For example, different evaluation criteria are required for a single task, data entry job than for a long term facilities management contract. In choosing the criteria for a data entry job, evaluation criteria might reflect the need for an experienced contractor with sufficient labor and equipment to complete timely performance. Management factors would not be stressed for this type of one-time contract. In contrast, for a facilities management contract, evaluation criteria stressing the management contact, management capabilities of bidders, as well as their technical competence, might be used since the differing circumstances of a long term management contract require proven managerial expertise. As part of technical capability it might be further identified that a contractor's ability to convert current programs and data files in a timely manner is critical to filling the client's mission. Thus, "technical approach" and "conversion plan" might then be broken down into sub criteria such as "delivery schedule," "prior conversion experience," and "conversion facilities." The precise evaluation criteria chosen must reflect the particular requirements of the contract.

The proper choice of evaluation criteria will greatly assist bidders in understanding what the County requires resulting in receipt of better proposals. Clearly identifying the evaluation criteria will reduce the risk of potential protests from bidders who might otherwise claim that the evaluation/selection criteria were not properly disclosed.

If it is realized, mid-procurement, that the evaluation criteria does not accurately reflect the client's needs, a written RFP Addendum shall be issued stating the modified evaluation criteria.

# Networking/Bidders Conferences

- 1. The Networking/Bidders Conference is usually held after issuance of a solicitation and before submission and opening of bids. Two Conferences will be held, as required, for each project to:
  - a. Promote competition through the County's outreach efforts and First Source Program;
  - b. Provide an opportunity to clarify critical aspects of the solicitation;
  - c. Eliminate potential ambiguities or misunderstandings and allow bidders an opportunity to ask specific questions about the project and/or request RFP/Q clarifications;
  - d. Provide bidders an opportunity to view a site or receive documents necessary to respond to the RFP/Q, etc;
  - e. Provide networking opportunities for potential *SLEB*s and other potential bidders; and
  - f. Provide the County an opportunity to obtain feedback regarding the project.
  - g. Provide bidders with tutorials on how to bid online through Alameda County's Strategic Sourcing Supplier Portal.
- 2. Whenever possible (although not required), the Networking/Bidders Conferences for each project will be conducted on different days, one in a North County location and one in a South County location.
- 3. Whenever possible (although not required), one of the Networking/Bidders Conference for each project will have an online conference option enabled for remote participation.
- 4. Attendance by vendors at the Networking/Bidders Conference is usually not mandatory.
  - a. The Networking/Bidders Conference should be attended by the Department Contact(s) or designee whenever possible.
  - b. GSA OAP will attend the Networking/Bidders Conference as required, whenever possible.
  - c. GSA-Procurement & Support Services Management will attend Networking/Bidders Conferences whenever possible.

- 5. The RFP/Q will usually provide bidders the opportunity to issue written questions to the Contracts Specialist regarding the project and to attend Networking/Bidders Conference(s) as required.
  - a. Bidders are instructed to direct written questions, verbal questions, comments, etc. regarding the RFP/Q document and/or contract to the Contracts Specialist prior to the Networking/Bidders Conference.
  - b. Formal responses to bidder's questions will be addressed in an RFP/Q Addendum, where appropriate.
- 6. The Networking/Bidders Conference will be led, coordinated, and managed by the Contracts Team.
  - a. The Contracts Assistant will record the meeting and take notes of the discussion, questions and answers, etc.
  - b. The Contracts Specialist will accept all verbal questions or written questions from attendees. The Contracts Specialist may refer a question to the Client for response. All questions, including those that cannot be answered at the Networking/Bidders Conference, will be addressed in a type written Addendum.
    - (1) To maintain the integrity of the bid process, it is very important that all questions, discussions and other vendor contact at the Networking/Bidders Conference be conducted through the Contracts Specialist and not the client or client representatives.
    - (2) SLEB and First Source issues should be directed to GSA Office of Acquisition Policy (OAP) or the Auditor's Office of Contract Compliance (OCC).
- 7. The Networking/Bidders Conference format will include at a minimum, the following:
  - a. The Contracts Specialist will introduce themselves and describe their role in the process on behalf of the Client;
    - (1) Contracts Specialist will introduce other County staff that may be present (Client Department representative, GSA-OAP, etc.).
  - b. The Contracts Specialist will advise everyone that the meeting is being recorded to ensure all discussion/information is accurately and completely transcribed;
  - c. The Contracts Specialist will allow vendor representative attendees to briefly introduce themselves (as needed);
  - d. The Contracts Specialist will review portions of the RFP/Q as necessary;

- e. The Contracts Specialist will open the floor for verbal and written questions from vendors;
- f. Following Q&A, the Contracts Specialist will provide bidders with the opportunity to network, etc. as required;
- g. Before turning the meeting over to networking, the Contracts Specialist will also:
  - (1) Remind vendor representatives that, during the RFP/Q process through the signing of a contract, they are the contact and that all contact and/or questions regarding this bid should be directed through them and not the client department or. Violations of this may result in disqualification; and
  - (2) Inform attendees that all questions, answers, a list of attendees, etc. will be addressed in an Addendum to be issued and posted on the website per the Calendar of Events (specify date).
  - (3) The Contracts Specialist, Contracts Assistant, and/or GSA OAP will remain at the Networking/Bidders Conference location until all vendor representative attendees have left.
  - (4) The names of all vendors attending the Networking/Bidders Conference will be added to the RFP/Q vendor bid list and included in all related distributions.

# RFP/Q Addendum

Notification of a cancellation or an amendment to a solicitation shall be made in the form of a bid addendum and will be distributed to all potential bidders who received a copy of the solicitation.

- 1. Following the receipt of questions from bidders and/or the bidder's conference, the Contracts Specialist will work with the Department Contact to prepare and issue an RFP/Q Addendum as required. Multiple addenda may be issued for each RFP/Q.
- 2. The Addendum will include, but is not limited to:
  - a. Responses to written and verbal questions received from bidders; the Addendum will be the controlling document if there is any conflict between statements made at the Bidder's Conference and stated in the Addendum;
  - b. RFP/Q verbiage additions, changes and deletions;
  - c. Exhibit A, Bid Acknowledgement;
  - d. Revised Exhibits as required; and

- e. Revised Bid Due Date and/or Calendar of Events, if needed.
- 3. The Addendum requires the same level of approvals as the RFI/P/Q documents.

# Receipt of Bids

- 1. Prior to bids being received, the Contracts Specialist will remind the Client (via phone or e-mail) of the Response Due Date and Time, and discuss when and how bid copies will be distributed to the CSC.
  - a. Procurement & Support Services Staff and Contracts Specialist managing the competitive process will check bid for completeness and evaluate cost, but will not participate in evaluating and scoring the bid responses. Non-responsive or incomplete responses, as determined solely by the County, will be eliminated from further consideration.
  - b. Bid response copies will be distributed and Conflict of Interest Statements, Evaluation Procedures and other related documents shall be reviewed with the CSC, in person, whenever possible.
  - c. For RFPs: Contracts Specialist will work with Client to select meeting dates, during the evaluation period, to discuss with CSC the status of evaluations, rate the evaluation criteria, short list bidders for interview and other tasks. The CSC, and the CSC alone, shall score the proposals.
  - d. For RFQs: Contracts Specialist will develop abstract spreadsheet to determine lowest cost and meet with Client to review and discuss.
  - e. Information regarding bids, their evaluations and the selection process should be treated as confidential and only individuals who are involved in the administration of the process should exchange information with regard thereto.
- 2. Unless otherwise indicated for any bid solicitation sealed bids will be received at GSA-Procurement & Support Services Reception or online through Strategic Sourcing Supplier Portal <u>BY</u> 2:00 p.m. on the due date specified in the RFP/Q.
  - a. For sealed hard copy bids:
    - (1) Bids shall remain sealed and placed in a secure area by the Procurement & Support Services Receptionist upon receipt until the due date and time.
    - (2) On the bid due date, a bid reception desk will be open between 1:00 p.m. 2:00 p.m. or other timeframe specified in the bid solicitation and will be located in the 1<sup>st</sup> floor lobby at 1401

- Lakeside Drive. (Applicable to GSA-Procurement & Support Services and GSA-TSD bids only).
- (3) Bids delivered after the due date and time will not be accepted under any circumstances.
- (4) Bids received after the due date and time through the mail will not be accepted under any circumstances and will be returned to sender.
- b. For sealed online bids:
  - (1) The Strategic Sourcing Supplier Portal timestamp is the official timepiece for the purpose of establishing the receipt of bids.
  - (2) Bids received through mail or in-person will not be accepted under any circumstances.
  - (3) Bids received after the due date and time will not be accepted under any circumstances.
- 3. If parties from outside of the Procurement & Support Services are present, only the names of the bidders will be read aloud and the outside parties will be asked to leave prior to beginning a review of the bids.
- 4. Each bid response shall be reviewed for completeness against the *Response Content and Submittals Completeness Checklist* section of the RFP/Q.
  - a. Note missing and/or incomplete items on a copy of the *Response Content and Submittals Completeness Checklist* and insert into each original bid response being reviewed.
  - b. Contracts Specialist/Project Manager administering the competitive process will review each bid response for completeness against the RFP/Q, Exhibit A-Bid Response Packet, and Required Documents section to verify completeness of response. Bidders will not be given an opportunity to submit documents, after the bid due date, in order to complete their bid package. Bids with any missing items or submittals, as outlined in the RFP/Q, will be deemed incomplete and will be rejected in total. For GSA-Administered projects, bid rejection will be made upon the Procurement & Support Services Manager's or Deputy Director's approval. Otherwise, approval of bid rejection will be made by the County Agency/Department Head or designee in charge of project.

### Evaluation of RFQ Responses (Lowest Cost)

- 1. The Contracts Specialist will document all decisions.
  - a. The Contracts Specialist will update GSA-Procurement & Support Services management on the status of evaluations.
- 2. All contact during the evaluation phase is required to be through the assigned GSA-Procurement & Support Services Contracts Specialist. Attempts by vendors to contact the County Contact or other staff may result in disqualification of the vendor.
- 3. The evaluation consists of the Contracts Specialist determining the lowest responsible bidder. Copies of the specification of RFQ responses may be distributed to the Client Department, with pricing redacted, in order for the department to assist in the determination that the bidder meets all of the specifications of the RFQ.
- 4. The Contracts Specialist will completely review RFQ responses to confirm completeness of response and that all other requirements are met as indicated in the RFQ.
  - a. Insurance certificates are not required at the time of submission; however, by signing Exhibit A-Bid Packet, the contractor agrees to meet the minimum insurance requirements stated in the RFP/Q, prior to award. This documentation must be provided to the County, prior to award, and shall include an insurance certificate and additional insured certificate, naming the County of Alameda, which meets the minimum insurance requirements, as stated in the RFP/Q.
  - b. References, if required in RFQ response, will be checked by the Contracts Specialist or Contracts Assistant for the lowest responsible bidder(s).
    - (1) The Contracts Specialist will work with the Client, as needed, to develop appropriate reference questions.
    - (2) Procurement & Support Services will contact references, ask questions developed, and note written responses for each reference checked.
    - (3) The Contracts Specialist will review references with Client to determine acceptability (pass/fail). If references are not acceptable, bidder will not be deemed responsible, no further consideration given (regardless of the bid price), and references will be checked for the next lowest bidder.

- 5. The Contracts Specialist will prepare a bid abstract (cost summary including preferences) of RFQ responses and a cover letter for written presentation to Client.
  - a. In the case of a discrepancy between the unit price and extension, Contracts Specialist will review with management.
  - b. Local and SLEB preferences will be applied as required to the total dollar value of bid responses.
  - c. The Contracts Specialist will review abstract, including bid responses, with Contracts Supervisor.
- 6. Contracts Specialist will prepare and route an *Authorization to Negotiate Contract* (ANC). This document authorizes GSA-Procurement & Support Services to begin negotiations with the lowest priced (RFQ) or highest ranked (RFP) responsible bidder.
- 7. Contracts Specialist will prepare *Notice of Recommendation to Award/Non-Award* for sending to bidders who submitted a bid response.
  - a. *Notice of Recommendation to Award/Non-Award* letters are sent after the GSA Director has signed the ANC.
- 8. The Contracts Specialist will prepare a *Recommendation to Award Letter* or work with the Department Contact to develop and submit a *Board Letter* as required upon completion of the evaluation process.
  - a. Contracts for services over \$25,000 require Board approval.
  - b. Contracts that do not require Board approval require a *Recommendation to Award* approved by the Contracts Supervisor, Purchasing Manager and/or Deputy Director, GSA-Procurement & Support Services, GSA Business Outreach Officer, GSA Director, and Client Department Director.
  - c. Prior approval is required from the Purchasing Manager before submitting a draft Recommendation to Award or *Board Letter* for review to the Client or issuing the final documents.
  - d. Board Letters require routing and approval per the Board Letter Routing Slip (see *Board Letters* section).
- 9. Contracts Specialist will prepare Notice of Board Date (Board Letter) or Notice of GSA Award Date (RTA) for sending to participants.
  - a. Notice of Board Date letters are sent no less than five business days prior to the Board Letter being approved by the Board of Supervisors, or the Recommendation to Award Letter being approved by the GSA Director.

- 10. The Contracts Specialist will remind Client (as required) to generate an approved requisition in ALCOLINK (if not already entered) in order for a purchase order to be issued.
  - a. The GSA-Procurement & Support Services Procurement Team or Auditor's Office will issue a purchase order upon receipt of a requisition, required documentation and approval (from Board or as required).
  - b. The GSA-Procurement & Support Services Procurement Team will forward a copy of purchase order and signed Standard Services Agreement to Contracts Team. Copies of the contract will be sent to the Contractor, the Client Department, and the Auditor.

# Evaluation of RFP Responses (Highest Ranked)

- 1. The evaluation process as stated in the RFP cannot be changed.
- 2. The evaluation phase usually consists of two distinct parts:
  - a. The written response to the RFP; and
  - b. The oral interview (site visits, etc.).
- 3. All contact during the evaluation phase is required to be through the Contracts Specialist. Attempts by bidders to contact members of the CSC may result in disqualification of the vendor.
- 4. The Contracts Specialist will document all decisions.
  - a. The Contracts Specialist will update GSA-Procurement & Support Services management on the status of evaluations.
  - b. The Contracts Specialist will ensure that all attendees sign a sign-in sheet at all meetings, interviews, etc. held during the competitive process. (Separate sign-in sheets will be provided for County representatives and bidder representatives as required.) Sign-in sheets will be appropriately dated and titled for each event/meeting.
  - c. The Contracts Specialist will collect all notes, evaluation forms, proposal copies, etc. related to the competitive process from CSC members, etc., as required and upon completion of the process.
  - d. The Contracts Specialist or Contracts Assistant will notify appropriate personnel (security guards, etc.) in advance of meetings being held related to the competitive process (vendor interviews, CSC meetings, etc.).

# 5. COUNTY SELECTION COMMITTEE (CSC)

RFP responses will be evaluated by a *County Selection Committee* (CSC) composed of County (departmental) staff and other parties with expertise or experience in the goods and/or services being evaluated.

County Selection Committee members should be experts in the field or scope of work covered by the RFP. Committee members may be Alameda County employees, employees of other public agencies or representatives from the private sector. Depending on the nature of the goods or scope of services, some County Selection Committees may require participation from multiple County departments and/or outside agencies. CSC members must be committed and available to attend all scheduled evaluation related meetings and take part in all aspects of the evaluation process, including review of proposals and vendor interviews, in order to fully participate in the ranking process and to provide consistent scoring of proposals.

# **CSC Composition**

A CSC shall have no less than three members. The CSC shall reflect the greatest diversity possible and be comprised of the following:

- a. No more than one person from the direct user department (i.e. GSA-Building Maintenance Department, if BMD is the department who will use the contract), or a participant as described in section c, below:
- b. No more than one person from another department within the same County agency (i.e. GSA-Technical Services Department) or a participant as described in section c, below; and
- c. The remaining person(s) may be from other County agencies and/or public or private sector entities and shall be subject matter experts (i.e. Alameda County Public Works, City of Oakland, Urban Development, Port of Oakland, other public agencies, a Community Based Organization or a private business).

In special circumstances, Departments may elect to include the Department Contract Representative (DCR) as a member of the County Selection Committee. The DCR is the individual who will receive the post award Delegation of Authority to administer the contract. If the DCR is a member of the CSC and that individual is also responsible for bringing an award or non-award recommendation to the Agency Director or to the Board of Supervisors, then the CSC shall have no less than five members.

### A proposed CSC member shall not:

a. Be a County employee who came to County employment within the last year from a business that provides the services specified and could submit a proposal to be considered by the Committee. If it is

- known that the business which the proposed CSC member came from will not be submitting a proposal, the County employee is not prohibited from participating.
- b. Own or work for a business or have a family member that owns or works for a business that is competing for a County contract.
- c. Be a consultant, or employee for a consultant firm or business, hired by the Agency or Department to provide technical assistance in the RFP process. Consultants may not rate and rank proposals but may assist a committee in understanding technical aspects of a proposal and answer questions that help the committee with complex issues relative to the subject matter under consideration. Consultants may not attempt to influence the outcome of the evaluation process. Consultants who do so shall be removed from further interaction with the committee.
- d. Be a member of the Board of Supervisors or Supervisor's staff.
- 6. An evaluation package for each County Selection Committee member will be prepared by Contracts Specialist, including but not limited to:
  - a. RFP Evaluation Cover Letter:
  - b. Conflict of Interest Statement (with blanks filled in);
  - c. RFP Evaluation and Contract Negotiation Procedures Form (with blanks filled in);
  - d. Initial abstract of bids received and costs quoted;
  - e. One (1) copy of each proposal received; and
  - f. A copy of the RFP and all Addenda.
- 7. The Contracts Specialist managing the competitive process will not participate in ranking RFP responses with the exception of performing the calculations to rank cost and conducting the completeness checklist.
- 8. The Contracts Specialist will completely review RFP responses to confirm completeness of response, financial stability (as required), and that all other requirements are met (certificate of insurance, etc.) as indicated in the RFP *Response Content and Submittals Completeness Checklist* section.
  - a. Insurance certificates must meet the minimum requirements, name the County as an additional insured on the second page endorsement and be in the County's name. Bid form and all other Exhibits must be completed and signed as required, etc.
- 9. The Contracts Specialist will prepare and distribute an evaluation package to each CSC member consisting of, but not limited to:
  - a. Cover letter;

- b. *Conflict of Interest Statement* (to be signed and returned to the Contracts Specialist);
- c. *RFP Evaluation and Contract Negotiations form* (to be signed and returned to the Contracts Specialist);
- d. Vendor abstract (summary of names, cost, etc.) of responses received;
- e. Proposal Evaluation Forms (for each RFP response). If short listing is to be performed, there will be a Shortlist Evaluation form and Final Evaluation form;
- f. RFP and Addendum copies; and
- g. RFP response(s) copies.
- 10. The RFP evaluation package may be mailed, QIC, e-mail, distributed via a secure website, or distributed at a meeting held to review the evaluation process.
  - a. The Contracts Specialist will coordinate and manage CSC meetings, vendor interviews and vendor site visits as required.
  - b. Only members of the CSC that are participating in the evaluation and ranking of proposals are to attend meetings related to the evaluation of RFP responses. Consultants are not allowed in evaluation and ranking meetings, only vendor interviews.
- 11. CSC members will review the bid responses and perform a Shortlist ranking of evaluation criteria as needed in accordance with the RFP specifications.

Questions and requests for clarification, etc., should be noted as each response is reviewed.

The zero to five-point scale range is defined as follows:

0	Not Acceptable	Non-responsive, fails to meet RFP specification. The approach has no probability of success. If a mandatory requirement this score will result in disqualification of proposal.
1	Poor	Below average, falls short of expectations, is substandard to that which is the average or expected norm, has a low probability of success in achieving objectives per RFP.
2	Fair	Has a reasonable probability of success, however, some objectives may not be met.
3	Average	Acceptable, achieves all objectives in a reasonable fashion per RFP specification. This will be the baseline score for each item with adjustments based on interpretation of proposal by Evaluation Committee members.

4	Above Average / Good	Very good probability of success, better than that which is average or expected as the norm. Achieves all objectives per RFP requirements and expectations.
5	Excellent / Exceptional	Exceeds expectations, very innovative, clearly superior to that which is average or expected as the norm. Excellent probability of success and in achieving all objectives and meeting RFP specification.

12. The maximum points possible for any project are 550, including the 10% (or 50 pt. maximum) bid preference points for SLEB/Local.

The weight of each evaluation criteria will be pre-determined by the Client and included in the RFP.

- a. Calculation of Evaluation Criteria scoring:
  - (1) CSC members will score the Evaluation Criteria on the 0-5 scale above;
  - (2) Each individual score will be multiplied by the weight associated with that criteria; and
  - (3) The final individual scores for each of the CSC members, for each evaluation criteria, will be averaged and will be considered as the final evaluation scores, prior to the application of SLEB preference.
- b. Cost
  - (1) The Contracts Specialist will evaluate the cost submitted in RFPs as follows:
    - (a) Low bid divided by low bid x 5 x weight = points;
    - (b) (example:  $$100,000 / $100,000 = 1 \times 5 \times \text{weight} = \text{points}$ );
    - (c) Low bid divided by second lowest bid x 5 x weight = points;
    - (d) Low bid divided by third lowest bid x 5 x weight = points; and
    - (e) Low bid divided by fourth lowest bid x 5 x weight = points.
    - (f) In the evaluation of cost, it will be assumed that the unit price quoted in the RFP response is correct in the case of a discrepancy between the unit price and extension.

- c. SLEB and Local Preference
  - Local and SLEB bid preferences will be applied to the total of the evaluation points score as follows:
  - (1) Local=Five percent (5%) of the total evaluation points will be added to the final score; and
  - (2) SLEB=Ten percent (10%) of the total evaluation points will be added to the final score.
- 13. To score the proposals in each evaluation criteria, the CSC may be instructed to consider the following types of questions regarding the sample evaluation factors below:
  - a. Understanding of the Project.
    - (1) Has the Proposer/Bidder demonstrated a thorough understanding of the purpose and scope of the project?
    - (2) How well has the proposer identified pertinent issues and potential problems related to the project?
    - (3) Has the proposer demonstrated that it understands the deliverables?
    - (4) Has the proposer demonstrated that it understands the time schedule and can meet it?
  - b. Methodology Used for the Project.
    - (1) Does the methodology depict a logical approach to fulfilling the requirements of the RFP?
    - (2) Does the methodology match and contribute to achieving the objectives set out in the RFP?
    - (3) Does the methodology support the time schedule in the RFP?
  - c. Experience and Qualifications.
    - (1) Do the individuals assigned to the project have experience on similar projects?
    - (2) Are resumes complete and do they demonstrate backgrounds that would be desirable for individuals engaged in the work the project requires?
    - (3) How extensive is the education and experience of the personnel designated to work on the project?
    - (4) Has the firm demonstrated experience in completing similar projects on time and within budget?

- 14. During the CSC initial review period (and prior to any subsequent CSC meeting) the Contracts Specialist will determine the Cost rating and score for each proposal submitted using the formula previously described in this section.
  - a. The bid abstract will be updated with the Cost rating and score for each bidder.
  - b. This task may be completed and the information included on the bid abstract distributed at the initial CSC meeting.
- 15. The Contracts Specialist will coordinate and manage any follow-up meetings necessary for CSC members to share initial impressions of RFP responses and finalize scores on the Preliminary evaluation sheets in order to shortlist (if applicable). Bidders who are included in the shortlist shall be invited for oral interviews (if applicable).
  - a. All members of the CSC are required to participate in all bidder interviews.
  - b. Non-evaluating participants such as consultants (anyone other than the Contracts Specialist managing the process) are not allowed to attend CSC meetings, bidder interviews, etc.
  - c. After the follow-up meeting, if needed, the Contracts Specialist may schedule other meetings with the full CSC to complete the tasks required to move forward in the evaluation process (finalize the selection of the short list, develop questions for the bidder interviews, etc.).
- 16. During the CSC initial review period (and prior to any subsequent CSC meeting) the Contracts Specialist will check references for bidders that submitted a complete response.
  - a. The Reference Check Sheet will be customized with the Client to develop the questions to be asked of each reference.
  - b. After short-listing has been performed (if required per the RFP), responses to references checked will be noted on the Reference Check Sheet and provided to the CSC.
  - c. Evaluators will rate the References based on the checks performed by the Contracts Team.
  - d. The Reference Check Sheet and any other original documentation related to the reference checks will be documented.
- 17. The Contracts Specialist will coordinate and manage required bidder interviews.
  - a. The Contracts Specialist will develop questions, etc., in coordination with the Client and the CSC members.

- b. The Contracts Specialist will lead the vendor interviews
- c. The entire CSC is required to participate in all interviews.
- d. Non-evaluating participants such as consultants (anyone other than the Contracts Specialist managing the process) are not allowed to attend the bidder interviews.
- 18. Following Bidder interviews, site visits, etc., the Contracts Specialist may coordinate and manage a meeting for the CSC to finalize the scoring and request/receive approval from the client department as to the highest ranking bidder who will be recommended for award.
- 19. Upon completion of the evaluation process, all proposals and evaluation related materials and documentation (Proposal Evaluation Forms, interview notes, etc.) will be collected from the CSC by the Contracts Specialist.
- 20. The Contracts Specialist will prepare a Recommendation to Award letter or work with the Department Contact to develop and submit a Board Letter as required upon completion of the evaluation process.
  - a. Contracts for services over \$25,000 require Board approval.
  - b. Contracts that do not require Board approval require a *Recommendation to Award* approved by the Contracts Supervisor, Purchasing Manager and/or Deputy Director, GSA-Procurement & Support Services and OAP Business Outreach Officer.
  - c. Contracts Specialist shall confirm with Client that Client's Agency Director will sign the agreed upon final Board Letter draft.
- 21. In order that it may be included with the *Board letter*, the Contracts Specialist will draft contract documents (*Standard Services Agreement*, etc.) as required and submit for approval along with the Board letter.
  - a. Client's (and/or GSA) County Counsel review, input and approval may be required prior to finalizing the contract documents.
    - (1) Client's and/or GSA's County Counsel may be required to review, approve as to form, and sign contracts as determined by GSA-Procurement & Support Services.
    - (2) Any changes to General Provisions require County Counsel approval and signature on contract.
- 22. Contracts Specialist will prepare *Notice of Recommendation to Award/Non-Award* letters for sending to all vendors who submitted a bid response after the GSA Director has signed the *Authorization to Negotiate Contract* (ANC).

- 23. Contracts Specialist will prepare *Notice of Board Date* letters for sending to all vendors who submitted a bid response after negotiations are complete and the GSA Director has signed the *Board Letter*.
- 24. The Contracts Specialist will remind Client (as required) to generate an approved requisition in ALCOLINK (if not already entered) in order for a purchase order to be issued.
- 25. The GSA-Procurement & Support Services Procurement Team will issue a purchase order upon receipt of a requisition, required documentation and approval (from Board or as required).

### **Board Letters**

- 1. Following the Evaluation Process, as required for services over \$25,000 and/or other contracts as may be required, the Contracts Specialist will prepare a recommendation to the Board to award or negotiate a contract with the selected vendor.
- 2. Board Letters require approval from GSA-Management and the client department, and must be submitted for placement on the Board Agenda a minimum of two (2) weeks prior to the desired Board date.
- 3. The Contracts Specialist will prepare a draft Board Letter and required attachments and develop briefing notes containing additional background information with input as needed from the Client, and submit to the Contracts Supervisors, Purchasing Manager, and Deputy Director, GSA-Procurement & Support Services for approval prior to submitting to Client for review.
- 4. Board Letters will "tell a story" of the procurement and selection process to the Board in a clear and concise manner and follow the current *Board Letter* master.
  - a. Board Letters <u>may</u> recommend that the Board approve the contract and authorize the Purchasing Agent to sign, or
  - b. Board Letters may recommend that the Board *award* a contract (to be signed by the President of the Board).
- 5. Draft Board Letters and Attachments will be approved by Client and Client Department Finance Officer on behalf of their Agency Director
  - a. The draft Board Letter will be e-mailed to the Client
  - b. Contracts Specialist shall confirm with Client that Client's Agency Director will sign the agreed upon final Board Letter draft
- 6. Following Client approval and approval by the Purchasing Manager, Deputy Director of Procurement & Support Services and OAP, the

Contracts Specialist will distribute the draft Board Letter for GSA review and approval as follows in the order below:

- a. Board Letter Counsel
- b. GSA Director's Assistant for review and approval
- 7. Board Letters for contracts that have been managed by the Contracts Team for other non-GSA County departments will be submitted to the Board on the respective department's letterhead and dual signed by both the GSA-Director and Department Director.
- 8. The Board Letter package will be submitted to the CAO, Clerk of the Board in accordance with the Board of Supervisors Meeting Schedule by the GSA-Secretary.

# Recommendation to Award

- 1. Contracts for goods that do not require Board approval require that a Recommendation to Award letter be developed and approved in lieu of the Board Letter.
- 2. Following the Evaluation Process, with the Client's approval to proceed, the Contracts Specialist will prepare a draft Recommendation to Award letter, with required attachments and submit to Contracts Supervisors for approval prior to submitting to Client for review.
  - a. Required attachments include but are not limited to:
    - (1) A copy of each bid response
    - (2) Bid abstract
- 3. Recommendation to Award Letters will be in a format similar to that of a Board Letter and will provide an overview of the procurement and selection process to the Director of GSA in a clear and concise manner.
- 4. Following Contracts Supervisors approval, Contracts Specialist will submit Recommendation to Award Letter as follows for signature approvals as required:
  - a. GSA OAP (all)
  - b. Contracts Team Contracts Supervisors (contracts \$10,000-\$25,000)
  - c. Purchasing Manager (\$25,000-\$100,000)
  - d. Deputy Director, GSA-Procurement & Support Services (over \$100,000)
  - e. Director, GSA

### Notice of Recommendation to Award

1. At the conclusion of the RFP/Q response evaluation process, all bidders will be notified in writing by e-mail, fax, or US Postal Service mail of the contract award recommendation, if any, by GSA-Procurement & Support Services. The document providing this notification is the *Notice of Recommendation to Award*.

The Notice of Recommendation to Award will provide the following information:

- a. The name of the bidder being recommended for contract award;
- 2. After the Notice of Recommendation to Award has been issued and the County has entered into negotiations with the highest ranked bidder, debriefings for unsuccessful bidders will be scheduled and provided upon written request and will be restricted to discussion of the unsuccessful offeror's bid. Under no circumstances will any discussion be conducted with regard to contract negotiations with the successful bidder
- 3. Once negotiations have been completed, and the Board letter signed, bidders will be notified of the Board award date. The document providing this notification is the *Notice of Board Date* letter. Once this is issued, all submitted proposals shall be made available to the public, upon request, no later than five (5) business days before the contract is scheduled to be heard by the Board of Supervisors.

# Request for Proposal Copies

Bidders are responsible for clearly marking each page of their bid or proposal containing information which they consider to be confidential under the California Public Records Act (CPRA). To the extent that the County agrees with that designation, such information will be held in confidence whenever possible. All other information provided by bidders will be considered subject to disclosure under the Act. Upon issuance of notice of Board date letters, submitted proposals will be made available for public review upon request.

# Bid Protest / Appeals Process

GSA-Procurement & Support Services prides itself on the establishment of fair and competitive contracting procedures and the commitment made to following those procedures. The following is provided in the event that bidders wish to protest the bid process or appeal the recommendation to award a contract for this project once the Notices of Award/Non-Award have been issued. Bid protests submitted prior to issuance of the Notices of Award/Non-Award will not be accepted by the County.

- 1. Any Bid protest by any Bidder regarding any other Bid must be submitted in writing to the County's GSA–Assistant Director, located at 1401 Lakeside Drive, 10th Floor, Oakland, CA 94612, Fax: (510) 208-9711, before 5:00 p.m. of the FIFTH (5th) business day following the date of issuance of the Notice of Recommendation to Award, not the date received by the Bidder. A Bid protest received after 5:00 p.m. is considered received as of the next business day. A Bid protest received after the FIFTH (5<sup>TH</sup>) business day following the date of issuance of the Notice of Recommendation to Award shall not be considered under any circumstances by the GSA or the Auditor-Controller (OCC).
  - a. The bid protest must contain a complete statement of the reasons and facts for the protest.
  - b. The protest must refer to the specific portions of all documents that form the basis for the protest.
  - c. The protest must include the name, address, e-mail address, fax number and telephone number of the person representing the protesting party.
  - d. As soon as possible after receipt of the protest, the County Agency/Department will notify all bidders of the protest.
- 2. Upon receipt of written protest, GSA-Assistant Director, or designee will review and evaluate the protest and issue a written decision. The GSA-Assistant Director, may, at his or her discretion, investigate the protest, obtain additional information, provide an opportunity to settle the protest by mutual agreement, and/or schedule a meeting(s) with the protesting Bidder and others (as appropriate) to discuss the protest. The decision on the bid protest will be issued at least ten (10) business days prior to the Board hearing or GSA award date.
  - The decision will be communicated by e-mail, fax, or USPS mail, and will inform the bidder whether or not the recommendation to the Board of Supervisors or GSA in the Notice of Recommendation to Award is going to change. A copy of the decision will be furnished to all Bidders affected by the decision. As used in this paragraph, a Bidder is affected by the decision on a Bid protest if a decision on the protest could have resulted in the Bidder not being the apparent successful Bidder on the RFP/Q.
- 3. The decision of the GSA-Assistant Director on the bid protest may be appealed to the Auditor- Controller's Office of Contract Compliance (OCC) located at 1221 Oak St., Room 249, Oakland, CA 94612, Fax: (510) 272-6502. The Bidder whose Bid is the subject of the protest, all Bidders affected by the GSA-Assistant Director's decision on the protest, and the protestor have the right to appeal if not satisfied with the GSA-Assistant Director's decision. All appeals to the Auditor-Controller's OCC

shall be in writi ng and submitted within five (5) business days following the issuance of the decision by the GSA-Assistant Director, not the date received by the Bidder. An appeal received after 5:00 p.m. is considered received as of the next business day. An appeal received after the FIFTH (5<sup>TH</sup>) business day following the date of issuance of the decision by the GSA-Assistant Director shall not be considered under any circumstances by the GSA or the Auditor-Controller OCC.

- a. The appeal shall specify the decision being appealed and all the facts and circumstances relied upon in support of the appeal.
- b. In reviewing protest appeals, the OCC will not re-judge the proposal(s). The appeal to the OCC shall be limited to review of the procurement process to determine if the contracting department materially erred in following the RFP/Q or, where appropriate, the County Charter, County Ordinances or other applicable federal, state or local laws and regulations.
- c. The appeal to the OCC also shall be limited to the grounds raised in the original protest and the decision by the GSA-Assistant Director. As such, a Bidder is prohibited from stating new grounds for a Bid protest in its appeal, and the Auditor-Controller's (OCC) shall not consider any other grounds. The Auditor-Controller (OCC) shall only review the materials and conclusions reached by the Assistant Director of GSA or department designee, and will determine whether to uphold or overturn the protest decision.
- d. The Auditor's Office may overturn the results of a bid process for ethical violations by Procurement & Support Services staff, County Selection Committee members, subject matter experts, or any other County staff managing or participating in the competitive bid process, regardless of timing or the contents of a bid protest.
- e. The decision of the Auditor-Controller's OCC is the final step of the appeal process. A copy of the decision of the Auditor-Controller's OCC will be furnished to the protestor, the Bidder whose Bid is the subject of the Bid protest, and all Bidders affected by the decision.
- 4. The County will complete the Bid protest/appeal procedures set forth in this paragraph before a recommendation to award the Contract is considered by the Board of Supervisors or GSA.
- 5. The procedures and time limits set forth in this paragraph are mandatory and are each Bidder's sole and exclusive remedy in the event of Bid Protest. A Bidder's failure to timely complete both the Bid protest and appeal procedures shall be deemed a failure to exhaust administrative remedies. Failure to exhaust administrative remedies, or failure to comply otherwise with these procedures, shall constitute a waiver of any

right to further pursue the Bid protest, including filing a Government Code Claim or legal proceedings.

### **Contract Documents**

- 1. The Contracts Specialist will draft the Standard Services Agreement (SSA).
  - a. Contracts Specialist will insert RFP Specific Requirements and appropriate information from other sources including, but not limited to, proposer's response, oral interview, contract negotiations, etc.
  - b. Contracts Specialist will draft Exhibit B, Payment Terms, per the proposer's response, or other agreed upon payment information
  - c. Contracts Specialist will attach all other pertinent documentation and exhibits to be made a part of the SSA (certificate of insurance from proposer's response, SLEB information, etc.)
- 2. Contracts Specialist will review draft SSA with Procurement & Support Services management (and County Counsel as required) prior to submitting to Client for review.
- 3. Upon approval of all County parties the Contracts Specialist will distribute draft contract to the awardee(s) for review.
- 4. Upon approval of all parties, Contracts Specialist will finalize Standard Services Agreement and prepare for signatures.
  - a. If the vendor is not able to sign the contract in person, a hard copy will be mailed of the entire contract document with five signature pages and instructions requiring the return of signed documents, updated Certificate of Insurance, etc.
- 5. County Counsel will sign the Standard Services Agreement as required after the awardee/Contractor has signed.
- 6. County Department or Human Resource Department will sign Questionnaire of Withholding as required.

### Contract Amendment / Extension / Renewal

- 1. Some contracts include an amendment/extension/renewal/ option clause;
- 2. Departments are to submit a *Request for Contract* (RFC) form to request that a contract be amended, extended, and/or renewed;
  - a. The Contracts Team will advise County departments of contracts that are expiring whenever possible.
- 3. Upon submission of an RFC form for contracts that require SLEB subcontracting, clients shall provide GSA-Procurement & Support Services

- with the most recent printout of compliance numbers from the Elation System;
- 4. An assigned Contracts Specialist will work with County Departments to determine acceptable contract amendment/extension/renewal terms;
- 5. The Contracts Specialist will contact the vendor to negotiate the contract amendment/extension/renewal:
  - a. The Contracts Specialist will coordinate and manage vendor meetings, etc.
- 6. The Contracts Specialist will prepare and issue required contract amendment/ extension/renewal related documentation, including but not limited to:
  - a. Board Letters;
  - b. Amendment/extension/renewal letters; and
  - c. Contract Addenda.

# DELEGATION OF AUTHORITY-CONTRACT ADMINISTRATION AND PERFORMANCE TRACKING

Once a contract has been awarded, the client/user department will assume responsibility for all duties related contract administration and tracking of vendor performance.

If the contract was bid and awarded by GSA-Procurement & Support Services, it will facilitate the transfer of day to day contract administration to the client department according to the provisions of the *Delegation of Authority for Post-Award Contract Administration Notice* and the *Contract Administration Guide*.

It is the responsibility of the department to:

- 1. Track expenditures in the County financials system and initiate contract increase(s), if necessary.
- 2. Track contract expiration and initiate contract renewal/extension(s), if necessary.
- 3. Monitor invoices and compare to contractual agreements or POs, in order to confirm that the vendor is charging fees and/or services at the agreed upon rate(s).
- 4. Investigate and thoroughly document any performance disputes between the County and vendor and initiate appropriate action to remedy and/or discharge the contract.

- a. Enter performance data and information into Alcolink vendor file in order to track ongoing vendor performance.
- b. GSA-Procurement & Support Services will monitor and track, in conjunction with the using department, the ongoing performance of contractors.
- c. Note: If GSA-Procurement & Support Services bid and awarded the contract, they will assist in working with the department and the vendor to remedy any failure to perform, offering an "opportunity to cure" when necessary.

