



Administrative Procedure PUR-343
**REQUEST FOR PROPOSALS AND
REQUEST FOR QUALIFICATIONS**

Responsible: Purchasing Department

PURPOSE

This Administrative Procedure shall provide guidance for the Purchasing Department when processing a formal Request for Proposals (RFP) solicitation. Pursuant to Nevada Revised Statute (NRS), Chapter 332, when the estimated annual spend for a contract is more than \$100,000, a formal competitive solicitation is required unless the service(s) and/or product(s) being solicited are considered an exception to requirements of competitive solicitations. If the service(s) and/or product(s) are considered an exception/exemption under NRS 332, and the estimated annual spend for the contract is \$100,000 or more, it is highly recommended that the Purchasing Department and requesting site/department of the contract consider issuing an RFP solicitation and award accordingly. Additionally, when not exempt from the bidding requirement under NRS 332, an RFP can be used in place of Request for Bid (RFB) to satisfy the statutory requirements.

When the Purchasing Department processes a formal Request for Qualifications (RFQS), the process outlined below for an RFP also applies, except for the request of cost/fee proposals and the scoring of a cost/fee proposal as a weighted criterion. In addition, for both RFP and RFQS solicitations, formal interviews, and presentation of finalists (refer to Section 7) may not be applicable based on scope of work/service being requested; therefore, that section of this procedure can be bypassed by the Evaluation Committee Members.

PROCEDURE

1. General Information
 - a. The intent of issuing an RFP is to allow Washoe County School District's (District) Purchasing Department to find the best solution for its needs where the final award determination is not primarily based on the lowest cost of the solution. The RFP process also helps increase transparency in the District, as a local government.
 - b. The issuance of an RFP is not intended to be used by the District to:
 - i. Limit competition;
 - ii. Discourage competitive bidding; or
 - iii. Engage in or allow bid-shopping.
 - c. The RFP provides background information on the requested service and/or product being solicited. It establishes the scope of the service/work, specifying what the District needs and how the submitted proposals will be evaluated and scored. The RFP solicitation may include deadlines or

cost parameters as well as questions proposers should address in their proposals.

- d. Issuing an RFP allows the District to compare various products, services, and vendors so the assigned evaluators can do a side-by-side comparison of factors that include, but are not limited to, each vendor's (proposer's) qualifications, past experience, conformance to specifications, associated costs/prices, and financial stability.
- e. Rather than just seeing one solution, RFPs show many ways of approaching a problem. This can highlight solutions that are more comprehensive and sustainable.
- f. Going through the RFP process may help the District identify new products it may not be aware of. By encouraging open competition, RFPs can help the Purchasing Department find the best, most cost-effective solution for the District.
 - i. The District's Purchasing Department may issue a Request for Information (RFI) before requesting formal proposals. An RFI is a document that is issued to collect written information about the capabilities of various vendors.
 - ii. The main difference between an RFI and an RFP is that an RFI identifies vendors that could be qualified for many different future projects, while an RFP asks vendors to offer solutions for a specific request, project, need, or opportunity. No contract is awarded because of an RFI submission – it is for information only.

2. Exceptions/Exemptions to Requirements of Competitive Solicitations

- a. An emergency contract as defined by NRS 332.112, is one "which results from the occurrence of a disaster, including, but not limited to, fire, flood, hurricane, riot, power outage or disease; or may lead to impairment of the health, safety or welfare of the public if not immediately attended to."
 - i. If the District has determined that an emergency exists affecting the public health, safety or welfare, a competitive solicitation to obtain a contract or contracts necessary to contend with the emergency may be waived.
 - ii. If such emergency action was taken by the District, then it shall be reported to the District's Board of Trustees (Board) at its next regularly scheduled meeting.

- b. Contracts, which by their nature are not adapted to award by a competitive solicitation, include, but are not limited to the following:
 - i. Items which may only be contracted from a sole source;
 - ii. Professional services;
 - iii. Additions to and repairs and maintenance of equipment which may be more efficiently added to, repaired, or maintained by a certain person;
 - iv. Equipment which, by reason of the training of the personnel or of an inventory of replacement parts maintained by the District is compatible with existing equipment (standardized);
 - v. Perishable goods;
 - vi. Insurance;
 - vii. Hardware and associated peripheral equipment and devices for computers;
 - viii. Software for computers;
 - ix. Textbooks, professional books, instructional materials/kits, library materials and subscriptions;
 - x. Goods or services purchased from organizations or agencies whose primary purpose is the training and employment of persons with disabilities; and
 - xi. The design of, and equipment and services associated with, systems of communication.

3. Development, Approval and Distribution of RFP Solicitation

- a. The Purchasing Department and the requesting department/site will determine if issuing an RFP solicitation will meet the needs of the requested contract.
- b. The requestor of the contract is to work with the Buyer (RFP Facilitator) to develop a well-defined scope of work/service, critical deadline dates, a list of individuals who will serve on the evaluation committee, and evaluation criteria with assigned weight/points to each one.

- i. The evaluation committee/panel shall consist of at least three (3) members and shall have at minimum, one (1) external (non-District employee) member with experience and/or interest related to the product(s)/service(s) being solicited.
 - ii. If a supervisor, manager, director, or chief is on an evaluation committee, the majority of the committee may NOT be part of that person's reporting structure.
- c. Once the RFP solicitation document and any related exhibits are prepared, a timeline for the solicitation process is drafted by the assigned RFP Facilitator that will align with the needs of the solicitation's completion and the requesting department's needs.
 - d. Following the review of the RFP solicitation document, the assigned RFP Facilitator completes various tasks by following department guidelines and checklists to finalize the solicitation for publishing and distribution including obtaining electronic copies of any related exhibits; preparing the legal ad notification; and preparing calendar e-invites with dates and times for required meetings and project milestones (e.g., question and answer period; addendum posting; RFP submission date; proposal review meeting; formal interviews and presentations; contract negotiation period; release of Recommendation of Award; Board Approval; release of Notice of Award, etc.).
 - e. The RFP Facilitator will post and distribute the RFP solicitation to all interested parties via direct email to: (1) all vendors who have registered with the District to receive solicitation notifications for the products/services requested in the RFP; (2) the Purchasing Department's website; (3) DemandStar website (third-party solicitation distributor for the District).
 - f. Once the RFP solicitation has been posted and distributed accordingly, the solicitation process passes through several milestones as outlined in the timeline.
 - i. All solicitations that have a total value of \$100,000 or more require Board approval at a regularly scheduled Board Meeting.

3. Advertisement of the RFP Solicitation

- a. Pursuant to NRS 332.045, the solicitation must be published in a newspaper qualified pursuant to chapter 238 of NRS that has a general circulation within the county wherein the District is situated at least once and not less than seven (7) days before the opening of responses.

- b. Pursuant to NRS 332, the solicitation must be posted every day for not less than seven (7) days before the results of the responses are posted on the Internet website of the District's Purchasing Department or on a secure website on the Internet which is established and maintained for the purpose of an on-line solicitation.
- c. The advertisement must state:
 - i. The nature, character, or object of the contract;
 - ii. If plans and specifications are part of the contract, where the plans and specifications may be seen;
 - iii. The time and date on which responses will be opened;
 - iv. That a written certification is a required part of the contract pursuant to subsection 4 of NRS 332.065, if applicable, which states that:
 - A governing body or its authorized representative shall not enter into a contract pursuant to this section with a company unless the contract includes a written certification that the company is not currently engaged in, and agrees for the duration of the contract not to engage in, a boycott of Israel; and
 - v. Such other matters as may properly pertain to the contract.

4. RFP Response Requirements

- a. All submittal requirements of the RFP are outlined in the solicitation document's General Terms and Conditions and Special Terms and Conditions, including all submission instructions for the Price Schedules/Fee Proposals and financial stability documentation.
- b. Any other forms that are required to be submitted with RFP proposals are also included in the solicitation document.

5. Before, During and After the RFP Solicitation Publishes

- a. Before the solicitation document is published, the final timeline of milestones associated with the RFP are calendared accordingly.

- b. Non-disclosure forms are prepared and provided to each Evaluation Committee Member to review, sign, and return to the RFP Facilitator prior to the RFP's publishing date.
- c. Newspaper notification (legal advertisement) is to be sent, no less than two (2) days prior to the publication date.
- d. The solicitation is be posted to all required websites for public access.
- e. During the time in which the RFP is publicly available for interested parties, the RFP Facilitator:
 - i. Manages all questions received and responds with Addendum(s).
 - ii. Facilitates any mandatory or non-mandatory Pre-proposal Meetings.
 - iii. Communicates all requirements and notices needed to the Evaluation Committee Members.
- f. After the date and time for the proposals to be submitted and accepted has passed, the RFP Facilitator:
 - i. Opens each valid (received prior to due date and time of submissions) proposal package with (preferably) the assistance of another Purchasing Department staff member.
 - ii. Documents that all required documents requested in the RFP have been provided by the Proposer.
 - iii. Bundles all submitted proposals (one of each copy) with scoresheets and any other related documents to be used by the Evaluation Committee Members and arrange with each committee member the delivery or pick-up of his/her prepared bundle/package.

6. Evaluation and Scoring of Submitted Proposals

- a. After the Evaluation Committee Members have had a period of time to review, evaluate, and pre-score each proposal on their own, the team convenes for a meeting to discuss, review, and to provide a final preliminary score for each Proposer's submission to the RFP Facilitator.
- b. The RFP Facilitator adds each individual Member's scores to a tabulation that is formatted to auto-calculate each Proposer's final scores. These preliminary scores are used to identify the finalists who, if applicable to

the solicitation, are to formally present and be interviewed by the Evaluation Committee.

- c. Not all RFP solicitations require formal interviews and presentations. This is determined by the evaluation committee in consultation with the RFP Facilitator.

7. Evaluation and Scoring of Finalists (Formal Interviews and Presentations)

- a. The RFP Facilitator will coordinate with each Finalist on scheduling their respective timeframes for their interviews and presentations.
- b. After all formal interviews and presentations have concluded, the Evaluation Committee will privately discuss and finalize the score sheets from the proposal review meeting with exception to the scoring of cost.
 - i. The RFP Facilitator is to collect and tabulate all final scores, prior to releasing the cost proposals from each finalist for consideration.
- c. The Purchasing Department, when applicable, will calculate the score of the Finalist's proposed amount of compensation, by dividing the lowest of all the proposed amounts of compensation by the Finalist's proposed amount of compensation multiplied by the total possible points available for cost.
- d. The RFP Facilitator will finalize the tabulation to identify the proposer who is to be recommended for contract award. The recommended proposer is the proposer with the highest average point or the highest-ranking proposer.
 - i. If the awarded amount of the RFP contract is less than \$100,000 then formal award is requested of the Chief Financial Officer (CFO).
 - ii. If the awarded amount of the RFP contract is \$100,000 or greater based on the initial term of the contract, then formal award is requested of the Board.

8. Letter of Intent (Recommendation of Award)

- a. Once the tabulation has been finalized, the recommended Proposer for award has been identified, and before formal award has been obtained by either the District's CFO or Board, the RFP Facilitator will distribute to the submitting Proposers, the Letter of Intent (Recommendation of Award) and post accordingly to the Purchasing Department's website and DemandStar's website (third-party solicitation distributor for the District).

- i. A copy of the Letter of Intent may also be obtained by written request via email to: solicitations@washoeschools.net

9. Appeal Process by Unsuccessful Proposer

- a. Any non-awarded Proposer may appeal following the posting/distribution of the Letter of Intent (Recommendation of Award).
- b. Appellant (non-awarded Proposer) must submit a written protest to the Director of Procurement and Contracts no later than five (5) business days after the date of the Letter of Intent (Recommendation of Award).
 - i. The notice of protest must include a written statement setting forth with specificity the reasons the person filing the notice believes the applicable provisions of the law were violated.
- c. Appellant shall submit a surety/bond (i.e., Protest Bond or Appeal Bond) with a good and solvent surety company authorized to do business in the State of Nevada or submit other security in a form approved by the District, which will hold the bond or other security until a determination is made on the appeal. Such bond must be submitted with the written protest to the Director of Procurement and Contracts.
- d. The bond or other security shall be in the amount of twenty-five percent (25%) of the total dollar value of Appellant's proposal, up to a maximum bond or other security amount of two hundred fifty thousand (\$250,000).
- e. The Director of Procurement and Contracts will review the letter of appeal and all relevant documents to provide a determination of the appeal to the submitting Appellant.
- f. If Appellant is not satisfied with Director of Procurement and Contract's response, Appellant may then appeal to an Appeals Committee designated by the District. If Appellant is not satisfied with the Appeals Committee's response, Appellant may then appeal to the Board, who will render the final decision.
- g. The District will stay any award action until a final decision is made on the appeal.
- h. Appellant will not seek any type of judicial intervention until the District has rendered its final decision on the protest.
- i. The District is not liable for any costs, expenses, attorney's fees, and loss of income or other damages sustained by Appellant in proposal appeal process.

- j. If an appeal is granted and a bond was required, the full amount of the posted bond will be returned to Appellant. If the appeal is denied and/or not upheld, the District has the right to file a claim against the bond for expenses suffered by the District because of the unawarded appeal.

9. Negotiations and Execution of Final Agreement and Notice of Award

- a. The District is allowed to negotiate cost with the highest scoring applicant, which means the cost could be reduced during negotiations; therefore, the proposed amount of compensation submitted by the applicant with the proposal, could be different than what is offered in a final agreement/contract.
 - i. If the District is unable to negotiate a contract with the most qualified applicant for compensation offered by the applicant, then the District shall terminate negotiations with that applicant.
 - ii. If negotiations are terminated with the highest scoring applicant, the District may then undertake negotiations with the next highest scoring applicant in sequence until an agreement is reached.
 - iii. If all subsequent negotiations fail, the District may make the determination to cancel the RFP.
- b. If applicable, following the successful negotiation of the RFP terms and conditions and formal review of any other submitted contract/agreement presented by the recommended proposer and after approvals of the recommendation of award are granted as outlined in Section 7(d) above, signatures to said contract are then executed.
- c. Following formal award by either the CFO or the Board, the RFP Facilitator posts and distributes the Notice of Award accordingly.

LEGAL REQUIREMENTS AND ASSOCIATED DOCUMENTS

1. This Administrative Procedure reflects the goals of the District's Strategic Plan and aligns/complies with the governing documents of the District, to include:
 - a. Board Policy 3321, Contract Review and Approval; and
 - b. Administrative Regulation 3322, Bids/Quotations and Contracts.
2. This Administrative Procedure aligns with Nevada Revised Statutes (NRS), to include:
 - a. Chapter 332, Purchasing Local Governments.

REVISION HISTORY

Date	Revision	Modification
01/01/2022	1.0	Adopted