



## **Administrative Regulation 3323**

### **PROFESSIONAL SERVICES**

**Responsible Office:** Office of Business and Finance

#### **PURPOSE**

This Administrative Regulation describes the process by which professional services are procured in the Washoe County School District (District).

#### **DEFINITIONS**

1. "Bid" Complete sealed solicitation (submitted in competition with other bidders in response to a Request for Bid) to execute specified job(s) within prescribed time that usually includes labor, equipment, services, and/or materials. The bid-receiving party may reject or accept the bid. Once accepted, the bid may turn into a binding contract.
2. "Contract" A voluntary, deliberate, and legally binding agreement between two or more competent parties. Contracts are usually written but may be spoken or implied, and generally have to do with employment, sale or lease, or tenancy. Contracts include Memorandums of Understanding (MOUs), terms of services, terms of use, or any other binding agreement.
3. "Professional Services" Work performed by an independent contractor, either of a consultative nature or associated with specialized expertise in the service sector, rather than a manufactured product, to augment the District's professional capabilities or serve in an advisory capacity. Examples of professional services include, but are not limited to, architectural services, engineering services, investment management services, banking services, training and development and consulting services.
4. "Proposal" Complete sealed solicitation (submitted in competition with other proposers in response to a Request for Proposal or Request for Qualifications) to execute specified job(s) within prescribed time that usually includes labor, equipment, services, and/or materials. The proposal-receiving party may reject or accept the proposal. Once accepted, the proposal may turn into a binding contract.
5. "Quotation" A formal statement of promise (submitted usually in response to a request for quotation) by potential supplier to supply the goods or services required by a buyer, at specified prices, and within a specified period. A quotation may also contain terms of sale and payment, and warranties.

6. "Solicitation" The general process of employing competition through any approved solicitation type for a specified product, service, or project. A solicitation can include, but is not limited to: Request for Bid, Request for Proposal, Request for Qualifications, and Request for Quotation.

## REGULATION

1. Professional services are widely used by schools and departments within the District. While these services are exempt from the bidding requirements under NRS 332, the District desires to employ a competitive process for these services when required and whenever practicable and beneficial to do so. Schools and departments should consult with the Purchasing Department to determine which type of solicitation is most appropriate.
2. The Superintendent, Chief Financial Officer, and Director of Procurement and Contracts are authorized to enter into contracts for supplies, equipment, materials, labor, and services.
3. Professional Services Utilizing Federal Funding.

Any time a procurement of professional services utilizing federal funding reaches \$10,000 or more, a competitive process **must** be employed. The District is required to follow the stricter of state laws and federal laws and guidelines. Please consult with the Purchasing Department to determine which laws are stricter for a particular service.

- a. For services between \$10,000 and \$249,999.99, the department or school should solicit at least three quotes from companies that can perform the work and must award to the lowest quoted vendor meeting specifications. The department or school should consult with the Purchasing Department to ensure all federal guidelines are adhered to properly.

For services totaling \$250,000 or more, a sealed Request for Proposal (RFP) Request for Bid (RFB), or Request for Qualifications (RFQS) must be conducted by the Purchasing Department and awarded by the Board of Trustees before taking receipt of services.

- b. When procuring goods or services with federal funds, end-users should use the stricter of the processes outlined in this section or the process outlined in section 4 below, NRS 332.
4. Professional Services Not Utilizing Federal Funding
    - a. The department or school should consult with the Purchasing Department to determine the most appropriate type of competition to be employed.

- b. For services between \$10,000 and \$24,999.99, unless otherwise directed by the Purchasing Department, the department or school should solicit at least three quotes from companies that can perform the work and must award to the lowest quoted vendor meeting specifications, unless there is a compelling reason why the lowest quoted vendor is not satisfactory.
- c. For services between \$25,000 and \$99,999, an informal request for a letter proposal is acceptable unless otherwise directed by the Purchasing Department. The department or school should solicit proposals from a minimum of three companies that can perform the work that includes the vendor's qualifications and relevant experience, proposed project approach, proposed personnel, and the firm's proposed compensation structure/quote. An evaluation of each of these areas should be performed by the department or school and a recommendation for award to a vendor should be made by the department or school, subject to review and approval by the Purchasing Department.
  - i. However, the Purchasing Department may determine that a sealed Request for Proposal (RFP) or Request for Qualifications (RFQS) should be used due to a variety of factors including but not limited to the level of public interest in the service, risk factors, or complexity of services; and
  - ii. The Purchasing Department may choose to assist the department or school in managing this process, depending on many factors.
- d. When the professional services procurement is \$100,000 or more, a formal RFP or RFQS should be conducted by the Purchasing Department and awarded by the Board of Trustees. Exceptions to this requirement can be made by the Purchasing Department due to the workload capacity of the Purchasing Department, critical timelines or other factors, in which case an informal request for letter proposals shall be conducted.
- e. Exceptions to the above include the following:
  - i. The services provider is a sole source. This requires sole source documentation that must be completely filled out, signed by the Area Superintendent or Department Chief and approved by the Director of Procurement and Contracts prior to receiving services; and
  - ii. A waiver to the competitive process has been granted. The school or department may request a waiver to the competitive process. This waiver can be approved by the Financial Review Committee (FRC). If FRC grants the waiver, the approved waiver should be

provided to the Purchasing Department when the requisition for services is entered.

5. Professional Services Contracts

- a. The District uses a standard Independent Contractor Agreement (ICA) for most professional contracts. The school or department is responsible for filling out the ICA (Part A and B) and obtaining the vendor's signature on it. The ICA will be signed by the Superintendent, Chief Financial Officer, or Director of Procurement and Contracts only once the completed ICA has been submitted with the requisition for services.
- b. The vendor may also require their contract be signed. This requires review by the Purchasing Department and the Office of the General Counsel through the contract review process. This review should occur prior to the requisition being entered. The approved contract review form and vendor contract should be attached to the requisition along with the ICA.
- c. On rare occasions, the vendor contract only, without an accompanying ICA, may be authorized if the vendor contract contains the provisions that are in the District's standard ICA. Please consult with the Purchasing Department to determine when/if this can occur.
- d. Services may not be rendered unless the following are met. Accepting services without the following is considered an unauthorized purchase.
  - i. A fully executed vendor contract signed by an authorized District person is obtained, when applicable, and a copy is provided to the school or department by the Purchasing Department;
  - ii. A fully executed ICA signed by an authorized District person is obtained and a copy is provided to the school or department by the Purchasing Department; and
  - iii. A fully executed Purchase Order signed by an authorize District person is obtained and a copy provided to the school or department.

**LEGAL REQUIREMENTS AND ASSOCIATE DOCUMENTS**

1. This Administrative Regulation 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. Board Policy 3320, Procurement.
- 2. This Administrative Regulation complies with Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC) to include:
  - a. Chapter 332, Purchasing: Local Governments.

**REVISION HISTORY**

Date	Revision	Modification
03/15/2022	1.0	Adopted