

6741 CONTRACTING FOR PROFESSIONAL SERVICES

The Board of Education will make certain that professional services are secured in a manner that protects the integrity of the process, ensures the prudent use of taxpayer dollars and provides a high quality standard of service, in accordance with law and regulation. Professional services are defined as services requiring specialized or technical skills, expertise or knowledge, the exercise of professional judgment or a high degree of creativity special skill and/or training, such as legal services, medical services, auditing services, property appraisals or insurance.

Purchasing professional services does not require competitive bidding. The Board directs the Purchasing Agent and Deputy Purchasing Agent, along with the administrator making the request for service, to take measures to ensure that a highly qualified professional is secured through the prudent and economical use of public money, which may include:

1. Reviewing trade journals;
2. Checking professional listings; and/or
3. Inquiring of other districts or other appropriate sources.

In consultation with the Purchasing Agent or Deputy Purchasing Agent, the designated district staff will prepare either a request for quote (RFQ) or a comprehensive written request for proposals (RFP), which will contain the details of the services sought. The RFP/RFQ will specify that the proposal include the structure of the relationship between the district and the provider, including, if applicable, the terms of the retainer or agreement for professional services, the hourly fees and other associated costs.

In reviewing responses to the RFPs/RFQs, the district will consider, at a minimum, the following factors:

1. the suitability of the individual/firm for the district's needs;
2. the special knowledge or expertise of the individual/firm;
3. the credentials and applicable certifications of the individual/firm;
4. the quality of the service provided by the individual/firm;
5. cost;
6. the staffing available from the firm or the time available from the individual;

The district will periodically, but not less frequently than every five years, issue professional service RFPs/RFQ's and may conduct interviews as part of the RFP/RFQ process. The written proposals submitted by applicants shall be maintained for at least six years.

For those professional services providers who report directly to the Board of Education (i.e., legal counsel, auditors, architects and construction managers) , the Board of Education will review the proposals and select the professional service provider best suited to the district's needs. For all others, the Superintendent, after a thorough review of the proposals, in consultation

with the Purchasing Agent and the administrator making the request for service will recommend the professional service provider best suited to the district to the Board of Education for its approval.

Regardless of when during the year the professional service provider is engaged by the Board, at the annual organizational meeting the Board will appoint the attorney, physician, external auditor, or other professional, as applicable. Professional service providers selected and appointed in this manner will not be considered employees of the district.

The Superintendent is charged with developing administrative procedures to implement this policy.

Cross-Ref: 2210, Board Annual Organizational Meeting
9500, Compensation and Benefits

Ref: General Municipal Law § 104-b
2 NYCRR §§ 315.2, 315.3
Trane Co. v Broome County, 76 A.D.2d 1015
Appeal of Lombardo, 38 Educ. Dept. Rep. 730
Opn. St. Comp. 92-33

Adoption date: September 17, 2018

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The following rules shall guide contracting for professional and technical services.

Definitions:

Educational Services - includes consultants that provide staff development, testing, student evaluations, scoring, etc.

Administrative Services - insurance services, employee benefit services, cooperative bid management services, pupil transportation, web-site design/development, software licenses and maintenance, food service management consultant, human resources search firms, property appraisals, etc.

Professional Services - legal, fiscal advisors, bond counsel, actuarial, auditing, architect, construction management, health services, physicians, etc.

Professional Services Purchased Under Government/Municipal Contracts - the district will not be required to secure alternative proposals or quotations when it is able to obtain the professional services sought, as permitted by law:

- Under a county contract;
- Under a state contract;
- Under a federal contract; or
- From agencies for the blind and severely disabled, from qualified veteran's workshops; and from qualified special employment programs serving mentally ill persons.

Request for Quotation (RFQ) and Request for Proposal (RFP) - A proposal or quotation process is used to ensure that professional services are procured with the most favorable terms and conditions.

- Request for Quotations (RFQ) - This type of solicitation is often used to determine current market pricing. RFQs generally do not require public advertising.
- Request for Proposal (RFP) A RFP is generally a document that provides detailed information concerning the type of service to be provided including minimum requirements and, where applicable the evaluation criteria that will govern the contract award. Potential service providers typically are supplied with copies of the RFP and are requested to submit proposals by a specified date. Proposals can be solicited via public advertisement, or a comprehensive list of potential providers can be contacted directly and provided with the RFP.

After a discussion between the Administrator requesting the service and the Purchasing Agent or Deputy Purchasing Agent, a decision will be made as to which process should be used, RFQ or RFP.

Instructions for Utilization of RFQs and RFPs:

Request for Quotation (RFQ) – When it is agreed that the RFQ process will be utilized, the RFQ form is to be completed by the Administrator requesting the service whenever seeking a specific service or to continue an existing services. The Administrator shall obtain the RFQ form from the Purchasing Agent.

- Define the service to be provided (i.e. math consultant, type of software, evaluators, etc.)
- Describe in detail the scope of services to be performed
- List any qualifications the service provider is required to have (i.e. licenses, certifications, etc.)
- Identify the deadline for the submission of a quote
- The completed form is to be reviewed with Purchasing Department prior to disseminating it to potential service providers.
- The Administrator should make every attempt to obtain at least three quotes.
- A responding provider completes, signs and dates bottom of form stating their fee structure.
- Quotes received by the submission deadline will be reviewed.
- If applicable, a provider may submit a draft contract with its quote.
- The district's independent contractor service agreement will be completed after a provider is selected unless the Purchasing Agent or Deputy Purchasing Agent approves the use of the provider's form of contract.
- All documentation will be attached to the requisition and submitted to the Purchasing Department.
- A requisition is completed and a copy is sent to the Purchasing Agent with a copy of the contract executed by the selected provider.
- All contract services not under government municipal contracts require prior approval and signature from the following:
 - Board of Education - contracts \$20,000 or above,
 - Superintendent- contracts \$5,000 to \$20,000,
 - Assistant Superintendent for Business- contracts \$5,000 or below.

Request for Proposal (RFP) – The RFP template available from the Purchasing Agent is completed by the Administrator requesting the professional service and reviewed by the Purchasing Agent before issuance.

- The following information must be filled into the RFP template available from the Purchasing Agent to draft the RFP that will be issued:
 - Detailed scope of services to be provided
 - Evaluation criteria
 - Submission date
- The Administrator and Purchasing Agent will review the draft RFP together before it is issued.
- The RFP will be disseminated via public advertisement or to a comprehensive list of potential providers.
- Proposals received by the submission date set forth in the RFP will be reviewed and evaluated by the Administrator and the Purchasing Agent.
- The district's independent contractor service agreement will be completed after a provider is selected unless the Purchasing Agent or Deputy Purchasing Agent approves the use of the provider's form of contract
- All documentation, including a contract executed by the provider, will be attached to the requisition and submitted to the Purchasing Department.

A resolution is prepared for the Board of Education's approval, when required.