

# Best Practices Guide for Personal and Professional Services Procurement



*Personal Service Contract Review Board  
March 2016*

## **How to use this Guide**

This is an informational guide to be used as a resource for agencies in implementing the Personal Service Contract Review Board (PSCRB) Rules and Regulations.

***Agencies are responsible for complying with the PSCRB Rules and Regulations in their entirety.***

This guide contains references (in parenthesis with the section titles) to corresponding PSCRB Rules and Regulations and contains some information from the PSCRB Rules and Regulations. It does not incorporate the PSCRB Rules and Regulations in their entirety.

## Table of Contents

Introduction.....	4
Preapproved Vendor List .....	4
Contract Workers .....	5
Exemptions Not Requiring PSCRB Approval.....	5
Net-of-fee contracts .....	6
Procuring Services Offered by Governmental Entities Not Under Purview of the PSCRB.....	6
Contracts Between Two State Agencies Under Purview of the PSCRB .....	6
Multiple Contracts with Same Vendor But Different Scope of Services .....	6
Modifications to Correct Technical Problems .....	7
Modifications that Only Reduce Dollar Amount or In Which Amount and Services are Unchanged .....	7
Modifications Involving Cost Per Unit Fees .....	7
Procurement Process Overview .....	8
Step 1 – Determine Need .....	8
Step 2 – Develop Scope of Services.....	11
Step 3 – Determine Purview of the Contract.....	12
Step 4 – Method of Procurement and Evaluation .....	13
Step 5 – Write Procurement Document.....	18
Step 6 – Issue Procurement .....	23
Step 7 – Receipt of Offers .....	25
Step 8 – Evaluation Process .....	26
Step 9 – Award Process.....	30
Step 10 – Drafting the contract .....	31
Step 11 – Submission to the PSCRB for Approval.....	33
Contract Modifications .....	36
Contract Renewals .....	36
Contract Terminations .....	37
Appendices.....	38

Procurement Flow Chart ..... 38

Procurement Requirements Checklist ..... 40

Contract Required Clause Checklist ..... 43

New Contracts Submission Checklist ..... 44

Emergency Contract Submission Checklist ..... 46

Sole-Source contract Submission Checklist..... 47

Contract Modifications Checklist..... 49

Contract Renewals Submission Checklist..... 50

Contract Terminations Submission Checklist..... 51

## Introduction

Contracts for personal and professional services, whether provided by an independent contractor or a contract worker, are under the purview of the Personal Service Contract Review Board (PSCRB). Service contracts with a cumulative value in excess of \$75,000 require the approval of the PSCRB. Service contracts with a cumulative value of \$75,000 or less do not require the approval of the PSCRB. These contracts must follow the procedures in the Small Purchases or contract workers sections of the PSCRB Rules and Regulations.

For the purpose of this guide and for the PSCRB Rules and Regulations, **personal and professional services** are defined as the furnishing of labor, time, or effort by a contractor, not usually involving the delivery of a specific end product other than that which is incidental to the required performance. Examples of this include nursing services, temporary staffing services, and consulting services.

For the purposes of this guide and for the PSCRB Rules and Regulations, **competitive bidding** includes Invitations for Bids, Requests for Proposals, Requests for Qualifications, and any other generally accepted competitive procurement method approved by the PSCRB. *See MS AG Op. 2015-00361, Mosley, October 23, 2015.*

## Preapproved Vendor List

The PSCRB maintains multiple pre-approved vendor lists (PVL). When using a PVL, agencies under PSCRB purview are allowed to utilize these lists to secure services without issuing a procurement. These vendors were competitively procured by IFBs issued by PSCRB staff. Agencies need to issue their own contracts with the vendors, and there is a contract template provided on the PSCRB website. These contracts must also be entered into MAGIC by the user agency. Agencies are required to utilize the pricing on the PVL and limit the services to the scope of services included in the IFB. If an agency needs additional information regarding the scope of services, please reference the IFB which is in the archives section of the PSCRB website (<http://www.mspb.ms.gov/personal-service-contract-review-board/invitations-for-bids/archived-ifb.aspx>). If the cumulative value exceeds the \$75,000 threshold, the contract will route to the PSCRB for approval. PVL contracts which require PSCRB approval should be submitted for review prior to execution. PSCRB staff have been granted the authority to approve agency contracts with vendors from any PSCRB established PVL. This authority is limited to contracts with scopes of services consistent with the IFB used to establish this list.

## **Contract Workers (3-101.04)**

A contract worker, for purposes of the PSCRB Rules and Regulations, is a worker under contract with the State who meets the requirements for a contract worker under the Internal Revenue Code. See Appendix B of the PSCRB Rules and Regulations, Independent Contractor/Contract Worker Determination. Contract worker contracts must be competitively procured if the total contract value exceeds the \$75,000 threshold in a 12-month period. An agency may procure contract workers through the Alternative Competitive Procurement for Contract Workers, a Request for Qualifications, or another generally accepted method of competitive procurement if that method has been approved by the PSCRB.

## **Exemptions Not Requiring PSCRB Approval (3-101.02)**

By authority of the Mississippi Legislature, contracts for these professional services are exempt from the purview of the PSCRB in accordance with Mississippi Code Annotated § 25-9-120(3)(a) and as determined by the PSCRB when performing duties for which they are licensed or certified:

- (a) Accountant;
- (b) Engineer;
- (c) Architect;
- (d) Attorney;
- (e) Utility rate expert services;
- (f) Auditor; and,
- (g) Any contracting authority exempt by State statute Mississippi Code Annotated § 25-9-120 including, but not limited to,
  - 1) computer or information technology related services governed by the Mississippi Department of Information Technology Services;
  - 2) personal service contracts entered into by the Mississippi Department of Transportation;
  - 3) contracts for equipment repairs governed by Mississippi Code Annotated § 31-7-13; and
  - 4) contracts to manage trust funds by the Board of Trustees of the Public Employees' Retirement System, including, but not limited to, actuarial, custodial banks, cash management, investment consultant, and investment management contracts.

The application of these exceptions must be narrowly construed in favor of open, competitive bidding, whenever possible.

If any agency determines that the vendor is performing licensed or certified duties, the agency should document its determination and include such documentation in the contract file.

### **Net-of-fee contracts (3-101.05)**

A net-of-fee contract is one which does not involve the expenditure of funds. This means a payment is not issued to the contractor.

### **Procuring Services Offered by Governmental Entities Not Under Purview of the PSCRB (3-102.04)**

If an agency's requirements can be fulfilled by procuring services from other governmental entities not under the purview of the PSCRB, the private sector need not be solicited. The Agency Head shall determine in writing whether such services meet the agency's requirements and whether the price represents a fair market value for such services. These contracts must be submitted to the PSCRB for approval. For example, governmental entities include in-state universities. If an agency (listed on Appendix A of the PSCRB Rules and Regulations, Agencies under PSCRB Purview) contracts with one such in-state university, the agency would not have to issue a procurement. However, if the total contract value exceeds the \$75,000 threshold, the contract would need to be submitted to the PSCRB for Board approval.

### **Contracts Between Two State Agencies Under Purview of the PSCRB (3-102.04.1)**

Contracts between two state agencies, both under PSCRB purview, do not require PSCRB approval. However, these contracts should still be entered into MAGIC for system approval. To determine if both agencies are under PSCRB, please see Appendix A of the PSCRB Rules and Regulations, Agencies under PSCRB Purview.

### **Multiple Contracts with Same Vendor But Different Scope of Services (7-102.01)**

Once the \$75,000 threshold is reached (in a single contract or with multiple contracts), the contract which exceeded the threshold (no matter the dollar amount) will route to the PSCRB for approval. The PSCRB staff will need copies of all contracts with this vendor (which cumulatively reached the \$75,000 threshold) to be able to review all of the scopes of services. Once it has been verified the scopes of services are different, the PSCRB staff has the authority

to approve the contract. Staff approval is given only after review of the scopes of services to justify the need for a second contract with the same vendor. Any contracts approved using this authority cannot exceed \$75,000.

### **Modifications to Correct Technical Problems (7-111.01)**

PSCRB staff has the authority to approve modifications to previously approved contracts that involve accounting errors and other technical problems which do not change the originally approved terms and conditions.

### **Modifications that Only Reduce Dollar Amount or In Which Amount and Services are Unchanged (7-111.02)**

PSCRB staff has the authority to approve modifications that only reduce the dollar amount of the contracts or modifications in which the amount and services are unchanged. These modifications cannot change the service agreement.

### **Modifications Involving Cost Per Unit Fees (7-111.03)**

PSCRB staff has the authority to approve modifications to previously approved contracts that involve cost per unit fees up to ten (10) percent of the original approved contract amount not to exceed a total contract amount of \$500,000.00.

## **Procurement Process Overview**

### **Step 1 – Determine Need**

#### **Spend Analysis (if applicable)**

Spend analysis is the process of collecting and analyzing expenditure data with the purpose of reducing procurement costs, improving efficiency, and monitoring compliance. It can also be leveraged in other areas of business such as inventory management, budgeting and planning, and product development.

There are three core areas of spend analysis:

- Visibility;
- Analysis; and
- Process.

By leveraging all three, agencies can generate answers to the crucial questions affecting their spending, including, but not limited to the following:

- Is it necessary to purchase?
- Are there options of obtaining without purchasing?
- What am I really spending?
- With whom am I spending it?
- Am I getting a valuable service for the amount being spent?

The first step involves determining whether to contract, and planning the project/procurement.

This includes:

- Identifying potential services to be contracted;
- Conducting a feasibility study;
- Identifying support organizations; and
- Identifying any conflicts of interest.

The second step involves soliciting bidders and awarding the contract which includes:

- Determining the solicitation method needed;
- Writing the solicitation document, if necessary;
- Advertising or contacting vendors to request bids, proposals, qualifications, or quotes;
- Evaluating the bids, proposals, qualifications, or quotes; and
- Awarding or negotiating the contract.

The third step involves managing the contract and monitoring the project performance. This includes:

- Assessing the need for training in project management and contract maintenance;
- Establishing points of contact between the agency and the contractor or vendor;
- Monitoring the project against pre-established performance measures; and
- Addressing any disputes or problems.

The fourth step involves wrapping up the project and finalizing the project file by:

- Evaluating the project as a whole against the initial objectives of the project;
- Ensuring that the project file is complete for future reference; and
- Being expedient in completing the summary phase.

### **Determining Whether to Contract**

- Identify potential services to be contracted.
- Conduct a feasibility study including a thorough cost analysis of current and potential service delivery.
- Identify support organizations that can help answer questions or provide sample materials.
- Identify any conflicts of interest and the appropriate procedures for handling such conflicts.

### **Identify Potential Contracting Opportunities**

There are many ways to determine which services to contract for and which services to deliver in-house. For some agencies, contracting for a particular service may be the only option, as they may not have the resources to deliver the service themselves. For other agencies, the decision may be a bit more complicated, such as a matter of evaluating potential cost savings, service quality, and the feelings of the general public, among other factors.

There are three basic steps that an agency must complete in determining which services to contract. The first step is to identify all services currently being delivered in-house. The second step is to create some scoring or analytical tool that can be used to rank the most likely candidates for contracting. The third step is to explore the feasibility of each service being considered. This process should be completed regularly to ensure the most effective form of service delivery.

Another consideration in the contracting process is who should determine what to contract. Agencies should include various groups of stakeholders in the process. Stakeholders include public officials who oversee the entities and managers who determine annual planning and budgeting goals. Stakeholders also include current employees who have the best insight into the

current method of service delivery and constituents who may be most impacted by a change in service delivery.

### **Determine Current Costs and Establish Service Benchmarks**

The first step in conducting a feasibility study of potential contracting opportunities is to determine the starting point, or to establish benchmarks. These benchmarks should consist of both costs associated with the current service delivery method and the current level of service.

For services that can be easily quantified, such as trash removal, the process is to determine how many customers are served, at what frequency, and at what cost.

For services that cannot be easily quantified, as in park maintenance, agencies may choose to conduct a survey of customers to determine current satisfaction levels. Another method is to devise an indicator for the level of service, such as using response time to determine a level of service for ambulance or fire services.

In determining the costs associated with the delivery of a service, it is important to include the full costs associated with the delivery of the service. Agencies should include monitoring and evaluation of the contract, as well as training costs in considering possible savings. Complex contracts may require a considerable amount of monitoring to ensure the level of quality received.

Agencies should also consider the cost involved in establishing the contract and the new system of delivery, as well as additional costs that may be encountered if any changes in service levels are necessary once the contract is established.

Finally, agencies should consider the cost and time involved in taking over service delivery if the contract is discontinued (particularly if the private company does not deliver satisfactory service).

## Step 2 – Develop Scope of Services

While the procurement is the responsibility of the agency procurement officer or division, the scope of services should be developed with the division which will utilize the services. They are the subject matter experts and will be able to explain their exact needs for the project. It is impossible to select the most appropriate vendor if enough details about the program are not known.

The scope of services should be well developed to give interested vendors enough information to submit a response. The details should include a timeline for the work to be completed and the actual work to be completed. The scope of services should be written in a manner in which performance can be evaluated. The scope of services should not be written to exclude specific vendors or tailored to a specific vendor. It should be written in a manner which is not unnecessarily restrictive and which also encourages competition.

*Example: An agency can write a scope of services for lawn care to read that the grass should be mowed and kept neat. But how can this be measured? A suggestion is to write the scope of services to require the vendor to mow the lawn twice a month or to write the scope that details the grass should be kept at a defined length. Both are measurable requirements.*

### **Step 3 – Determine Purview of the Contract**

The State of Mississippi has three procurement oversight boards.

The Personal Services Contract Review Board (PSCR) has purview over the solicitation and selection of contractual services for personal and professional services that do not involve information technology. The PSCR has purview over both independent contractors and contract workers. The PSCR website is found at: [www.mspb.ms.gov/personal-service-contract-review-board.aspx](http://www.mspb.ms.gov/personal-service-contract-review-board.aspx).

The Public Procurement Review Board (PPR), as authorized by Public Purchasing Law, governs the purchase of commodities, non-IT equipment, and travel. Their website is found at: [www.dfa.state.ms.us/Purchasing/Home.html](http://www.dfa.state.ms.us/Purchasing/Home.html).

The Information Technology Services Board (ITS) has purview over the acquisition of information technology products and services for all state agencies and institutions of higher learning.

After the scope of services for a personal or professional service has been developed, the agency should determine whether the services will be provided by an independent contractor or a contract worker. Please see Appendix B of the PSCR Rules and Regulations, Independent Contractor/Contract Worker Determination, for the relevant information. It should be noted that when IT professional services are provided by contract workers, the contract is under the purview of PSCR. If the IT professional services are provided by independent contractors, the contract is under the purview of ITS.

Because the requirements for each board are different, the agency should then determine which oversight board will have purview over the services. If there are any questions, please contact a staff member from any of the oversight boards. In order to address purview questions, the agency will need to provide the complete scope of services for review. The agency should allow an appropriate time (approximately two weeks) for purview questions to be addressed.

## Step 4 – Method of Procurement and Evaluation

For Independent Contractors, there are three competitive procurement methods currently approved by the PSCRB:

1. Invitation for Bids (IFB);
2. Request for Proposals (RFP); and
3. Request for Qualifications (RFQ) (pricing set by agency or pricing negotiated after award).

For contract workers, when pricing is set by the agency, there are two procurement methods currently approved by the PSCRB:

1. Request for Qualifications (RFQ); and
2. Alternate procurement method for contract workers (3-101.04.1).

Other source selection methods currently approved by the PSCRB include:

1. Emergency;
2. Small Purchase;
3. Sole-Source; and
4. Pre-approved Vendor List.

The following chart shows the differences between an IFB, RFP and RFQ:

	<b>IFB</b>	<b>RFP</b>	<b>RFQ</b>
<b>PSCRB Rules and Regulations</b>	3-202	3-203	3-204
<b>Advertised in a newspaper?</b>	Yes	Yes	Yes
<b>Do vendors attend opening?</b>	Yes	No	No
<b>Changes to response after opening?</b>	No	Yes	No
<b>Evaluation?</b>	Price only	Minimum 5 required factors	Qualifications
<b>Price evaluated?</b>	Yes	Yes	Depends *
<b>Discussions/ Negotiations?</b>	No	Allowed **	Allowed **
<b>Award</b>	Lowest price	Highest evaluated response	Most qualified response

\* Pricing for RFQs may be set by the agency in which case it will not be evaluated. An agency can request that vendors submit sealed pricing documents, which are opened and evaluated only after the vendor has been declared qualified.

\*\*Allowed if referenced in the procurement document.

The agency will make a determination regarding the responsibility and responsiveness regardless of the method of procurement. A responsive vendor is a vendor who has submitted a response which conforms in all material respects to the procurement. A responsible vendor is one who has the capability in all respects to perform fully the contract requirements.

One of the distinct differences in the methods of procurement is the method of evaluation. What an agency considers the most important factor to be evaluated will determine the method of procurement to be utilized. In order to select valid evaluation factors, the desired outcome of the service must be known. The factors must be measurable. They should also be directly related to the subject matter of the contract and be clear enough to ensure that the potential offeror has an accurate understanding of what is most important to the contracting agency.

**IFB:**

If the only award factor to be considered is price, the agency should issue an IFB. The award will be made to the lowest, responsible and responsive bidder. A responsible bidder means the vendor has the capability in all respects to perform the contract requirements fully and the integrity and reliability which will assure good faith performance. After a vendor is deemed responsible and responsive, the award is made to the lowest priced bid.

The agency is allowed to determine service/end product acceptability; however, the acceptability evaluation is not conducted for the purpose of determining whether one bidder's service is superior to another.

**RFP:**

If the agency needs flexibility in the award process and to allow the vendors an opportunity to revise their initial submissions, the agency should issue an RFP. While price is evaluated, it is not the only factor considered. An RFP allows for discussions with competing offerors and changes in their proposals and pricing. The evaluation process with an RFP allows the agency to award to the vendor with the most advantageous to the State proposal.

When issuing a RFP, the PSCRB Rules and Regulations require the agency to utilize the five minimum evaluation factors, but the agency does have the option and is encouraged to add additional factors. The five minimum evaluation factors are:

1. Plan for performing the required services;
2. Ability to perform the services as reflected by technical training and education, general experience, specific experience in providing the required services, and the qualifications and abilities of personnel proposed to be assigned to perform the services;
3. Personnel, equipment, and facilities to perform the services currently available or demonstrated to be made available at the time of contracting;

4. Record of past performance of similar work; and,
5. Price.\*

*\* Financial statements are not to be evaluated as part of the price evaluation. Price evaluation is an objective comparison of submitted pricing. If financial statements will be evaluated as part of required factor #3, they should be evaluated to determine: whether the supplier has sufficient ability to perform the contract; whether the supplier is able to meet its short term obligations, debts, liabilities, payroll, and expenses; whether supplier has provided complete, reliable, and accurate financial information regarding its business operation; whether the supplier is financially solvent; and whether the supplier has sufficient cash flow and/or available financing from a financial institution to perform the proposed contract for 45 days without receiving payment from the State. If the financial statements are requested in the RFP, they should be evaluated. The description of factor #3 should be detailed to describe how the financial information will be evaluated. This information should also be evaluated by qualified agency staff.*

After the evaluation factors are decided, the agency must assign a point value to the factors. The RFP must state the relative importance of price and other evaluation factors in terms of important, very important, and critical; and the evaluations must be performed using a standard, 100 point scoring scale. The level of importance should equate to numerical points when assigned. The point value of the evaluation factors can change between procurements.

**RFQ:**

If the most critical factor to an agency is the vendor's qualifications or specialized experience, the agency should issue an RFQ. It should also be used when a professional service organization prohibits members from bidding. The RFQ process does not ask the respondents to submit a plan for the service, only their qualifications. The response or the statement of qualifications is the document submitted by the respondent to an RFQ. This response is used as the basis for a determination that the respondent is qualified or has specialized expertise to perform the scope of work or services required by the agency. It is evaluated against the minimum qualifications given in the RFQ. Also, with an RFQ, the agency can set the price. The price can be negotiated with the vendor after they are declared to be the most qualified; or a multi-step process can be used which allows vendors deemed to be qualified to submit sealed price data as a second step for evaluation.

The following chart shows the differences in the other source selection methods of procurement:

	<b>Small Purchase \$0 - \$75,000</b>	<b>Sole-Source</b>	<b>Emergency</b>
<b>PSCRB Rules and Regulations citation</b>	3-205	3-206	3-207
<b>Advertised in newspaper</b>	Optional	No*	No
<b>Do vendors attend opening</b>	No	N/A	Optional
<b>Changes to response after opening</b>	No	N/A	Optional
<b>Evaluation</b>	Price	N/A	Optional
<b>Price evaluated</b>	Yes	N/A	Optional
<b>Discussions/Negotiations</b>	Allowed	Yes	Optional
<b>Award</b>	Lowest responsible vendor	Only 1 vendor	Vendor who can meet need

\* Without a binding, valid court order the agency must provide notice of intent to award on the Mississippi Contract/Procurement Opportunity Search Portal.

**Small Purchase:**

If the total value of the contract is \$75,000 or less, the agency may issue a small purchase procurement. There are differing levels (\$0 - \$50,000 and \$50,000.01 - \$75,000) which will determine the level of competition required. Contract values equal to and less than \$50,000 are awarded based on agency procedures. Agencies are advised to utilize as much competition as practical. Contract values between \$50,000 and \$75,000 are required to solicit three written quotes and an award is made to the vendor with the lowest responsible price.

**Sole-Source:**

If the agency has a binding, valid court order which names a specific provider for a service, the agency should issue a sole-source procurement. Based on the court order, open competition is not required. If the agency head determines that only one vendor can meet the service need, without a court order, then the agency must provide notice of intent to award on the Mississippi Contract/Procurement Opportunity Search Portal to allow objections to be made by vendors. The PSCRB must provide a quarterly report of all sole-source contracts submitted to the PSCRB to the House of Representatives and Senate Committees on Accountability, Efficiency, and Transparency. Agencies who submit sole-source contracts must be prepared to explain the sole-source contract to each Legislative committee by December 15th of each year upon request by the committee.

**Emergency:**

If undertaking a competitive procurement would threaten the health and safety of any person or the preservation or protection of property, then the agency can issue an emergency procurement. The agency must solicit as much competition as practical under the circumstances. An emergency contract can only be for a term of one year.

## Step 5 – Write Procurement Document

The procurement document must clearly identify the procurement. It should be written in a clear, concise manner to explain to all interested vendors the scope of services, the submission requirements and the timeline. The scope of services should be thoroughly developed and detailed to allow each vendor to submit a responsive bid or proposal. Each procurement document should also identify an agency employee to serve as the point of contact for the procurement. It is also suggested that agencies ask vendors how long their response will be valid or to set the validity time in the procurement document. This ensures the agency will have enough time to evaluate the response and the vendor will still honor the information submitted, specifically the pricing.

The procurement document must include the following:

1. Scope of services, requirements, terms and conditions, delivery information;
2. Solicitation identification number (MAGIC RFX number);
3. Submission requirements;
4. Opening date, time, and location;
5. Other relevant information;
6. Term of any awarded contract;
7. Type of contract to be awarded;
8. Protest Procedures;
9. Post-Award Vendor Debriefing;
10. Insurance and Bond requirements;
11. Pre-Bid Conferences (mandatory or optional);
12. Question and Answer process; and
13. Letters of Procurement Intent (mandatory or optional).

No matter the method of procurement, the following clauses are required clauses. The full wording must be included in the procurement document. See Appendix D of the PSCRB Rules and Regulations, Required Clauses in IFBs, RFPs, and RFQs. The clauses are listed here in alphabetical order; the agency is not required to list them in this order in the procurement document.

1. Acknowledgment of Amendments
2. Applicable Law
3. Availability of Funds
4. Certification of Independent Price Determination
5. Compliance with Laws
6. E-payment
7. E-Verification

8. Paymode
9. Procurement Regulations
10. Prospective Contractor's Representation Regarding Contingent Fees  
*Please note this clause requires a response from all vendors. Please place in the procurement document in a manner which is clear to all participating vendors they must respond by marking "has" or "has not".*
11. Representation Regarding Contingent Fees
12. Representation Regarding Gratuities
13. Stop Work Order
14. Trade Secrets, Commercial and Financial Information
15. Transparency

*The above is a list of the required clauses which must be included in all procurements under PSCRB purview. There are also optional clauses (Appendix E of the PSCRB Rules and Regulations, Clauses Available for Use in Service Contracts) which can be included in the procurements.*

#### **Protest Procedures (7-113)**

All procurement documents should include information notifying participating vendors of the agency protest procedures including the timeline, submission requirements, and submission deadline. The agency is required to submit a protest memo as part of all new contract packets. The protest memo must be signed by the agency head or their designee. It should be noted that the PSCRB does not hear vendor protests, with the exception of sole source objections.

#### **Post-Award Vendor Debriefing (7-114)**

Agencies must include notification in the procurement document that all participating vendors have the right to a Post-Award Vendor Debriefing. The debriefing information must include the method for requesting the debriefing, the deadline to request the debriefing, the timeline for the debriefings, and the information provided by the agency. With each contract submitted to the PSCRB for approval, the agency is required to submit a letter notifying the PSCRB of any known or potential protests as well as the status of any debriefings. This may be included in the protest memo or provided separately. The post-award debriefing memo must be signed by the agency head or their designee.

#### **Bid and Performance Bonds (3-102.05)**

In all procurements, the agency should identify all bonding requirements. The agency should clearly identify the types of required bond(s), the amount(s) of bond(s), and the timeline for submitting the bond(s). It is advisable to require the bonds to be submitted during the procurement process or, at a minimum, a certified statement that the bond(s) will be in place

prior to the start date of the contract. It is the responsibility of the agency to maintain a copy of the current bond(s) on file.

The agency must not identify a specific company from which bonds must be purchased. The PSCRB does not set a specific amount of bond coverage; however, the required amount should be sufficient to protect the agency in the event of default or performance breach. For examples of bonding requirements, agencies can review Section 31-5-51 of the Mississippi Code Annotated which sets forth bonding requirements applicable to construction contracts. This code section does not set the minimums for service contracts, only construction, but it may be considered when establishing any such requirements for service contracts.

*Note: Bonds should not be used as a substitute for a determination of vendor responsibility.*

The bonding requirements must also be consistent between the procurement document and the contract. Bond(s) required to be included in the procurement cannot be waived. Even if the incumbent vendor is awarded the contract, the bond requirement cannot be waived. If a responding vendor cannot meet the bond requirements, it should be deemed non-responsive.

### **Insurance**

An agency should notify all interested vendors of the insurance requirement. An agency should clearly identify the types of required coverage, the amounts of required coverage, and the timeline for submitting the certificates of coverage. At a minimum, agencies must require all vendors to meet the statutory requirements for Workers' Compensation insurance. It is advisable to require the insurance certificate(s) to be submitted during the procurement process or at a minimum a certified statement that the coverage(s) will be in place prior to the start date of the contract. It is the responsibility of the agency to maintain a copy of the current insurance certificates on file.

The agency must not specify a specific company from which the insurance must be purchased. The PSCRB does not set a specific amount of required insurance; however, the amount of required insurance should be sufficient to protect the agency in the event of default or performance breach. As with bonds, for examples of insurance levels, agencies can review Section 31-5-51 of the Mississippi Code Annotated which sets forth bonding requirements applicable to construction contracts. *Suggested wording for an insurance clause is found in Appendix E of the PSCRB Rules and Regulations, Clauses Available for Use in Service Contract.*

The identified insurance requirements must also be consistent between the procurement document and the contract. Insurance requirements included in the procurement cannot be waived. Even if the incumbent vendor is awarded the contract, they must submit the required

insurance certificates. If a responding vendor cannot meet the insurance requirements, it must be deemed non-responsive.

### **Pre-Bid Conferences (3-202.07)**

The information regarding the pre-bid conference must be clearly stated in the procurement document. Pre-bid conferences may be held to explain the procurement requirements or to offer vendors the opportunity to tour specific agency facilities. The time for the conference should be set with enough time after the second advertisement to allow all vendors time to review the procurement document and prior to the submission deadline to allow vendors time to utilize information obtained during the conference to properly submit their response. The procurement document must include the date and time of the conference, the exact location (including any special instructions to arrive at the location), all limitations on number of attendees, registration requirements, etc., as well as the name of an agency contact person and telephone number.

### **Question and Answer Process**

The procurement document should detail the manner in which to submit questions, the timeline for submitting the questions, along with the timeline and manner in which the agency answers will be distributed to all known participating vendors. The manner in which answers are shared should not identify the name of the vendor asking the question(s). *Suggested wording for an additional information clause is found in Appendix F of the PSCRB Rules and Regulations, Clauses Available for Use in Solicitations for Bids, Proposals or Statements of Qualifications.*

### **Required Letters of Intent (3-202.06.4.1)**

The agency, in order to know if there are vendors interested in responding to their procurement, may require the submission of a mandatory letter of intent. By submitting a letter, the vendor is not obligated to submit a response to the procurement. The agency does have the option of providing any modification document or answers to questions only to these vendors who have timely submitted the letters, but this must be clearly stated in the procurement document. The required submission date must be no less than seven (7) FULL working days after the last notice appears in the newspaper.

### **Specific Requirements by Procurement Method**

#### **IFB:**

For IFBs, the agency should include a bid form which is to be submitted by all responding vendors. The bid form must include a blank for price. The bid form must also require the responding vendor to identify who is submitting the response and to sign the document.

**RFP:**

The RFP must clearly request the following minimum information from all respondents: (3-203.04.2)

1. the name of the offeror, the location of the offeror's principal place of business and, if different, the place of performance of the proposed contract;
2. the age of the offeror's business and average number of employees over a previous period of time, as specified in the Request for Proposals;
3. the abilities, qualifications, and experience of all persons who would be assigned to provide the required services;
4. a listing of other contracts under which services similar in scope, size, or discipline to the required services were performed or undertaken within a previous period of time, as specified in the Request for Proposals; and,
5. a plan giving as much details as is practical explaining how the services will be performed.

The RFP must also contain a statement regarding discussions with vendors who may be awarded a contract. (3-203.14)

**RFQ:**

The RFQ does not require any specific forms but it must include the minimum qualifications required. It must also include the relative weight of the qualifications.

**Small Purchase:**

A specific procurement document is not issued for small purchases. If the value exceeds \$50,000 but does not exceed \$75,000, the agency must maintain a copy of three written quotes on file.

**Sole-Source:**

A specific procurement document is not issued for sole-source contracts. However, if the agency does not have a binding, valid court order, they are required to provide notice of intent to award on the Mississippi Contract/Procurement Opportunity Search Portal for a minimum of fourteen (14) days. This advertisement must include specific information (see section 3-206.04 for a detailed list) including: a service description, an explanation of why the named vendor is the only qualified provider for this service; the amount to be expended and the justification for this amount; and how the agency determined this was the best price. The advertisement must also include the procedures used for a vendor to object to the sole-source determination. All required PSCRB documentation must be included with the submission. (3-206.06)

**Emergency:**

A specific procurement document is not issued for emergency contracts. In the event of an emergency, the agency should be as competitive as possible in the contract award.

## Step 6 – Issue Procurement

### **Public Notice for IFB, RFP, or RFQ or Alternative Contract Worker Procurement (3-202.06)**

Along with posting every procurement opportunity on the Mississippi Contract/Procurement Opportunity Search Portal, agencies are also required to advertise in a newspaper if the contract award will exceed \$75,000. The newspaper shall be published in the county in which the agency is located. For independent contractors, the advertisement shall be placed in the legal notices section. For contract workers, the advertisement shall be placed in the employment section of the newspaper. The newspaper advertisement must run twice – once a week for two consecutive weeks. The second advertisement must be run on or after the seventh (7<sup>th</sup>) calendar day (which includes weekends but not holidays) after the first advertisement. The opening date must be no more than fourteen (14) working days after the last advertisement appears in the newspaper unless an agency determines due to the complex requirements of the procurement that a longer vendor response time is necessary. It should be noted the last advertisement date is not included in the calculation of days. Suggested wording for the advertisement can be found in Section 3-202.06.3, Content for Advertisement, in the PSCRB Rules and Regulations.

*Note: The agency does have the option to publish more than twice in a newspaper; however, it should be noted the timeline for submission requirements (including letters of intent) should be set from the last advertisement date. There must be seven (7) full working days between the last advertisement date and any submission requirements.*

### **Publication for Sole-Source (3-206.04)**

Any agency alleging to have a sole-source procurement for any personal or professional service must have the terms of the proposed contract for the service published on the Mississippi Contract/Procurement Opportunity Search Portal website for at least fourteen (14) days unless exempt by a binding, valid court order specifically naming the vendor. The specific wording requirements for the notice of intent to award can be found in Section 3-206.04.1, Content of Publication, in the PSCRB Rules and Regulations.

### **Increasing Competition**

In addition to the required advertising guidelines, entities can take steps to increase the number of respondents, resulting in a better price. Some ideas include, but are not limited to:

- Increasing the number of advertisements or length of time the advertisements are listed to attract additional vendors;
- Creating a vendor list to whom requests are directly sent, in addition to the required publication;

- Listing the request on local and state websites; and
- Sending public notice to trade and/or professional organizations to promote awareness.

*Note: These additional options do not supplant the regular requirements for posting notification.*

## **Step 7 – Receipt of Offers**

Each submitted response (bid, proposal, or statement of qualifications) must be time and date stamped upon receipt and kept unopened in a secure location with limited access until the time and date set for opening. The MAGIC system date and time stamps each submission and does not allow them to be viewed until this date and time for opening.

### **Receipt and Opening of Bids** (3-202.11)

Bids, whether submitted on paper directly to the agency or through the Mississippi Contract/Procurement Opportunity Search Portal, must be opened publicly with one or more witnesses. Vendors are allowed to attend bid openings. The bids must be read aloud. A record of the bid opening must be kept.

### **Receipt and Opening of Proposals** (3-203.12)

Proposals, whether submitted on paper directly to the agency or through the Mississippi Contract/Procurement Opportunity Search Portal, must not be opened publicly. A Register of Proposals must be kept and must identify the name of the offeror, the number of modifications received, and an identifying description of the service offered. Only agency representatives with a valid and legitimate interest in the procurement must attend the proposal opening.

### **Receipt and Opening of Statement of Qualifications** (3-204.07)

Statements of Qualifications (SOQ), whether submitted on paper directly to the agency or through the Mississippi Contract/Procurement Opportunity Search Portal, must not be opened publicly. A Register of Respondents must be kept and must identify the name of the respondent, the number of modifications received, and an identifying description of the service offered. The SOQ opening must be attended by two or more agency representatives.

### **Late Responses (IFB, RFP, RFQ)** (3-202.10; 3-203.11; 3-204.06)

No matter the method of procurement, responses received after the day and time set for submission are to be rejected as late and not considered by the agency. A letter must be sent to the vendor notifying them of the late submission and that their response is not being considered during the evaluation. This letter must be sent as soon as it is known the response is late. The unopened response must be kept as part of the agency's procurement file.

## **Step 8 – Evaluation Process**

Agencies have the responsibility of selecting qualified individuals to participate in the evaluation process. This process includes a complete review of each submission. The evaluations may be conducted by individual evaluators whose scores are combined to calculate one score for the vendor or by a group which reaches consensus regarding the score of the submission.

It is suggested that all evaluators sign a statement declaring they are impartial. They should also commit not to disclose any information acquired during the evaluation process. The confidentiality of the submitted documents must also be maintained subject to the Mississippi Public Records Act, Mississippi Code Annotated §§ 25-61-1 and 79-23-1.

The first part of the evaluation process is to determine that all submissions are responsive. In order to be responsive, the submission must comply with all material aspects and requirements of the procurement. *Non-responsive* refers to the bid's failure to meet the specifications of the project. A bid that does not include specified equipment, insurance, or bid bonds, or that fails to respond to the specifications in all material respects can be rejected on the grounds of being non-responsive. If a submission is deemed non-responsive, the vendor should immediately be notified, and their response will not be considered during the evaluation process. The submission must be kept in the procurement file along with a copy of the notification letter.

The evaluators will then begin the evaluation process of the responsive submissions using the criteria set forth in the procurement document.

### **Evaluations by method of procurement**

#### **IFB:**

For IFBs, the award is made to the lowest responsible and responsive bidder. The lowest responsible bidder is defined as having both the lowest bid and possessing the capability to satisfactorily complete the project. *Non-responsible* refers to the likelihood that the vendor will not be able to, or will not make a good faith effort to, satisfactorily complete the project. A vendor who has been shown to have a history, documented through agency records or information provided by references, of failure to complete projects could be deemed non-responsible. If the vendor is deemed non-responsible, the reason should be documented and kept in the project file.

*Note: It may be necessary to seek legal guidance before deeming a vendor non-responsible due to the subjective nature of these decisions. If such a course of action is necessary, the decision should be delayed until legal guidance can be obtained.*

Other than the determination of responsiveness and responsibility, no other evaluation is conducted. After the vendors are determined to be responsible and responsive, the evaluation is simply a price comparison. Award is made to the vendor with the lowest price.

For example, an agency issues an IFB and receives the following four bids:

- Bid #1 – \$298,750.00;
- Bid #2 – \$407,500.00;
- Bid #3 – \$359,875.00; and
- Bid #4 – \$317,428.00

In the illustration above, the award would be made to the vendor submitting bid #1 because they submitted the lowest price.

**RFP:**

Awarding a contract based on a RFP process is more complex because it involves subjective factors. It is important to maintain a high level of transparency in this process, consistent with applicable laws. The evaluation of all the factors, with the exception of price, is subjective in nature. The evaluation of price should be strictly objective. The number of points awarded for price is based on a comparison of each price submitted as compared to the lowest price submitted.

For example, an agency issues a RFP with the technical factors (factors 1 – 4) worth a combined 75 points and the price evaluation worth 25 points. (The number of points listed is for example only and does not indicate a required point structure).

**Step 1:**

To evaluate the example, first, the agency will conduct the technical evaluation worth a total of 75 possible points, which results in the following:

	<b>Technical Score (75 possible points)</b>
<b>Proposal #1</b>	58.00
<b>Proposal #2</b>	67.00
<b>Proposal #3</b>	64.00
<b>Proposal #4</b>	71.00

Step 2:

The agency will then complete the price evaluation. In response to the RFP, the submitted proposal pricing is as noted below:

Proposal #1 – \$298,750.00

Proposal #2 – \$407,500.00

Proposal #3 – \$359,875.00

Proposal #4 – \$317,428.00

The price of \$298,750 is the lowest price and all pricing is compared to this price. Each price will be divided by the lowest price to calculate a ratio. This ratio will be multiplied by the total number of pricing points (25 points):

	<b>Comparison</b>	<b>Calculated Ratio</b>	<b>X 25 points (Points to be awarded for cost)</b>
<b>Proposal #1 – \$298,750.00</b>	$\frac{298,750}{298,750}$	1	25 points
<b>Proposal #2 – \$407,500.00</b>	$\frac{298,750}{407,500}$	.73	18.25 points
<b>Proposal #3 – \$359,875.00</b>	$\frac{298,750}{359,875}$	.83	20.75 points
<b>Proposal #4 - \$317,428.00</b>	$\frac{298,750}{317,428}$	.94	23.50 points

Step 3:

The agency then combines the technical score and the pricing score to determine the total score for each proposal:

	<b>Technical Score (75 possible points)</b>	<b>Pricing Score (25 possible points)</b>	<b>Total Score</b>
<b>Proposal #1</b>	58.00	25.00	83.00
<b>Proposal #2</b>	67.00	18.25	85.25
<b>Proposal #3</b>	64.00	20.75	84.75
<b>Proposal #4</b>	71.00	23.50	94.50

In the illustration above, the award would be made to the vendor submitting proposal #4. Even though they did not submit the lowest price (\$317,428 compared to \$298,750), that vendor received the highest total score.

*Note: With the IFB and RFP examples, the same pricing was used for both methods of procurement. Because of the different methods of procurement (IFB versus RFP), the award was made to a different vendor. With the IFB, Bid #1 was the lowest price and that bidder was awarded the contract. With the RFP, Proposal #1 received the*

*highest number of points in the price category, but the total score was still less than vendor #4. The award was made to the vendor who submitted #4 based on the highest total score.*

**RFQ:**

The submitted Statements of Qualifications are evaluated against the required qualifications. The SOQs are evaluated and ranked in order of highest to lowest qualified. If the agency did not set the price, sealed pricing documents are then opened and evaluated.

**Small Purchase:**

For small purchases in excess of \$50,000 but less than \$75,000, the three written quotes are evaluated based on price. The quotes should be submitted on letterhead (or otherwise identifiable) and signed.

**Sole-Source:**

Because the agency has a valid, binding court order or an agency head determination of sole-source, there is only one vendor so there is no evaluation process. For all other proposed sole-source contracts, if an objection is filed and determined to be valid, or if the PSCRB has reasonable doubt the only one source can provide the service, the agency must then competitively procure the service according to PSCRB Rules and Regulations.

**Emergency:**

For an emergency procurement, time is of the essence. However, the agency should solicit as much competition as possible. If more than one response is received, the agency should award the contract to the lowest responsible and responsive respondent.

## Step 9 – Award Process

Award is the acceptance by an agency of a bid, proposal, or statement of qualifications submitted by a vendor with the intention of entering into a contract for services. All notifications of the intent to award must be sent to all participating vendors prior to submission to the PSCRB. For clarity, the contract is considered awarded by the agency following the intent to award notification and prior to submission to the PSCRB for approval. The time for debriefing requests or protests must also have passed prior to submission to the PSCRB.

### **Award and Notification (IFB, RFP, RFQ, and Small Purchase)**

(3-202.16; 3-203.17; 3-204.14; 3-205.02.3)

No matter the method of procurement, all participating vendors should be notified of the agencies intent to award and identify the selected vendor. This notification requirement applies to contract workers and independent contractors. Notice of award must also be made available to the public. Copies of these notifications should be maintained in the procurement file.

In accordance with Executive Order 1362, the public notice of award must be accompanied by an analysis as to why the personal or professional services contract was awarded, renewed, or amended.

## Step 10 – Drafting the Contract

Contracts should be drafted with the aid of the agency’s legal counsel. All of the requirements of the procurement, such as insurance and bonding, should be the same in the contract. The agency cannot waive or lower any of these requirements. The contract should include a detailed scope of services from the procurement document which details the work to be completed. The contract should contain specific delivery dates for reports as well as the invoicing procedures. It should also contain a specific start and end date as well as any renewal options. If the procurement did not include the option to renew the contract beyond the original term, renewals cannot be added to the contract.

The following clauses are required clauses which must be included in all contracts under PSCRB purview. The full wording must be included in the procurement document. See Appendix C of the PSCRB Rules and Regulations, Required Clauses in Contracts for Services, for the full wording of the clause. The clauses are listed in alphabetical order; the agency is not required to list them in this order in their contract:

1. Applicable Law
2. Availability of Funds
3. E-payment
4. E-verification
5. Compliance with Laws
6. Paymode (*This clause is not required for contract workers paid in SPAHRS.*)
7. Procurement Regulations
8. Representation Regarding Contingent Fees
9. Representation Regarding Gratuities
10. Stop Work Order
11. Termination upon Bankruptcy (*This clause is not required for contract workers paid in SPAHRS.*)
12. Termination for Convenience (*This clause is not required for contract workers paid in SPAHRS.*)
13. Termination for Default (*This clause is not required for contract workers paid in SPAHRS.*)
14. Trade Secrets, Commercial, and Financial Information
15. Transparency

The vendor should review the contract and agree to execute it prior to its submission to the PSCRB for approval. An unexecuted copy of the contract is submitted to the PSCRB for approval.

Once approved, any changes to the contract may require it to be resubmitted to the PSCRB for approval prior to execution. The final, executed contract should be submitted to the PSCRB.

## Step 11 – Submission to the PSCRB for Approval

The PSCRB meeting is held once per month on the Tuesday before the third Thursday. The meeting schedule can be found on the PSCRB page (<http://www.mspb.ms.gov/personal-service-contract-review-board.aspx>). Complete contract packets are to be submitted no more than **30 calendar days** prior to the scheduled PSCRB meeting date and in accordance with the deadlines prescribed by the PSCRB, which are published on the MSPB website. In order to be considered for placement on the agenda for board action. Since no board action is required, staff approved contracts may be submitted up to fifteen (15) days prior to the scheduled PSCRB meeting. The packets are to be submitted via MAGIC (or SPAHRS for contract workers) and also in the PSCRB E-Application System (<http://www.mspb.ms.gov/personal-service-contract-review-board/pscrb-contract-submission-portal.aspx>). Any agency which has its own regulatory or oversight board must have approval from that board before submitting the package. All contracts must be approved by the PSCRB Board prior to the start date of the contract. Complete contract documents need to be submitted in the PSCRB E-Application System and in MAGIC. To be considered submitted in MAGIC, all agency approvals must be applied and it must be in the PSCRB Universal Work-List.

### **New contract: (if it has never approved by the PSCRB)**

The following documentation is submitted to the PSCRB staff for any new contract and MUST BE in this order:

1. Form 006 – RFP/RFQ Evaluation Factors Scoring Sheet
2. Award analysis (Executive Order 1362)
3. Contract (unexecuted)
4. Evaluation material
  - a. Documentation listing all responses including their pricing. (If declared non-responsive or non-responsible, this should be noted.)
  - b. Evaluation sheets used by evaluators
  - c. Summary of evaluations
5. Procurement document (IFB, RFP, RFQ)
6. Amendments and acknowledgments (if applicable)
7. Question and Answer documentation
8. Agency correspondence with vendors
  - a. Award notification
    - i. Winning notification(s)
    - ii. Non-winning notification(s)
  - b. Notification of non-responsiveness, if applicable
  - c. Notification of non-responsibility, if applicable
9. Winning response (complete)

10. Advertisement/Notice of Publication (certified)
11. Documentation required by procurement (this list contains examples and is not meant to be inclusive)
  - a. Insurance certificates, if required (current)
  - b. Bond certifications, if required (current)
  - c. Licenses, if required (current)
12. Notification of regulatory board approval, if required (i.e. agenda, minutes)
13. Submission memo\*

A brief overview of the procurement process including justification of requested spending authority
14. Debriefing memo\*
15. Protest memo\*
16. Letter to Bond Commission (if applicable) (Section 7-114 of the PSCRB Rules and Regulations)
17. Other (agencies can attach any documentation they deem necessary)
  - a. Non-winning proposals
18. Response(s) to PSCRB staff memos

*These will be added after the contract has been submitted for approval during the review process.*

*\*These memos may be combined into one or submitted as separate documents.*

**Emergency Contract:**

The contract must be limited to those personal or professional services necessary to meet the emergency. In no circumstances can the term exceed one year. If the agency will continue to need the personal or professional services beyond the term of the emergency contract, the agency must take the necessary steps to competitively procure the services before the emergency contract expires.

*Emergency contracts are not approved by the PSCRB; they are processed by the staff in the MAGIC system.*

The documentation submitted to the PSCRB staff for all emergency contracts, **MUST** be in this order:

1. Contract (executed)
2. Emergency declaration (signed by Agency Head)
3. Notification of regulatory board approval, if applicable (i.e. agenda, minutes)
4. Submission memo

A brief memo with an overview including justification of requested spending authority

5. Letter to Bond Commission (if applicable) (Section 7-114 of the PSCRB Rules and Regulations)
6. Other (agencies can attach any documentation they deem necessary)
7. Response(s) to PSCRB staff memos

**Sole-source contract:**

The documentation submitted to the PSCRB staff for any sole-source contract MUST be in this order:

1. PSCRB Form 002, Sole Source Determination (found on PSCRB website). Include copy of court order, if applicable
2. Contract (unexecuted)
3. PSCRB Form 001 (Submitted by objecting vendors, if any). If none submitted, please note this in submission memo
4. Agency response to the vendor submitting PSCRB Form 001(if any submitted)
5. Notification of regulatory board approval, if required (i.e. agenda, minutes)
6. Documentation required by contract (this list contains examples and is not meant to be inclusive)
  - a. Insurance certificates, if required (current)
  - b. Bond certifications, if required (current)
  - c. Licenses, if required (current)
7. Submission memo  
A brief overview including justification of requested spending authority
8. Cover memo (signed by Agency Head)
9. RFIN information from MAGIC (number, etc.)
10. Justification of requested spending authority
11. Bond Commission memo (if applicable) (Section 7-114 of the PSCRB Rules and Regulations)
12. Other (agencies can attach any documentation they deem necessary)
13. Response(s) to PSCRB staff memos

An agency must be prepared to explain sole source contracts to the House of Representatives and Senate Committees on Accountability, Efficiency, and Transparency, if requested by the committees to do so.  
See Miss. Code Ann. 25-9-120.

## **Contract Modifications**

**Contract modification** means any written alteration in contract requirements, deliverables, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of any contract accomplished by mutual action of the parties to the contract.

Submission requirements in the PSCRB E-Application System for all contract modifications must be in this order:

*(This is only for previously Board-approved contracts; otherwise, the contract must be submitted as a new contract.)*

1. Amendment or modification document (unexecuted)
2. Notification of regulatory board approval, if applicable (i.e. agenda, minutes)
3. Submission memo  
*A brief overview of why the modification is necessary and include justification of requested spending authority.*
4. Other (agencies can attach any documentation they deem necessary)
5. Response(s) to PSCRB staff memos  
*These will be added after the contract has been submitted for approval during the review process.*

## **Contract Renewals**

**Contract renewals** are documents to act upon the optional renewals contained in a contract. When the PSCRB approves a contract with renewal terms, the Board is only approving the option to renew the contract. The agency must submit the appropriate documentation for Board approval of the renewal prior to the expiration of the contract.

Submission requirements in the PSCRB E-Application System for all contract renewals must be in this order:

*(This is only for previously Board-approved contracts; otherwise, submit as a new contract.)*

1. Amendment or modification document (unexecuted)
2. Notification of regulatory board approval, if applicable
3. Notice of intent to exercise the renewal option, if applicable
4. Submission memo  
*A brief overview including justification of requested spending authority.*
5. Other (agencies can attach any documentation they deem necessary)
6. Response(s) to PSCRB staff memos  
*These will be added after the contract has been submitted for approval during the review process.*

## **Contract Terminations**

If the PSCRB approved a contract, the Board must also approve the termination of that contract. Termination is ending a contract prior to the originally approved end date. The agency must also request the appropriate reduction in spending authority.

1. Notice of termination to the vendor
2. Notification of regulatory board approval, if required
3. Submission memo

*A brief overview explaining the termination including the reasoning.*

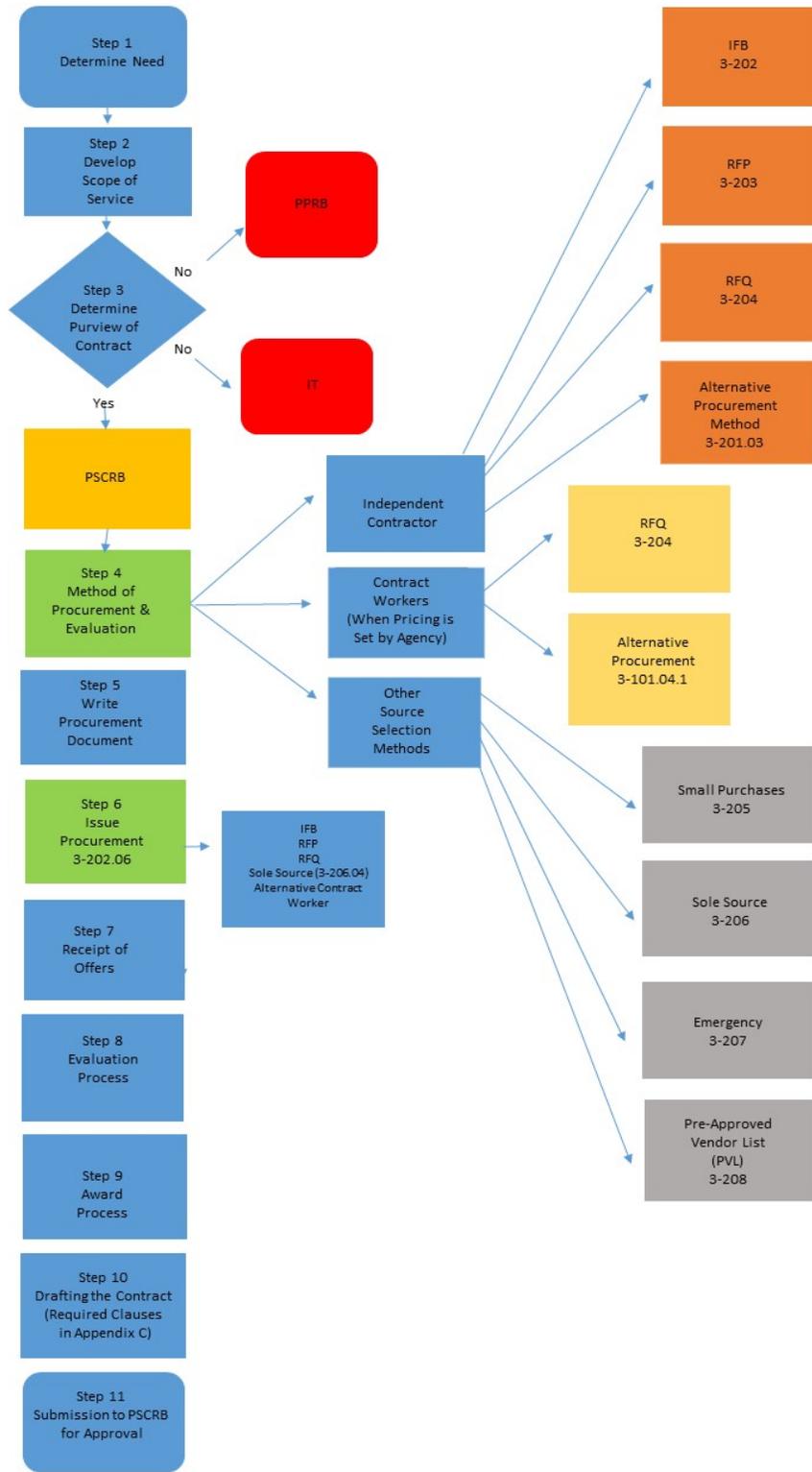
*A brief overview of why the modification is necessary and include justification of the requested reduction of spending authority.*

4. MAGIC/SPAHRS entry with the reduced spending authority
5. Response(s) to PSCRB staff memos (if any)

*These will be added after the contract has been submitted for approval during the review process.*

# Appendices

# Procurement Flow Chart



## Procurement Requirements Checklist

Required Clauses for Procurements	Where is this in the procurement document?
Acknowledgment of Amendments	
Applicable Law	
Availability of Funds	
Certification of Independent Price Determination	
Compliance with Laws	
E-payment <i>This clause is not required for contract workers paid in SPAHRS</i>	
E-Verification <i>This clause is not required for contract workers paid in SPAHRS</i>	
Trade Secrets, Commercial, and Financial Information	
Paymode <i>This clause is not required for contract workers paid in SPAHRS or for Contractors exempted from this rule</i>	
Prospective Contractor’s Representation Regarding Contingent Fees <i>Please note this clause requires a response from all vendors. Please place in the procurement document in a manner which is clear to all participating vendors they must respond by marking “has” or “has not”.</i>	
Representation Regarding Contingent Fees	
Representation Regarding Gratuities	
Procurement Regulations	

Stop Work Order	
Transparency	

**Procurement Document Requirements:**

<b>Required Information</b>	<b>Where is this in the procurement document?</b>
Scope of services, requirements, terms and conditions, delivery information.	
Solicitation identification number (MAGIC RFX number)	
Submission requirements	
Opening date, time, and location	
Other relevant information	
Term of any awarded contract	
Type of contract to be awarded	
Protest Procedures	
Post-Award Vendor Debriefing Procedures	
Insurance and Bond requirements	
Pre-Bid Conferences (mandatory or optional)	
Question and Answer process	
Letters of Intent (mandatory or optional)	

**For RFP:**

REQUIRED	Where is this in the procurement document?
The name of the offeror, the location of the offeror's principal place of business and, if different, the place of performance of the proposed contract;	
The age of the offeror's business and average number of employees over a previous period of time, as specified in the Request for Proposal;	
The abilities, qualifications, and experience of all persons who would be assigned to provide the required services;	
A listing of other contracts under which services similar in scope, size, or discipline to the required services were performed or undertaken within a previous period of time, as specified in the Request for Proposal; and	
A plan giving as much details as is practical explaining how the services will be performed.	

## Contract Required Clause Checklist

Required Clauses in Contracts	Where is this in the contract?
Applicable law	
Availability of funds	
E-payment <i>This clause is not required for contract workers paid in SPAHRS</i>	
E-verification <i>This clause is not required for contract workers paid in SPAHRS</i>	
Compliance with Laws	
Paymode <i>This clause is not required for contract workers paid in SPAHRS</i>	
Procurement Regulations	
Representation regarding contingent fees	
Representation regarding gratuities	
Stop work order	
Termination upon Bankruptcy	
Termination for Convenience	
Termination for Default	
Trade secrets, commercial and financial information	
Transparency	

## New Contracts Submission Checklist

Required Document	Page number in the PDF
Form 006 – RFP/RFQ Evaluation Factors Scoring Sheet	
Award analysis (Executive Order 1362)	
Contract (unexecuted)	
Evaluation material <ul style="list-style-type: none"> <li>a. Documentation listing all responses including their pricing. (If declared non-responsive or non-responsible, this should be noted.)</li> <li>b. Evaluation sheets used by evaluators</li> <li>c. Summary of evaluations</li> </ul>	
Procurement document (IFB, RFP, RFQ)	
Amendments and acknowledgments (if applicable)	
Question and Answer documentation	
Agency correspondence with vendors <ul style="list-style-type: none"> <li>a. Award notification</li> <li>b. Winning notification(s)</li> <li>c. Non-winning notification(s)</li> <li>d. Notification of non-responsibility</li> <li>e. Notification of non-responsiveness</li> </ul>	
Winning response (complete)	
Advertisement/Notice of Publication	
Documentation required by procurement (this list contains examples and is not meant to be inclusive) <ul style="list-style-type: none"> <li>a. Insurance certificates, if required (current)</li> <li>b. Bond certifications, if required (current)</li> <li>c. Licenses, if required (current)</li> </ul>	

Notification of regulatory board approval, if required (i.e. agenda, minutes)	
Submission memo* A brief overview of the procurement process including justification of requested spending authority	
Debriefing memo*	
Protest memo*	
Letter to Bond Commission (if applicable) (7-114 of the PSCRB Rules and Regulations)	
Other (agencies can attach any documentation they deem necessary) a. Non-winning proposals	
Response(s) to PSCRB staff memos <i>These will be added after the contract has been submitted for approval during the review process.</i>	

*\* These memos may be combined into one or submitted as separate documents.*

## Emergency Contract Submission Checklist

<b>Documentation</b>	<b>Page number in the PDF</b>
Contract (executed)	
Emergency declaration (signed by Agency Head)	
Notification of regulatory board approval, if applicable (i.e. agenda, minutes)	
Award analysis (Executive Order 1362)	
Submission memo	
Letter to Bond Commission (if applicable) (Section 7-114 of the PSCRB Rules and Regulations)	
Other (agencies can attach any documentation they deem necessary)	

## Sole-Source Contract Submission Checklist

Required Document	Page number in the PDF
PSCRB Form 002, Sole Source Determination, (found on PSCRB website).	
Include copy of court order, if applicable.	
Contract (unexecuted)	
Form 001 (Submitted by objecting vendors, if any). If none submitted, please note this in submission memo.	
Agency response to the vendor submitting Form 001 (if any submitted)	
Notification of regulatory board approval, if required (i.e. agenda, minutes)	
Documentation required by contract (this list contains examples and is not meant to be inclusive) <ul style="list-style-type: none"> <li>a. Insurance certificates, if required (current)</li> <li>b. Bond certifications, if required (current)</li> <li>c. Licenses, if required (current)</li> </ul>	
Submission memo – including justification of requested spending authority	
Cover memo (signed by Agency Head)	
RFIN information from MAGIC (number, etc.)	
Justification of requested spending authority	
Bond Commission memo (if applicable) (Section 7-114 of the PSCRB Rules and Regulations)	
Other (agencies can attach any documentation they deem necessary)	

<p>Response(s) to PSCRB staff memos</p> <p><i>These will be added after the contract has been submitted for approval during the review process.</i></p>	
---	--

## Contract Modifications Checklist

<b>Required Document</b>	<b>Page number in the PDF</b>
Award analysis (Executive Order 1362)	
Amendment or modification document (unexecuted)	
Notification of regulatory board approval, if applicable (i.e. agenda, minutes)	
Submission memo	
Other (agencies can attach any documentation they deem necessary)	
Response(s) to PSCRB staff memos <i>These will be added after the contract has been submitted for approval during the review process.</i>	

## Contract Renewals Submission Checklist

Required Document	Page number in the PDF
Award analysis (Executive Order 1362)	
Amendment or modification document (unexecuted)	
Notification of regulatory board approval, if applicable (i.e. agenda, minutes)	
Notice of intent to exercise the renewal option, if applicable	
Submission memo (optional)	
Other (agencies can attach any documentation they deem necessary)	
Response(s) to PSCRB staff memos <i>These will be added after the contract has been submitted for approval during the review process.</i>	

## Contract Terminations Submission Checklist

Required Document	Page number in the PDF
Notice of termination to the vendor	
Modification analysis (Executive Order 1362)	
Notification of regulatory board approval, if required (i.e. agenda, minutes)	
Submission memo	
Response(s) to PSCRB staff memos (if any) <i>These will be added after the contract has been submitted for approval during the review process.</i>	
Has the MAGIC/SPAHRS been modified to reduce the approved spending authority?	YES                  NO