50th Annual Rutgers Public Purchasing Educational Form

Request for Proposal (RFP) and Competitive Contracting

May 2019

Mr. James Shoop
School Business Administrator (Ret.)
Shoop18A18A@gmail.com
Request for Proposal (RFP)

Competitive Contracting

Training Guidance

James Shoop
SHOOP SBA, LLC
INTRODUCTION

Request for Proposal

RFP

Competitive Contracting
Request for Proposal—RFP

1. What is an RFP?

The request for proposal (RFP) is a legally recognized procurement method that permits contracting agencies to award a contract to a vendor or respondent based upon the proposal that is most advantageous to the contracting agency, price and other factors considered, and not solely based upon the lowest price.

2. Services procured through an RFP (Simple RFP compared to Competitive Contracting RFP)

The RFP method is the most preferred method for awarding contracts for the following services:

<table>
<thead>
<tr>
<th>Professional Services</th>
<th>Academic/Operational Services (Contracts less than $40,000)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auditing; Accounting</td>
<td>Instructional Services</td>
</tr>
<tr>
<td>Legal</td>
<td>Educational Services</td>
</tr>
<tr>
<td>Engineering, Architectural</td>
<td>Professional Development Services</td>
</tr>
<tr>
<td>Medical</td>
<td></td>
</tr>
<tr>
<td>Special Education Related Services (as so designated by the board attorney)</td>
<td></td>
</tr>
</tbody>
</table>

3. What is the basis for an award of contract procured through the RFP process?

Award of Contract—RFP Evaluative Criteria

The RFP method is designed to award the contract to the vendor or respondent based upon a model evaluation criteria (TMC) which may be found in N.J.A.C. 5:34-4.2 and also as recommended by the NJ State Comptroller’s Office with the publication:


- Technical Criteria
  - Submission of narrative how firm will provide services; planned approach; measurable results
  - Understanding how services will be provided

- Management Criteria
  - Business organization; staffing
  - Experience; and
  - Knowledge of district

- Cost Criteria
  - Fee proposal submission; cost analysis

The award for an RFP contract does not; I repeat does not have to be given to the respondent who submits the lowest price. The evaluative process is designed to award the contract to the respondent whose response is most advantageous, price and other factors considered and who will provide the highest quality service at a fair and competitive price.
Final Note: Advertising an RFP—Not Required!
There is no legal requirement to advertise a request for proposal that is not part of the Competitive Contracting process. Districts are encouraged to “publicize” each RFP by putting it the district’s website in PDF format. RFP’s shall be publicized when the district uses Federal Funds. When using the RFP process as part of the Competitive Contracting procurement process the district has to advertise pursuant to N.J.S.A. 18A:18A-4.5 (a).

Competitive Contracting Procurement Method (Certain Contracts over $40,000)

1. What is the Competitive Contracting procurement method?
The competitive contracting method of procurement is a legally recognized process that permits the contracting agency to procure specialized goods and services, the price which exceeds the bid threshold.

Competitive contracting may only be used in lieu of bidding for the specialized goods and services enumerated in N.J.S.A. 18A:18A-4.1 (a-k) and those noted in Local Finance Notice 2010-3.

2. Goods and services procured through the Competitive Contracting process
Some of the examples of goods and services that are permitted are:

- Proprietary Computer Software for Board Use
  Student Information Systems
  Business Office; Human Resources
  Student Transportation
- Professional Development Services
- Educational Consultant Services
- Instructional Improvement Services
- Other goods and services as approved by the New Jersey Division of Local Government Services

3. What is the basis for an award of contract procured through the Competitive Contracting process? (RFP Required!)
The contracting agency is mandated pursuant to N.J.S.A. 18A:18A-4.4, to use the RFP process when procuring goods and services through competitive contracting. The award of contract is similar to the RFP award—an evaluative criteria which includes, price and other factors considered.

Reference Citations
2CFR 200.320 (d)—Uniform Grant Guidance
N.J.S.A. 18A:18A-4.4—RFP shall be used with Competitive Contracting
N.J.A.C. 6A:23A-5.2 (a) (5)—Procurement of professional services contracts
N.J.A.C. 6A:23A9.3 (c) (11)—Procurement of professional services contracts
N.J.A.C. 5:34-4.2—Model evaluation of RFP proposals
NJ State Comptroller Publication—Best Practices in Awarding Service Contracts
REQUEST FOR PROPOSAL

Purpose and Use
Request for Proposal Purpose and Use

**Request for Proposal (RFP)—Purpose of RFP**

The Request for Proposal (RFP) procurement method is used to procure contracts for services based upon an evaluative criteria selection process. The district uses the evaluative selection process that is recommended by the State Comptroller of New Jersey and pursuant to N.J.A.C. 5:34-4.2. This evaluative technical, management and cost criteria selection process permits the board of education to award a contract for services to the respondent whose response is most advantageous, **price and other factors considered** and who will provide the highest quality service at fair and competitive prices.

The Competitive Contracting process as outlined in N.J.S.A. 18A:18A-4 et seq. and N.J.A.C. 5:34-4.1 et seq., permits school districts to procure specialized services in lieu of bidding. **The RFP method shall be the basis of all Competitive Contracting procurements. (18A:18A-4.4)**

**Examples of When to Use the Request for Proposal (RFP) and Competitive Contracting Process**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Amount</th>
<th>Procurement Method</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Academic Services</strong> (Local/State Funds)*</td>
<td>$6,000-$39,999</td>
<td>RFP or Quotation</td>
</tr>
<tr>
<td></td>
<td>$40,000 or more</td>
<td>Competitive Contracting</td>
</tr>
<tr>
<td>Instructional Improvement</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Educational Consultant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Professional Development</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Contracts with NJ state colleges, school districts, and government agencies (when using local state funds) do not require RFP procurement. A written proposal from the school or agency will suffice, yet competition through the RFP is preferred.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Amount</th>
<th>Procurement Method</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Academic Services</strong> (Federal Funds)**</td>
<td>$3,500-$39,999</td>
<td>RFP or Quotation</td>
</tr>
<tr>
<td></td>
<td>$40,000 or more</td>
<td>Competitive Contracting</td>
</tr>
<tr>
<td>Instructional Improvement</td>
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<td></td>
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<tr>
<td>Educational Consultant</td>
<td></td>
<td></td>
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<tr>
<td>Professional Development</td>
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</tbody>
</table>

**When using Federal Funds, contracts with NJ State Colleges, School Districts and Government Agencies do require a competitive RFP process for contracts less than $39,999 and the use of the Competitive Contracting model for contracts $40,000 or more.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Amount</th>
<th>Procurement Method</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Professional Services</strong> (Federal Funds)</td>
<td>$3,500-$39,999</td>
<td>RFP or Quotation</td>
</tr>
<tr>
<td><strong>Professional Services</strong></td>
<td>$6,000 or more</td>
<td>RFP or Quotation</td>
</tr>
<tr>
<td><strong>Professional Services</strong> (Federal Funds)</td>
<td>$40,000 or more</td>
<td>Competitive Contracting</td>
</tr>
<tr>
<td><strong>Professional Services</strong></td>
<td>$40,000 or more</td>
<td>RFP or Competitive Contracting</td>
</tr>
</tbody>
</table>
**Professional Services**

The following services are typical “safe” examples of professional services:

- Legal
- Auditing; Accounting
- Architectural; Engineering
- SPED Related Services (Board Attorney Guidance)
- Medical evaluations
- Physician; nursing; medical

When using federal funds for the procurement of professional services, it is recommended to use the Competitive Contracting model pursuant to N.J.S.A. 18A:18A-4.1-et seq., when the amount exceeds the bid threshold of $40,000.

**Other Services**—when using state and local funds. Please refer to Academic Services—Federal Funds amounts when using federal funds.

<table>
<thead>
<tr>
<th>Recreational/Social Services</th>
<th>Amount</th>
<th>Procurement Method</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$6,000-$39,999</td>
<td>RFP or Quotation</td>
</tr>
<tr>
<td></td>
<td>$40,000 or more</td>
<td>Competitive Contracting</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Computer Software (Proprietary) Non-academic/Board of Ed use</th>
<th>Amount</th>
<th>Procurement Method</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$6,000-$39,999</td>
<td>RFP or Quotation</td>
</tr>
<tr>
<td></td>
<td>$40,000 or more</td>
<td>Competitive Contracting Bid</td>
</tr>
</tbody>
</table>

The purchase of the proprietary software is for board of education purposes, not academic purposes. A good example of this would be student information systems, Business Office financial systems.

**Starting the Request for Proposal (RFP) Process—Appointment—School Business Administrator**

It is recommended that administrators who need to procure services through the RFP or Competitive Contracting process are to contact the School Business Administrator/Board Secretary for an appointment. The SBA will review the process so that the administrator has a firm understanding of the process.

**Preparation of the RFP**

It is recommended that administrators will prepare, with guidance from the School Business Administrator, the technical specifications of the RFP. The following pages describe the requirements and timelines of an RFP.
Procurement Thresholds

Federal, State and Local Funds
## Methods of Procurement
### State and Local Funds
#### $40,000 QPA Bid Threshold

<table>
<thead>
<tr>
<th>Description of Goods/Services</th>
<th>Amount</th>
<th>Procurement Method</th>
</tr>
</thead>
<tbody>
<tr>
<td>Goods and Services</td>
<td>Less than $6,000</td>
<td>Sound Business Practice</td>
</tr>
<tr>
<td>Goods and Services</td>
<td>$6,000-$39,999</td>
<td>Quotation, Bid or RFP</td>
</tr>
<tr>
<td>Goods and Services</td>
<td>$40,000 or more</td>
<td>Bid or Competitive Contracting*</td>
</tr>
</tbody>
</table>

| Professional Services        | Less than $6,000   | Proposal; Cost Analysis                 |
| Professional Services        | $6,000-$39,999     | Request for Proposals (RFP); Quote      |
| Professional Services        | $40,000 or more    | Bid or Competitive Contracting          |

| Prof. Development/Consultant Services | Less than $6,000   | Proposal; Cost Analysis                 |
| Prof. Development/Consultant Services | $6,000 - $39,999   | Request for Proposals (RFP); Quote      |
| Prof. Development/Consultant Services | $40,000 or more    | Bid or Competitive Contracting          |

| Sole Source (Proprietary)    | Less than $6,000   | Proposal; Cost Analysis                 |
| Sole Source (Proprietary)    | $6,000 - $39,999 (b) | Proprietary Quotation                  |
| Sole Source (Proprietary)    | $40,000 or more    | Proprietary Bid                         |

## Methods of Procurement

**Federal Funds**

$40,000 QPA Bid Threshold

<table>
<thead>
<tr>
<th>Description of Goods/Services</th>
<th>Amount</th>
<th>Procurement Method</th>
</tr>
</thead>
<tbody>
<tr>
<td>Goods and Services</td>
<td>Less than $3,500 (a)</td>
<td>Sound Business Practice</td>
</tr>
<tr>
<td>Goods and Services</td>
<td>$3,500-$39,999 (b)</td>
<td>Quotation, Bid or RFP</td>
</tr>
<tr>
<td>Goods and Services</td>
<td>$40,000 or more (c)</td>
<td>Bid or Competitive Contracting</td>
</tr>
<tr>
<td>Professional Services</td>
<td>Less than $3,500 (a)</td>
<td>Proposal; Cost Analysis</td>
</tr>
<tr>
<td>Professional Services</td>
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</tr>
<tr>
<td>Sole Source (Proprietary)</td>
<td>$40,000 or more (c)</td>
<td>Proprietary Bid</td>
</tr>
</tbody>
</table>

The Purchasing Agent shall use the procurement table as a guide when procuring goods and services when using Federal Funds

(a) Micro-purchases—2 CFR 200.320 (a)
(b) Small purchases procedures—2 CFR 200.320 (b)
(c) Sealed bids—2 CFR 200.320 (c)
(d) Competitive Proposals—2 CFR 200.320 (d)
Request for Proposal

Preparing the RFP

Technical Guidance
A. **Purpose of Proposal—Brief Overview**

This is where the service required is identified with the full title. Give a generic description of the services requested.

B. **Introduction and Background of District**

Provide a general background of the school district and its educational and municipal environment. List number of schools, students, employee or other information that assists respondents in understanding the school district. List any goals and objectives, mission or vision statements, etc.

C. **Scope of Services and/or Program Requirements—Statement of Work** *(See attached checklist)*

- **Description of Work/Services/Task**
  Provide a full description of all services or all tasks the vendor is to provide to the district. Please be very detailed. Think of everything you want the vendor to do for this service.

- **Target Groups/Audiences**
  Note all target groups/audiences to receive services.

- **Environment of Service Area**
  Explain the context of the environment where the services will be performed.

- **Timelines**
  Highlight specific timelines when services or tasks have to be completed.

- **Goals; Objectives; Results; Performance Completion Dates**
  Emphasize all goals, objectives and/or results that have to be achieved.

- **Other Items Relevant to Proposal**
  If you leave anything out it may cost the district extra money for the omitted services. The State Comptroller recommends that the RFP should contain a clear and detailed statement of work to be undertaken. Identify goals, objectives and list timelines for completion.
D. **Qualifications of Respondents** *(See attached checklist)*

Please list all minimum qualifications that you want all vendors to meet. Licenses; background checks; experience with public school districts; type and number of personnel needed; facilities and equipment needed; and other matters of importance for the particular contract.

E. **Contract Period**

Unless otherwise noted the term of contract will be from

July 1, 20xx through June 30, 20xx

*Professional services contract may not exceed 12 months.*— Guidance only. Not to be put in RFP.

F. **Coordination of Activities—Principal Point of Contact**

List the person who will coordinate the activities for this contract.

G. **Presentation Package — (Evaluative Criteria)**  N.J.A.C. 5:34-4.2

In this section, the district is asking the respondents to respond to the request for proposal (RFP) requirements. The respondent will prepare a presentation package outlining their approach to the scope of services and/or the program requirements. The district will use two (2) authoritative sources for the presentation package:

- **N.J.A.C. 5:34-4.2.**

The State Comptroller recommends that all proposals be judged on the basis of pre-determined, merit-based evaluative criteria, made known to the vendors before proposals are submitted to the district. The recommended criteria are found in N.J.A.C. 5:34-4.2.:

1. Technical Criteria
2. Management Criteria
3. Cost Criteria

*The section highlighted in yellow is not to be put in the RFP document. It only serves as guidance for the preparation of the RFP.*

**5:34-4.2 Model Evaluation Criteria**

The following, as appropriate to individual circumstances, shall be used as criteria for evaluating requests for proposals (RFPs) under the competitive contracting process described in N.J.S.A. 40A:11-4.1 et seq. and 18A:18A-4.1 et seq. These criteria are not intended to be limiting or all-inclusive, and they may be adapted or supplemented in order to meet a contracting unit's individual needs as competitive contracting may dictate. No criteria shall unfairly or illegally discriminate or exclude otherwise capable vendors.
1. **Technical criteria:**
   i. **Proposed methodology:**
      (1) Does the vendor's proposal demonstrate a clear understanding of the scope of work and related objectives?

      (2) Is the vendor's proposal complete and responsive to the specific RFP requirements?

      (3) Has the past performance of the vendor's proposed methodology been documented?

      (4) Does the vendor's proposal use innovative technology and techniques?

   ii. Are sound environmental practices such as recycling, energy efficiency, and waste reduction used?

2. **Management criteria:**
   i. **Project management:**
      (1) How well does the proposed scheduling timeline meet the contracting unit's needs?

      (2) Is there a project management plan?

   ii. **History and experience in performing the work:**
      (1) Does the vendor document a record of reliability of timely delivery and on-time and on-budget implementation?

      (2) Does the vendor demonstrate a track record of service as evidenced by on-time, on-budget, and contract compliance performance?

      (3) Does the vendor document industry or program experience?

      (4) Does the vendor have a record of moral integrity?

   iii. **Availability of personnel, facilities, equipment and other resources:**
      (1) To what extent does the vendor rely on in-house resources vs. contracted resources?

      (2) Are the availability of in-house and contract resources documented?

   iv. **Qualification and experience of personnel:**
      (1) Documentation of experience in performing similar work by employees and when appropriate, sub-contractors?
(2) Does the vendor make use of business capabilities or initiatives that involve women, the disadvantaged, small and/or minority owned business establishments?

(3) Does the vendor demonstrate cultural sensitivity in hiring and training staff?

3. **Cost criteria:**
   
   i. **Cost of goods to be provided or services to be performed:**
      
      (1) Relative cost: How does the cost compare to other similarly scored proposals?

      (2) Full explanation: Is the price and its component charges, fees, etc. adequately explained or documented?

   ii. **Assurances of performance:**
      
      (1) If required, are suitable bonds, warranties, or guarantees provided?

      (2) Does the proposal include quality control and assurance programs?

   iii. **Vendor's financial stability and strength:**
      
      (1) Does the vendor have sufficient financial resources to meet its obligations?

**Suggested Presentation Package Language**—it is suggested that language similar to what is being provided be used in the RFP package.

**TECHNICAL**

1. Respondents should list all services to be rendered with their explanation in detail on how they will provide the services and/or meet the program requirements. The proposal should demonstrate a clear understanding of the scope of work and of the goals and objectives of the district with reference to the RFP.

2. Respondents shall also provide evidence of how services of similar type were provided to three (3) public/private schools in New Jersey within the past five (5) years. (Success stories only).

3. Respondents, by submitting a proposal acknowledge that they fully understand the scope of service, work and activity to be performed.

4. Respondents are to provide evidence of any innovation and/or successful approach in providing the services requested.
MANAGEMENT

1. **Business Organization Capacity**
   The respondent shall submit a full description of the business organization to include, but not be limited to:
   
   - Name, address, phone, fax, website, e-mail address and other information of the professional firm or individual, including a brief historical and current summary of the organization.
   - An organizational chart noting the names of all principals and partners;
   - Resumes of key staff members who will be assigned to this contract; and
   - Other information concerning individuals of the professional firm that would assist the school district in the evaluation process.

2. **Qualifications; Relevant Experience**
   Respondents shall submit documentation highlighting qualifications and experience they have that will assist the school district in the evaluation and selection process. Such documentation shall include, but not be limited to:
   
   - Evidence of providing services as listed in the specifications to three (3) public/private school districts for a minimum of at least five (5) years;
   - Three (3) letters of recommendation from public/private school districts in New Jersey;
   - Copies of all professional or educational licenses that are required to perform the services as listed in the specifications;
   - Other information concerning the firm and/or individuals of the firm that would assist the school district in the evaluation process.
   - Availability of personnel, facilities, equipment and other resources to provide the services requested.
   - Affirmative action and cultural diversity and sensitivity training plan of the firm;
   - Evidence of timely delivery of services performed within budgeted constraints.

COST

1. **Fee Proposal**
   Respondents are to submit a fee proposal schedule that compliments the service that is being requested by the school district. The district in its proposal requests that fee proposals be submitted as follows: **District is to choose one and delete the others.**
   
   - Hourly rate with 15 minute intervals;
   - Daily rate – 8:00 a.m. – 4:00 p.m. or other time frames as mutually agreed upon by the respondent and the school district;
   - Weekly rate – Monday through Friday;
   - Monthly rate;
   - Per case; evaluation; inspection or other similar quantitative measure;
   - Lump sum fee.
Again, the respondent’s fee schedule shall compliment the fee payment type as requested by the district.

The fee schedule provided by the respondent shall be a significant part of the evaluation process as conducted by the district and respondents should provide a full detailed analysis of their fee proposal.

**Financial Disclosure of Respondent**
The respondent shall provide a financial disclosure narrative that the firm has sufficient financial resources to meet its obligation. Supporting financial statements, audits and documents are to be submitted with the proposal.

The respondent is to list of any judgments within the last three (3) years and/or a list of bankruptcy or organization proceedings within the last ten (10) years.

2. **Contract Expenses**
Respondents are to note the following as it pertains to expenses related to the contract:

   • **Expenses; Related to Contract; Incidental**
   All incidental expenses related to this contract, incurred by the respondent to whom the contract is awarded, shall be the responsibility of the respondent. The school district will not reimburse any vendor for any incidental expenses related to the contract.

   • **Expenses Not Related to the Contract; District Procedures**
   There may be a circumstance where a request is made for the respondent to provide services not directly related to the contract. These services not related to the contract are not to be provided by the respondent unless so approved in writing by the school district or the district may procure the services requested through a competitive process.

   • **Extraordinary Expenses**
   Extraordinary expenses to be incurred by the respondent in the performance of his/her duties may be brought to the Board prior to the actual expenditure. The Board, upon recommendation of the appropriate administrator, may consider reimbursing the expense, or the Board may procure the services separately.

**H. Evaluation Process – Methodology of Awarding Contracts**
The State Comptroller recommends the following:

   • Weighting of criteria should be used with some criteria to be determined more important than others.
   • Scoring and evaluation process should be well documented.

You are required to prepare an Evaluation Scoring Sheet assigning points to the criteria based upon importance. This form is to be based upon a value of one hundred (100) points.
Scoring of Technical, Management and Cost Criteria—100 Points

<table>
<thead>
<tr>
<th>Category</th>
<th>Value Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Technical</td>
<td></td>
</tr>
<tr>
<td>II. Management</td>
<td></td>
</tr>
<tr>
<td>III. Cost</td>
<td></td>
</tr>
</tbody>
</table>

**Assigning Points to Criteria and Evaluation Rubric**

The district is to assign points based upon the relative importance of each criteria. The district may also prepare and attach to the RFP, an Evaluation Rubric which may offer in more detail the evaluation and scoring process.

I. **Evaluation of Proposals — School Business Administrator/Evaluation Committee**

A committee may be appointed by the School Business Administrator to assist him/her in the evaluation of proposals that have been submitted. Committee members shall be familiar with the need for services to be performed in the request for proposal. For Competitive Contracting proposals, the School Business Administrator shall prepare a report evaluating and recommending the award of contract. N.J.S.A. 18A:18A-4.5 (d).

Committee members will be identified in the final report submitted to the board and also in the award of contract resolution.

J. **Presentations and Interviews — Negotiations Not Permitted**

The Board of Education may at its option, require respondents of its choice to attend interviews and make presentations to district officials as to clarification regarding their submission. This process may only take place after proposals have been opened and reviewed and prior to the completion of the evaluation. **Under no circumstances shall the provisions of the proposal be subject to negotiation—N.J.S.A. 18A:18A-4.5 (b)**

K. **Award of Contract—Report/Recommendation of School Business Administrator; Multiple Awards**

The School Business Administrator shall evaluate all proposal received. After the proposals have been evaluated, the School Business Administrator shall prepare a report, evaluating and recommending the award of contract. N.J.S.A. 18A-18A-4.5 (d)

It is the intention of the Board of Education to award the contract, based upon the report and recommendation of the School Business Administrator, to the respondent whose response is the most advantageous to the board, price and other factors considered, and who will provide the highest quality service at fair and competitive prices.
The Board, based upon the report of the School Business Administrator, may award contracts to one or more vendors based upon availability of vendors to provide services and other factors.

L. Packaging/Submission of Proposal—Form of Submission (See checklist—Form of Submission)

The board requests that all proposals be placed in a sealed package, with one (1) proposal clearly marked “Original Proposal” and with one (1) clearly marked “Copy.”

Flash Drive
The board requires that the proposal be presented on one (1) electronic flash drive as well as the original proposal and one copy of the proposal.
I/we hereby submit the following attached proposal for **Title of Proposal**:

**Name of Company**

**Address**

**City, State, Zip**

**Telephone No.** __________ __ Ext. __________ __ Fax No. __________

**E-mail:**

**Tax ID No.**

**Authorized Agent** __________ __ Date __________

**Authorized Signature** __________ __ Date __________
ANYTOWN Board of Education
Request for Proposal (RFP) Checklist

Title of Proposal

Prepared by __________________________________________ Title __________________________________________

Date Received __________________________________ Date Reviewed ________________________________

Initial review – School Business Administrator Additional Review ________________________________

Purpose of Proposal

□ General purpose statement requesting services

Background of School District
Narrative of general community as well as the school district organization. Include statistics and demographics that relate to the RFP population. Mission statement. Goals/Objectives.

Scope of Services

□ Existing environment of activity; target group/audience to receive services
□ Description of services to be provided; frequency of services to be provided
□ List of all tasks to be performed; timelines for performance
□ Results to be achieved and accomplished—end product and functions
□ Goals and objectives to be addressed by respondent
□ Mandatory requirements to be met; service—attendance meetings; parent meetings
□ Mandatory requirements to be met; federal, state, board of education
□ Report writing; schedule of delivery of services; times of services
□ SEMI Medicaid reporting responsibilities, if applicable

Qualifications and Experience

□ Education; degrees in certain fields; languages
□ Licenses to be held, DOE Approved Clinics
□ Experience in field of service; number of years
□ Experience with public schools; particular district; number of schools
□ Type of personnel needed
□ Criminal history background check

Contract Period

□ July 1, 2019 through June 30, 2020—if annual contract
□ Date to Date—if contract is to be completed within a certain time period—Number of days
Beginning and ending dates

Coordination of Activities/Contract Administrator/Principal Point of Contact

□ List administrator who will be monitoring the work and terms and conditions of contract.

Fee Schedule/Cost Proposal/Rate of Compensation—this should be industry standard type of rates/schedules

□ Hourly rate or prorated hourly fee
□ Per Diem rate—if this is used then a designated set of times must define what a day is
□ Per evaluation/flat fee/per case
□ Lump sum or project rate
□ Funding source—federal, state or local
Criteria for Selection—TMC Model

Presentation Package/Format of Proposal—Technical Criterion
- Response to description or scope of services/work—suggested language
- Items or documentation to be included with response
- Scoring or weighting of criterion—100 point system

Presentation Package/Format of Proposal—Management Criterion
- Response to description or request for information
- Business Organization—staffing requirements, human relations training
- Qualifications—credentials; licenses
- Relevant Experience—evidence of experience—letters of recommendation
- Items or documentation to be included
- Scoring or weighting of criterion—100 point system

Presentation Package/Format of Proposal—Cost Criterion
- Response to request for fees
  - Hourly or prorated hourly fee
  - Per Diem rate
  - Per evaluation/flat fee/per case
  - Lump sum or project rate
- Financial Disclosure Documentation

The total scores of all criteria should be equal to 100 points.

Award of Contract Language
- Award to one vendor; multiple—language of the intent of the district must be clear.

Format Submission—How the Proposal is to be presented
- Font size; font type
- Binders; Spiral notebooks
- Number of Copies to be submitted—important!
- Flash Drive—the proposal must be in writing, however a flash drive may be requested. Good for reviewing and scoring proposals.

Evaluation Committee—Names and Titles of Evaluation Committee
- List of committee members provided—this is a must!
- The School Business Administrator is an ex-officio member of all committees.
- The Office of the SBA provides the Cost Criteria scoring based upon a mathematical formula.

Reminder!
All committee members must be qualified to evaluate.
All committee members have to avoid a conflict of interest and certify so.—Very Important!

Prepared by Mr. James Shoop—SHOOP SBA, LLC

The checklist is designed for the preparation of the RFP and is not to be included in the RFP specification package that is sent to respondents.
Request for Proposal

BOILERPLATE

(Separate Attachment)
Appendix A
Request for Proposal

Evaluation Process

Memo to Administrators and Evaluation Committee

Training Guidance
TO:

Administrators

FROM: ________________, School Business Administrator, Board Secretary

DATE: _________________

RE: Evaluation Committee for Request for Proposals—RFP’s

I am providing to you as an attachment a copy of a document issued by The Office of the State Comptroller entitled

Best Practices for Awarding Service Contracts

The guidelines were issued by the State Comptroller in March 2010 and have become standards when issuing and evaluating proposals for services procured through the RFP process. Pursuant to N.J.A.C. 5:34-4.3 I (2), the School Business Administrator may appoint a committee to assist the SBA in the evaluation of the proposals. If there is a committee to be appointed the following guidance shall prevail:

The Need for an Evaluation Committee

The State Comptroller recommends that all proposals received should be judged by an evaluation committee and that the evaluators must be “qualified to judge” and must “avoid a conflict of interest” as it pertains to the proposal.

A. Qualified to Judge

You will note by reading the guidelines, the State Comptroller recommends that all committee members be sufficiently qualified to evaluate the strengths and weaknesses of the proposals. Furthermore, the evaluation committee must have “the relevant experience necessary to evaluate the project” and “committee members are to be familiar with the services to be performed in the request of the proposal.” Finally, the guidelines state the committee should have the “appropriate expertise concerning the subject of procurement.”

Adhering to the State Comptroller’s Guidelines I am asking the following:

Names of Committee Members

All Administrators requesting services through the RFP process must provide to my office a list of names of those people who I may select to be on the evaluation committee. To be in good faith compliance with the guidelines, proposals no longer can be evaluated by one person.
Evaluation Training, Scoring Procedures and Recommendations

I will provide to all committee members a review of the State Comptroller’s requirements as it pertains to evaluating the proposal, scoring the proposals and preparing recommendations to the board of education. I will also be a member of every evaluation committee and certify the responses as it pertains to the procurement process and will offer assistance in the evaluation of the cost criteria.

**B. Avoid a Conflict of Interest**

You will note that the State Comptroller recommends that all evaluators be “truly impartial arbiters” and that the evaluators shall have no personal interest financial or familial with any of the contract vendors or principals to be evaluated. The Comptroller recommends in accordance with N.J.A.C. 5:34-4.3(f) to have all members of the evaluation committee certify there are no conflicts of interest.

I will provide to all members of the evaluation committee a Conflict of Interest Certification. See attached Certification of No Conflict of Interest form.

**Using a Scoring Process**

The State Comptroller suggests that the procurement officer provide to each committee member a “short written description of the process to be used in scoring all proposals.” Please refer to pages 19-22 for the guidelines for scoring. These pages will become part of each memo for each RFP to be evaluated and the processes outlined should be followed and be well documented. See attached individual Scoring Sheets for each respondent.

**Important – Scoring of Proposals**

The State Comptroller offers the following guidance for the scoring process:

The Scoring process and award recommendations should be well documented and retained.

- Every step in the evaluative process should be documented through
  - scoring sheets;
  - written record of what transpired during any permitted negotiations between vendors and procurement officials;
  - written comparative analysis of competing proposals; and
  - written award recommendation.

  a. The written award recommendation should
     - explain the factors that led to the award decision;
     - offer qualitative discussion of the leading competing proposals; and
     - describe the specific characteristics of the winning vendor’s proposal that resulted in its selection over the others.

See attached Award Report Template sheets.
Scoring of Proposals – Model Guidance

Scoring of Evaluations—Technical Criteria Guidance
Applying numerical scores to the evaluation criteria is a very subjective process. The Office of the School Business Administrator provides guidance on the technical criteria scoring process:

Technical Criteria—30 Points

**Exceptional** 28-30 points
Outstanding, and of exceptional merit. Substantially exceeds specifications of services requested.

**Excellent** 24-27 points
More than adequate presentation. Meets the specifications of services requested.

**Very Good** 18-23 points
Meets criteria; adequate and responsive to the specifications.

**Marginal** 10-17 points
May lack in full understanding of scope of service. Proposal is marginal and just meets minimum specifications.

**Poor, Unacceptable, Unresponsive** 0-9 points

Detailed Evaluation Scoring Rubric
The above scoring template is only for guidance. RFP scoring may include a detailed Evaluation Scoring Rubric as designed by the Administrator/Committee with final approval of the rubric by the School Business Administrator.

Additional Resources
US Department of Education
Scoring of Evaluations—Management Criteria Guidance

Applying numerical scores to the evaluation criteria may be a very subjective process. The Office of the School Business Administrator provides the following guidance on the management criteria scoring process:

Management Criteria — 40 Points

<table>
<thead>
<tr>
<th>Business Organization</th>
<th>5 points</th>
</tr>
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<tbody>
<tr>
<td>Presentation of Organization</td>
<td></td>
</tr>
<tr>
<td>Excellent</td>
<td>(5)</td>
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<tr>
<td>Very Good</td>
<td>(4)</td>
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<tr>
<td>Good/Average</td>
<td>(3)</td>
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<tr>
<td>Fair</td>
<td>(2)</td>
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<tr>
<td>Poor</td>
<td>(1)</td>
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</table>

<table>
<thead>
<tr>
<th>Qualifications; Relevant Experience</th>
<th>35 points</th>
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<tbody>
<tr>
<td>Qualifications</td>
<td>10 points</td>
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<tr>
<td>Excellent</td>
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<tr>
<td>Very Good</td>
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<td>Good/Average</td>
<td>(4-6)</td>
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<tr>
<td>Fair</td>
<td>(2-3)</td>
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<tr>
<td>Poor</td>
<td>(1)</td>
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</tbody>
</table>

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Excellent</td>
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<tr>
<td>Very Good</td>
<td>(14-18)</td>
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<tr>
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<tr>
<td>Fair</td>
<td>(3-7)</td>
</tr>
<tr>
<td>Poor</td>
<td>(1-2)</td>
</tr>
</tbody>
</table>

Letters of Recommendation 5 points

Detailed Evaluation Scoring Rubric

The above scoring template is only for guidance. RFP scoring may include a detailed Evaluation Scoring Rubric as designed by the Administrator/Committee with final approval of the rubric by the School Business Administrator.
Cost Criteria Evaluation Guidance

Sample of Cost Evaluation—To Be Completed by the School Business Administrator

Cost Evaluation—Formula
Cost points should be calculated as follows:

Establish lowest cost submitted – lowest cost submitted receives the maximum points. To assign points to all others, the following formula should be followed:

Lowest Cost Submitted ÷ Cost Submitted x Maximum Possible Cost Points = Cost Points to Award (see example below).

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<thead>
<tr>
<th>Formula</th>
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<th>Sample</th>
<th>Sample</th>
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<td>$100,000</td>
<td>$100,000</td>
<td>$100,000</td>
</tr>
<tr>
<td>÷ Cost Submitted</td>
<td>$100,000</td>
<td>$200,000</td>
<td>$150,000</td>
</tr>
<tr>
<td>x Maximum Possible Cost Points</td>
<td>40</td>
<td>40</td>
<td>40</td>
</tr>
<tr>
<td>= Points To Award</td>
<td>40</td>
<td>20</td>
<td>26.7</td>
</tr>
</tbody>
</table>

Formula Example—based upon 30 points for Cost Criterion

A. Ranking of Costs Submitted—District received four (4) proposals
   Rank all costs in order from lowest to highest cost

   A $30,000
   B $33,000
   C $37,000
   D $42,000

B. Note the Number of Points Assigned to Cost

   Cost Criteria 30 points

C. Use Formula to Calculate Number of Points for Each Response

   Formula

   Lowest Cost Submitted $30,000
   Divided by
   Cost Submitted $33,000
   Times
   Maximum Possible Points 30 points

   Vendor A $30,000 30 points
   Vendor B $33,000 27.3 points
   Vendor C $37,000 24.3 points
   Vendor D $42,000 21.3 points

   B $30,000 divided by $33,000 times 30 = 27.3 points
   C $30,000 divided by $37,000 times 30 = 24.3 points
   D $30,000 divided by $42,000 times 30 = 21.3 points
Technical Criterion – Scoring Sheet

RFP/CC Title: ___________________________  RFP/CC Number: ______________________
Evaluator's Name: ___________________________  Title: ___________________________
Respondent’s Name: __________________________________________

1. Technical Criterion:  
(A) Methodology of work to be performed.
(B) Understanding of scope of work to be performed.
(C) Documentation of past performance.
(D) Innovation in use of technology and techniques.

Award up to __________ Points

(These are Sample Questions Only. Please Revise to Be Specific to Your Scope of Contract).

271)  Does the vendor’s proposal demonstrate a clear understanding of the scope of work and related objectives?

2)  Is the vendor’s proposal complete and responsive to the specific RFP requirements?
3)  Has the past performance of the vendor’s proposed methodology been documented?
4)  Does the vendor’s proposals use innovative technology and techniques?

Comments: (Please explain the score assigned – Mandatory)

__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________

Total Points Awarded: ______________

Signature: ___________________________  Date: ___________________________
ANYTOWN Board of Education

RFP/COMPETITIVE CONTRACT EVALUATION CRITERIA

Management Criterion – Scoring Sheet

<table>
<thead>
<tr>
<th>RFP/CC Title: _______________________________</th>
<th>RFP/CC Number: __________________________</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evaluator’s Name: __________________________</td>
<td>Title: _________________________________</td>
</tr>
<tr>
<td>Respondent’s Name: __________________________</td>
<td></td>
</tr>
</tbody>
</table>

2. **Management Criterion:**

   (A) Project management.
   (B) History and experience in performing the work.
   (C) Availability of personnel, facilities, equipment, etc.
   (D) Qualification and experience of personnel.

Award up to ________ Points

*(THESE ARE SAMPLE QUESTIONS ONLY. PLEASE REVISE TO BE SPECIFIC TO YOUR SCOPE OF CONTRACT).*

1) **Project management:**
   a) How well does the proposed scheduling timeline meet the contract unit’s needs?
   b) Is there a project management plan?

2) **History and experience in performing the work:**
   a) Does the vendor document a record of reliability of timely delivery, on-time and on-budget implementation?
   b) Does the vendor demonstrate a track record of service as evidenced by on-time, on-budget, and contract compliance performance?
   c) Does the vendor document industry or program experience?

3) **Availability of personnel, facilities, equipment and other resources:**
   a) To what extent does the vendor rely on in-house resources vs. contract resources?
   b) Are the availability of in-house and contract resources documented?

4) **Qualification and experience of personnel:**
   a) Documentation of experience in performing similar work by employees?

Comments: *(Please explain the score assigned – Mandatory)*

Total Points Awarded: ___________

Signature: ______________________ Date: ____________________
ANYTOWN Board of Education

RFP/COMPETITIVE CONTRACT EVALUATION CRITERIA

Cost Criterion – Scoring Sheet

RFP/CC Title: _______________________________ RFP/CC Number: _______________________ 

*Evaluator’s Name: ___________________________ Title: ________________________________

Respondent’s Name: __________________________________________

3. Cost Criteria:  
   (A) Cost of goods or services to be provided or performed. 
   (B) Assurances of performance. 
      I Vendor’s financial stability and strength.

Award up to __________ Points

(THOSE ARE SAMPLE QUESTIONS ONLY. PLEASE REVISE TO BE SPECIFIC TO YOUR SCOPE OF CONTRACT).

1) Cost of goods to be provided or services to be performed: 
   a) Relative cost: how does the cost compare to other similarly scored proposals? 
   b) Full explanation: Is the price and its component charges, fees, etc., adequately explained or documented?

2) Assurances of performance: 
   a) If required, are suitable bonds, warranties or guarantees provided? 
   b) Does the proposal include quality control and assurance programs?

3) Vendor’s financial stability and strength: 
   a) Does the vendor have sufficient financial resources to meet its obligations?

Comments: (Please explain the score assigned – Mandatory)

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Total Points Awarded:_____________

Signature: ___________________________ Date: ______________________________

*This form will be completed by the School Business Administrator.
ANYTOWN Board of Education

RFP/COMPETITIVE CONTRACT AWARD REPORT
(TEMPLATE)

RFP/CC Title: ___________________________  RFP/CC Number: ___________________________

Requests for Proposal/Competitive Contracting Proposals are awarded on the following factors:

- Technical Criteria
- Management Criteria
- Cost Criteria

Section I: Names of Committee Members

1. _____________________
2. _____________________
3. _____________________
4. _____________________
5. _____________________
6. _____________________

Section II: Ranking list of names of all respondents in order of evaluation with rankings based on combined points tabulated from rating sheets from committee members. (You may attach a separate sheet of paper for rankings if necessary.)

<table>
<thead>
<tr>
<th>Respondent(s)</th>
<th>Score</th>
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<tbody>
<tr>
<td>1.</td>
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<td>2.</td>
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<td>3.</td>
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<td>4.</td>
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</table>

Section III: Proposal Summaries  (Summary should address factors listed on top.)

Page 1 of 2
ANYTOWN Board of Education

RFP/COMPETITIVE CONTRACT AWARD REPORT (TEMPLATE)

RFP/CC Title: ________________________________ RFP/CC Number: ______________________

Section IV: Award Recommendation(s) Narrative—provide clear reasons why the highest ranking respondent has been selected. Multiple awards may be made with explanation. (You may attach a separate sheet of paper for the award recommendation(s) if necessary.)

Section V: Detail of terms, conditions, fees, that vendor will be providing and that will to be incorporated into the contract. (Example: 43 days of professional development at $43 daily for one (1) consultant—total contract for 20xx – 20xx will be $65,000.)

Section VII: Signatures of Committee Members and Date:

___________________________________  _____________________ (Date)
___________________________________  _____________________ (Date)
___________________________________  _____________________ (Date)
___________________________________  _____________________ (Date)

Attach scoring sheets for each respondent.

Page 2 of 2
Certification – No Conflict of Interest
N.J.A.C. 5:34-4.3(e) (f)

Name of Proposal:            Title of Proposal
Request for Proposal:        RFP # 00-00

I hereby certify that I have reviewed the conflict of interest standards in the School Ethics Act, as appropriate, and that I do not have a conflict of interest with respect to the evaluation of this proposal. I further certify that I am not engaged in any negotiations or arrangements for prospective employment or association with any of those submitting proposals or their parent or subsidiary organization.

Name of Evaluator: __________________________ Title __________________________
Signature __________________________ Date __________________________

This form is to be submitted to:
School Business Administrator, Board Secretary
no later than:

12:00 Noon

Compliance with Office of the State Comptroller
Best Practices for Awarding Service Contracts
March 2010 p.15-16 – Letter B
RFP SET UP

for

School Business Administrators
RFP/CC – Request for Proposal

20xx – 20xx School Year

**Title of RFP** ____________________________  RFP # __00-00

Department: ____________________________

Specifications Prepared by: ____________________________

Specifications Reviewed by SBA ____________________________

*Legal Ad to Newspaper__________________________

*Legal Ad Published ____________________________

**Pre-Proposal Meeting** ____________________________

(Date/Time)

Addenda Deadline ____________________________

(Three (3) Days Before Deadline)

**RFP/CC Opening Date** __ Weekday, Month 00, 2000 ____________________________

Time ______ 12:00 Noon ____________________________

Certification of Funds/Cost Estimate Due Date____________

Evaluations of Proposals Due Date____________

Report to the Board Due Date____________

Board Committee Review ____________________________

Board Approval ____________________________

Copies of RFP Sent to:

______ Department/Supervisor

______ Board Attorney

______ Contract Administrator (Services Only)

*Competitive Contracting procurement require a legal advertisement. The CC/RFP opening of proposals shall be a minimum of twenty (20) days, after the legal advertisement was published.
### ANYTOWN BOARD OF EDUCATION

**Request for Proposal**  
**Proposal Document Checklist**

<table>
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<tr>
<th><strong>Title of RFP</strong></th>
<th><strong>RFP:</strong> 00-00</th>
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</thead>
<tbody>
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<td><strong>Date:</strong></td>
<td><strong>Weekday, Month 00, 2000</strong></td>
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<tr>
<td><strong>Time:</strong></td>
<td><strong>12:00 Noon</strong></td>
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<table>
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<th><strong>Vendor</strong></th>
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<tbody>
<tr>
<td><strong>Acknowledgement Addenda</strong></td>
<td></td>
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<tr>
<td><strong>Affirmative Action Questionnaire/Employee Info</strong></td>
<td></td>
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<tr>
<td><strong>Business Registration Certificate</strong></td>
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<tr>
<td><strong>Chapter 271 Political Contribution Form</strong></td>
<td></td>
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<tr>
<td><strong>Iran Disclosure Form</strong></td>
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<td><strong>Non-Collusion Affidavit</strong></td>
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<tr>
<td><strong>Statement of Ownership</strong></td>
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<tr>
<td><strong>Statement of Assurance</strong></td>
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<tr>
<td><strong>Contractor/Vendor Questionnaire Certification Form</strong></td>
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<tr>
<td><strong>Financial Guarantee</strong> (Bid Bond) (When Required)</td>
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<tr>
<td><strong>Financial Guarantee</strong> (Consent of Surety) (When Required)</td>
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</tr>
<tr>
<td><strong>Federal Forms</strong> (When Required)</td>
<td>A B C A B C A B C A B C A B C</td>
</tr>
<tr>
<td><strong>Proposal Form Prices (If Applicable)</strong></td>
<td></td>
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</tbody>
</table>
ANYTOWN Board of Education

MEMORANDUM

TO: ________________________________
FROM: ______________ School Business Administrator/Board Secretary
DATE: ____________________________
RE: Certification of Funds -- Project Cost Estimates

I am attaching the Certification of Funds -- Project Cost Estimate Form for the following RFP:

Title of RFP

Please complete and return the form no later than

__________________________________________
12:00 Noon

Project Estimate Cost
The project estimate amount is what you feel the project will cost in its entirety or the maximum labor hour cost to be charged for the project. If RFPs received for this project substantially exceed the estimate costs the Board may reject all RFPs.

Certification of Funds
No RFP will be mailed unless funds are certified to be available to support the project. The integrity of the Board of Education is a paramount concern in this instance.

Thank you.

Enclosure(s)
ANYTOWN Board of Education

To: ___________________________  Title ___________________________

CERTIFICATION OF FUNDS/PROJECT COST ESTIMATE

A. Title of RFP: ________________________________________________

B. Please check one

1. __________ Annual RFP for 20xx - 20xx school year
   Items/Service Requested ________________________________________

2. __________ Special RFP
   Items/Service Requested ________________________________________

C. Reason for RFP  State briefly the purpose for needing goods/services. (Required)
   __________________________________________________________
   __________________________________________________________

D. Program Approval
   I have reviewed and approve the technical specifications for the goods/services requested.

   __________________________________________________________
   Superintendent/Assistant Superintendent  Date

E. Project Cost Estimate
   I estimate that the costs of the goods/services requested should not exceed

   __________________________  Signature ____________________________

F. Certification of Funds
   I hereby certify that sufficient funds exist in Account Number(s) __________________________
   __________________________ to pay for the goods/services.

   Source of Funds:  State or Federal (circle one)

   If Federal Funds, Title of Program/Grant: __________________________

   Signature __________________________________________________

   Title __________________________  Date __________________________

Please return this form no later than: __________________________ to

_______________________________ School Business Administrator/Board Secretary
<table>
<thead>
<tr>
<th>Activity</th>
<th>Date</th>
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</thead>
<tbody>
<tr>
<td>Specifications Received</td>
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<tr>
<td>RFP Preparation Sheet Completed</td>
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<tr>
<td>RFP Notification Package Prepared</td>
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<td>Certification of Funds Form Due</td>
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<td>Announcement on Website; Legal Ad (if necessary)</td>
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<td>RFP Package to the Print Shop</td>
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<td>RFPs Mailed</td>
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<td>Pre-Proposal Meeting (if necessary)</td>
<td>□ Yes □ No</td>
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<tr>
<td>□ Attendance Sheet □ Minutes</td>
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<td>Addendum/Addendum Published (if necessary)</td>
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<td>Insurance Requested</td>
<td>□ Yes □ No</td>
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<td>RFP Opening</td>
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<tr>
<td>RFP Review/Evaluation – Memo of Recommendation</td>
<td></td>
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<tr>
<td>Conflict of Interest Forms</td>
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<td>Agenda Meeting Review</td>
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<tr>
<td>Board Approval</td>
<td></td>
</tr>
<tr>
<td>Contract Starting Date</td>
<td></td>
</tr>
</tbody>
</table>

**Documents in RFP Package**

- □ Addenda --- Copies
- □ Attendance Sheet -- Pre-Proposal meeting
- □ RFP Preparation Sheet
- □ Certification of Funds; Memo and Form
- □ Check off sheet -- RFP Opening
- □ Letter to Companies/RFP Results
- □ Memo of Notification to Administrators/RFP Results -- Evaluation Request
- □ Memo to Administrators; Board President, Board Members
- □ Memo to Reserve Board Rooms
- □ Minutes -- Pre-RFP Meeting
- □ Original RFPs from Vendors
- □ Purchase Order -- Copy
- □ Resolution 5 copies in front of folder
- □ Returned RFPs -- Copy of Envelope
- □ State Approval (if applicable)
- □ Two RFPs original and copy
- □ Vendor’s List -- Final List Updated
- □ Memo of Recommendation from Administrator
- □ Certification – No Conflict of Interest Form(s)

*if applicable
TO:        Superintendent of Schools
               Board of Education Members

FROM:       __________, School Business Administrator/Board Secretary

DATE:       _______________________

RE:        Request for Proposals (RFP’s) Notification

As per the request of the administrator listed below and in compliance with the Public
School Contracts Law, New Jersey Administrative Code, State Comptroller’s Guidelines
and Board Policy, the Purchasing Office has prepared the following Requests for
Proposals (RFP’s):

<table>
<thead>
<tr>
<th>Proposal #</th>
<th>Proposal</th>
<th>Department</th>
<th>Proposal Date</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>RFP</td>
<td>Title of Proposal</td>
<td>Business Office</td>
<td>Weekday, month 00, 2000</td>
<td>12:00 Noon</td>
</tr>
</tbody>
</table>

Evaluation of Reports
All proposals received are reviewed by the Business Office to ensure compliance with the
above laws and code. Copies of the valid RFP’s are then given to the appropriate
administrator, who with the evaluation committee members, will assist the School
Business Administrator in the evaluation of the proposals received.

Report to the Board
The School Business Administrator will prepare a report for the Board of Education
pursuant to N.J.S.A. 18A:18A-4.5 (d) and in accordance with the State Comptroller’s
guidelines.

Thank you.
Competitive Contracting

Legal Review Process
Competitive Contracting--Legal Review Process


The Board of Education shall pass a resolution authorizing the use of competitive contracting process each time the services or goods are desired.


The competitive contracting process shall be administered by one of the following:

- Qualified Purchasing Agent
- School Business Administrator
- Board Attorney


The contract shall be awarded by resolution of the Board of Education. If the contract awarded is for proprietary goods then the Board must certify the need in writing that the purchase was necessary to conduct its affairs N.J.S.A. 18A:18A-2 (cc).


A request for proposal format (RFP) shall be used and include:

- All requirements needed to submit an RFP;
- All information needed to submit an RFP; and
- A methodology by which the board will evaluate; rank the proposals.


The methodology to award the contract shall be based on an evaluation and ranking which shall include:

- Technical criteria
- Management criteria
- Cost related criteria

See rules and regulations - N.J.A.C. 5:34-4.2 and Office of State Comptroller

Best Practices for Awarding Service Contracts


Changes to proposal shall be submitted in writing to only potential vendors.

All vendor shall submit with their proposals:

- Stockholder’s Disclosure Form—Statement of Ownership
- Affirmative Action Evidence

Other documents required:

- New Jersey Business Registration Certificate
- Chapter 271 Political Contribution Disclosure Form (PCD)
- Disclosure of Investment Activities in Iran Form


The district shall publish a public notice in an official newspaper that a CC/RFP is available at least 20 days before the submission date. (Similar to Bid Advertisement—only for twenty (20) days.)


Failure to meet the requirements of the request for proposal may result in the board disqualifying the vendor. Vendor shall submit a proposal that includes all the information required by the board.


The QPA, SBA, or the Board Attorney shall evaluate all proposals in accordance with the methodology described in the proposal. The SBA shall prepare a report evaluating and recommending the award of contract. The report shall include:

- Names of all vendors;
- Rank all vendors in order of evaluation;
- Reasons why vendor was selected for award; and
- Detail the terms, conditions, scope of service, fees and other matters.

The report shall be made available to the public when made available to the Board.

11. Award of Contract – After Evaluation Process

The award of contract shall be recommended in accordance with N.J.S.A. 18A:18A-4.5(d) and N.J.A.C. 5:34-4.3(d) – (most advantageous, price and other factors considered.)

Award of contract shall be made within 60 days of the receipt of the proposal with the exception noted.


The Board reserves the right to reject all proposals pursuant to N.J.S.A. 18A:18A-22.


The secretary of the board shall publish a notice summarizing the award of contract.


Competitive Contracting – Allowable Uses


Competitive contracting may be used by the board of education for procurement of specialized goods and services when the price exceeds the bid threshold in lieu of public bidding for the following:

Examples:

a. Proprietary Computer Software
   The purchase of proprietary computer software designed for board of education use, which may include hardware.

b. Operation; Management of Recreation, Social Services, Data Processing
   Contracting with entities for the operation, management of
   - Recreation
   - Social Services
   - Data Processing

c. Services Performed by an Energy Services Company

d. Telecommunications Transmission; Switching Services

e. Specialized Machinery; Equipment
   Specialized machinery or equipment of a technical nature

f. Food Services – Management Company
   When not part of programs administered by the NJ Department of Agriculture, Child Nutrition

  g. Licensed Driver Education Schools

Competitive Contracting – Allowable Uses

i. Laboratory Testing Services

j. Concessions

k. Operation, Management, Administration of Other Services
   Approval needed from Local Government Services

l. Professional Development Services/School and District Improvement Services
   Reference Local Finance Notice 2010-3, pages 8-9
Competitive Contracting Evaluation of Proposals

Opening of Proposals: (N.J.A.C. 5:34-4.3)
The proposals shall be opened at the date and time set forth in the proposal and the prices shall be announced publicly.

Evaluation of Proposals—Conflict of Interest

- Conflict of Interest (N.J.A.C. 5:34-4.3(f))
  Each person participating in the evaluation process shall evaluate their own affiliations and financial interest and of their families to ensure they do not have a conflict of interest.

- Conflict of Interest Statement (N.J.A.C. 5:34-4.3(f))
  Each individual participating in the evaluation process shall complete and file with the QPA, SBA, a statement certifying they do not have a conflict of interest. This is to be done prior to the evaluation of the proposals received.

Evaluation Process (N.J.A.C. 5:34-4.3(c))

Negotiations Not Permitted

Interviews and Presentations
After the proposals are opened and prior to completing the evaluation, the RFP may provide for an interview or presentation by vendors or respondents for clarification purposes.
Competitive Contracting

Step by Step
Competitive Contracting (Step by Step)

Authorization to Use Competitive Contracting Process
The School Business Administrator prepares a board resolution seeking permission from the board to use the Competitive Contracting process.

If State Approval – Division of Local Government Services was needed, the School Business Administrator waits for approval prior to preparing the board resolution.

Technical Specifications/Evaluation Criteria Prepared
District administrator prepares technical specifications and evaluation criteria for review by School Business Administrator.

Review of Technical Specifications/Evaluation Criteria
School Business Administrator reviews technical specifications and evaluation criteria

Cost Estimate
The School Business Administrator and appropriated district administrator shall prepare a contract cost estimate pursuant to N.J.S.A. 18A:18A-5 (c) (2). The SBA shall certify that funds exist for the project.

Competitive Contracting Package Prepared by School Business Administrator
The SBA prepares the complete Competitive Contracting/RFP set of specifications ready for distribution.

Board Approval
The board of education at a public meeting adopts a resolution approving the use of the Competitive Contracting process.
Legal Ad – Sent to Official Newspaper
The School Business Administrator sends the legal advertisement to the official newspaper the day after Board approval.

CC/RFP Packages Mailed to Potential Respondents
The School Business Administrator on the same day of sending the legal advertisement to the newspaper, may mail (e-mail) the CC/RFP complete package to potential respondents.

CC/RFP Specifications Published on Website—Optional
The School Business Administrator may place the CC/RFP specification on the district’s website.

Legal Ad Published—Twenty (20) Days
Proposals may not be opened until 20 days after legal ad is published.

Pre-Submission Meeting (7 business days after publication of advertisement)
This meeting is held between district officials and potential respondents to discuss the project and competitive contracting process.

Addenda Preparation—Goal One Day after Meeting
As a result of the pre-submission meeting, the specifications may need to be amended. Within one day of the meeting the SBA should prepare and send by certified fax all addenda to potential respondents.

Notice of Addenda
A notice of addenda must be published in an official newspaper shall be published in an official newspaper seven (7) days prior to the proposal opening.

Addenda Received/Notice Published
The SBA should maintain a copy of the publication of the official addenda to the CC/RFP.
Opening of Sealed Proposals in Public
The School Business Administrator shall publically open and unseal all proposals received at the advertised date and time. The SBA shall read publically, the names of the respondents and the prices of their respective proposals.

If an addendum was issued, seven (7) days must have elapsed from the receipt of addenda, (Saturdays, Sundays and holidays excluded) prior to opening of the proposals.

Review of Proposals: Appointment of Evaluation Committee
The SBA, may appoint an evaluation committee (if necessary), to assist in the evaluation of all proposals

Conflict of Interest Statement
Everyone involved in the evaluation process must file with the SBA a Conflict of Interest Certification. The SBA and the Evaluation Committee may also conduct interviews with respondents.

Preparation of Report and Recommendation of Award--SBA
In accordance with N.J.S.A. 18A:18A-4.5 (d), the SBA shall prepare a report for the board. The report provide information as outlined in the law. The SBA shall provide a recommendation of the vendor to be recommended for the award.

Board Committee Review (if necessary)
The appropriate Board of Education Committee may review the report and ask to review all proposals with the SBA. The Committee or the full board may interview leading respondents.

Negotiations Not Permitted
Under no circumstances shall the provisions of the RFP be subject to negotiation. (N.J.S.A. 18A:18A-4.5 (b))
Board of Education Review and Award of Contract—Schedule of Meetings

Agenda Meeting
Committee of the Whole
Regular Public Meeting

Award of Contract
The School Business Administrator shall recommend to the board the selection of the vendor(s) through his/her official report to the board. The report shall become part of the public record and reflect the action of the board.

The award of contract shall be made by resolution of the board of education. The board may reject all proposals pursuant to N.J.S.A. 18A:18A-22.

Public Notice—Award of Contract
The SBA shall prepare a Public Notice legal ad notifying the public of the award of contract. The public notice is to be sent to the official newspaper and published within 20 days of the award.

Other Activities for this Process
- Purchase order prepared and sent to vendor;
- Contract prepared by Board Attorney;
- Contract sent to Vendor; and
- Entrance conference with vendor
SAMPLE RESOLUTION

Authorizing Use of Competitive Contracting Process
Resolution Authorizing Use of Competitive Contracting—Occupational Therapy Services

The ANYTOWN Board of Education, hereby authorizes the use of the Competitive Contracting process in accordance with N.J.S.A 18A:18A-4.1 et seq., to procure the following services:

Occupational Therapy (OT) Services

The technical specifications and evaluation criteria will be prepared by the Director of Special Education. The Competitive Contracting process will be administered by the School Business Administrator/Board Secretary, and Qualified Purchasing Agent.
COMPETITIVE CONTRACTING

BOILERPLATE

(Separate Attachment) Appendix B
FEDERAL CONTRACT CERTIFICATIONS

(IF REQUIRED)

(Separate Attachment)
Appendix C
SAMPLE RESOLUTION

AWARDING CONTRACT
Resolution Approving Professional Service Contract – Speech Therapy and Evaluations, CC-03-14

On Thursday, May 16, 2013 at 11:00 a.m., fifteen (15) proposals for Speech Therapy and Evaluations, CC-03-14 were received from the following:

<table>
<thead>
<tr>
<th>Business Name</th>
<th>Address 1</th>
<th>Address 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advance Education Advisement Corp.</td>
<td>464 Penn Avenue North</td>
<td>Mediscan Nursing Staffing, Inc.</td>
</tr>
<tr>
<td></td>
<td>Forked River, NJ 08731</td>
<td>21050 Califa St. – Suite 100</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Woodland Hills, CA 91367</td>
</tr>
<tr>
<td>Ardor Health Solutions</td>
<td>5830 Coral Ridge Drive – Ste. 120</td>
<td>The Language Station, LLC</td>
</tr>
<tr>
<td></td>
<td>Coral Springs, FL 33076</td>
<td>145 Mineral Spring Avenue</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Passaic, NJ 07055</td>
</tr>
<tr>
<td>Delta-T Group North Jersey, Inc.</td>
<td>One Woodbridge Center – Suite 225</td>
<td>Signature Learning Resources, Inc.</td>
</tr>
<tr>
<td></td>
<td>Woodbridge, NJ 07095</td>
<td>19 W. 21st Street – Suite 701</td>
</tr>
<tr>
<td></td>
<td></td>
<td>New York, NY 10010</td>
</tr>
<tr>
<td>Dynamic Therapeutic Services</td>
<td>52 Forest Avenue</td>
<td>Staffing Plus</td>
</tr>
<tr>
<td></td>
<td>Paramus, NJ 07652</td>
<td>551 W. Lancaster Avenue</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Haverford, PA 19041</td>
</tr>
<tr>
<td>Educational Specialized Associates, LLC</td>
<td>11 Grove Street</td>
<td>Therapeutic Outreach for Children, Inc.</td>
</tr>
<tr>
<td></td>
<td>Caldwell, NJ 07006</td>
<td>1 Farm Lane / P.O. Box 458</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Roosevelt, NJ 08555</td>
</tr>
<tr>
<td>Hillmar, LLC</td>
<td>14 Brookside Terrace</td>
<td>Therapy Source, Inc.</td>
</tr>
<tr>
<td></td>
<td>North Caldwell, NJ 07006</td>
<td>5215 Militia Hill Road</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Plymouth Meeting, PA 19462</td>
</tr>
<tr>
<td>Invo Healthcare Associates</td>
<td>1780 Kendarbren Drive</td>
<td>Tree of Knowledge Learning Center</td>
</tr>
<tr>
<td></td>
<td>Jamison, PA 18925</td>
<td>326 Third Street</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lakewood, NJ 08701</td>
</tr>
<tr>
<td>Kid Clan Services, Inc.</td>
<td>340 Main Avenue</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Clifton, NJ 07014</td>
<td></td>
</tr>
</tbody>
</table>

Upon review by Mr. James Shoop, Business Administrator, Board Secretary, School Business Administrator, and based his recommendation and upon the evaluation analysis completed by the Evaluation Committee, your Committee of the Whole hereby recommends the award of contract for CC-03-14 as follows:

Contract A: Flat Rate Completed Speech Evaluation

<table>
<thead>
<tr>
<th>Service Type</th>
<th>Kid Clan</th>
<th>Hillmar</th>
<th>Adv.Educ. Advisement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monolingual *</td>
<td>$260.00</td>
<td>$310.00</td>
<td>$235.00</td>
</tr>
<tr>
<td>OOD-Monolingual</td>
<td>$290.00</td>
<td>$325.00</td>
<td>$260.00</td>
</tr>
<tr>
<td>Bilingual *</td>
<td>$345.00</td>
<td>$365.00</td>
<td>$235.00</td>
</tr>
<tr>
<td>OOD-Bilingual</td>
<td>$345.00</td>
<td>$385.00</td>
<td>$260.00</td>
</tr>
<tr>
<td>If Needed - Case Managing Services</td>
<td>$365.00</td>
<td>$300.00</td>
<td>$100.00</td>
</tr>
</tbody>
</table>
June 24, 2013

Resolution Approving Professional Service Contract – Speech Therapy and Evaluations, CC-03-14 – (continued)

Therapy Services – Per Modules indicated below. (Prorated for actual length of service)

**Contract B: Monolingual Speech Therapy**

<table>
<thead>
<tr>
<th></th>
<th>Kid Clan Per Hour</th>
<th>Hillmar Per Hour</th>
<th>Adv. Educ. Advisement</th>
</tr>
</thead>
<tbody>
<tr>
<td>*1:1-Individual – (Includes Other Public, Nonpublic &amp; Students Serviced at Home)</td>
<td>$ 90.00</td>
<td>$ 95.00</td>
<td>$ 73.00</td>
</tr>
<tr>
<td>*5:1 Max.– Group (Includes Other Public, Nonpublic &amp; Students Serviced at Home)</td>
<td>$130.00</td>
<td>$135.00</td>
<td>$ 93.00</td>
</tr>
<tr>
<td>OOD-1:1-Individual (Per Hour)</td>
<td>$110.00</td>
<td>$120.00</td>
<td>$ 73.00</td>
</tr>
<tr>
<td>OOD-5:1 Max.–Group (Per Hour)</td>
<td>$110.00</td>
<td>$145.00</td>
<td>$ 93.00</td>
</tr>
</tbody>
</table>

**Contract C: Bilingual (Spanish) Speech Therapy**

<table>
<thead>
<tr>
<th></th>
<th>Kid Clan Per Hour</th>
<th>Hillmar Per Hour</th>
<th>Adv. Educ. Advisement</th>
</tr>
</thead>
<tbody>
<tr>
<td>*1:1-Individual – (Includes Other Public, Nonpublic &amp; Students Serviced at Home)</td>
<td>$130.00</td>
<td>$135.00</td>
<td>$ 73.00</td>
</tr>
<tr>
<td>*5:1 Max.– Group (Includes Other Public, Nonpublic &amp; Students Serviced at Home)</td>
<td>$145.00</td>
<td>$150.00</td>
<td>$ 93.00</td>
</tr>
<tr>
<td>OOD-1:1-Individual (Per Hour)</td>
<td>$130.00</td>
<td>$145.00</td>
<td>$ 73.00</td>
</tr>
<tr>
<td>OOD-5:1 Max.–Group (Per Hour)</td>
<td>$130.00</td>
<td>$165.00</td>
<td>$ 93.00</td>
</tr>
</tbody>
</table>

**Contract D: Speech Therapy – Other Language**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1:1 Individual (Per Hour)</td>
<td>$130.00</td>
<td>$130.00</td>
<td>$73.00</td>
</tr>
<tr>
<td>5:1 Max-Group (Per Hour)</td>
<td>$130.00</td>
<td>$165.00</td>
<td>$93.00</td>
</tr>
</tbody>
</table>

**E. Administrative Fee:** Administrative charges would include, but are not limited to:

- SEMI Data Entry
- Transportation
- Preparation of Reports – Including Progress Notes
- Meetings/Phone calls with parents; district personnel
- Other support/clerical services

<table>
<thead>
<tr>
<th>Respondent</th>
<th>Administrative Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hillmar</td>
<td>8%</td>
</tr>
<tr>
<td>Kid Clan</td>
<td>8%</td>
</tr>
<tr>
<td>Advance Education Advisement Corp.</td>
<td>0%</td>
</tr>
</tbody>
</table>
June 24, 2013

Resolution Approving Professional Service Contract – Speech Therapy and Evaluations, CC-03-14 – (continued)

Purpose of Contract
To comply with the need provide Speech Therapy Services as requested by our Child Study Team in order to assure we meet code requirements in the servicing of students and the creation of compliant IEP’s.

Evaluation Process:
The respondents’ proposals were reviewed and evaluated by the following Evaluation Committee:

   Chad Leverett, Assistant Supervisor of Special Services
   Gissel Cristobal, Assistant Supervisor of Special Services
   Jeffrey Russo, Elementary Department Chair of Special Services

using the following criteria:   I.  Technical Criteria
                                II. Management Criteria
                                III. Cost Criteria

Methodology of Awarding Contract:
The Evaluation Committee reviewed the proposal and evaluated it on a one hundred (100) point system as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>Value Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Technical Criteria</td>
<td>25</td>
</tr>
<tr>
<td>A. Description of Services</td>
<td></td>
</tr>
<tr>
<td>II. Management Criteria</td>
<td>35</td>
</tr>
<tr>
<td>A. Business Management</td>
<td></td>
</tr>
<tr>
<td>B. Qualifications; Relevant Experience</td>
<td></td>
</tr>
<tr>
<td>III. Cost Criteria</td>
<td>40</td>
</tr>
<tr>
<td>A. Fee Proposal</td>
<td></td>
</tr>
</tbody>
</table>

Contracts A-E: -- Evaluation Spreadsheet

<table>
<thead>
<tr>
<th>Category</th>
<th>Maximum Value Points</th>
<th>Advance Education Average</th>
<th>Delta-T Group Average</th>
<th>Dynamic Therapeutic Average</th>
<th>Hillmar Average</th>
<th>INVO Average</th>
<th>Kid Clan Average</th>
<th>The Learning Station</th>
<th>Staffing Plus Average</th>
<th>Therapy Source Average</th>
<th>Tree of Knowledge Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>II. Management Criteria</td>
<td>35</td>
<td>22.33</td>
<td>30.33</td>
<td>18</td>
<td>30.67</td>
<td>27</td>
<td>34.33</td>
<td>20.67</td>
<td>23</td>
<td>23</td>
<td>21.66</td>
</tr>
<tr>
<td>III. Cost Criteria</td>
<td>40</td>
<td>39.50</td>
<td>29.43</td>
<td>28.03</td>
<td>25.63</td>
<td>18.63</td>
<td>28.67</td>
<td>2.05</td>
<td>17.03</td>
<td>26.60</td>
<td>28.20</td>
</tr>
<tr>
<td>TOTALS</td>
<td>100</td>
<td>80.16</td>
<td>79.43</td>
<td>60.70</td>
<td>80.63</td>
<td>62.63</td>
<td>86.67</td>
<td>55.77</td>
<td>55.36</td>
<td>64.60</td>
<td>64.86</td>
</tr>
</tbody>
</table>
Selection of Vendor
The vendors selected have provided services to the district in the past and were the highest in receiving award points by the panel of reviewers. Although the recommended vendors did not propose the lowest fee schedule, their satisfactory experience and the narrowness of difference in rates per hour for therapy, gave confidence to their selection as the agencies to provide speech services for the 2013-2014 school year. The selection of multiple vendors provides choice of assignments so as to have different vendors provide the evaluations and the therapy to the greatest extent possible.

The term of contract will be from July 1, 2013 through June 30, 2014.

Total estimated contract amounts as follows:

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Contract not to exceed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kid Clan -</td>
<td>$1,650,000.00</td>
</tr>
<tr>
<td>Kid Clan Nonpublic Schools</td>
<td>$150,000.00</td>
</tr>
<tr>
<td>Kid Clan - Public Preschools</td>
<td>$225,000.00</td>
</tr>
<tr>
<td>Hillmar</td>
<td>$620,000.00</td>
</tr>
<tr>
<td>Advance Educ. Advisement</td>
<td>$80,000.00</td>
</tr>
</tbody>
</table>

Other proposals received:
Pursuant to N.J.S.A. 18A:18A-2(y) the following proposals are non-responsive and are hereby rejected. The respondents are not on the New Jersey Department of Education list of Approved Agencies and Clinics for Speech Therapy Services as required in the specifications:

- Ardor Health Solutions
- Educational Specialized Associates, LLC
- Mediscan Nursing Staffing, Inc.
- Signature Learning Resources, Inc.

The proposal received from Therapeutic Outreach for Children, Inc. is hereby rejected. The vendor did not complete the proposal form as specified and required in the proposal package.

Mr. Leverett certifies that funds are available in Account Nos.11-000-216-320-59-0000; IDEA B-20-250-200-300-27-0200; IDEA B-20-251-200-300-27-0200; IDEA B-20-254-200-300-27-0200; IDEA B-20-255-200-300-27-0200 – 11-216-100-320-59-0000 and furthermore fully understands that no work is to be done or services rendered unless the vendor receives an approved, signed purchase order.

The Board Attorney shall prepare the contracts based on the approved proposals.
Office of the
State Comptroller

Best Practices for
Awarding Services
Contracts

(See attached)
Appendix D
Request for Proposal (RFP)
Competitive Contracting

Training Guidance

APPENDIX A: RFP Boilerplate
APPENDIX B: CC Boilerplate
APPENDIX C: Federal Contract Addenda
APPENDIX D: Best Practices – Office of State Comptroller
The Use and The Misuse of the RFP
Methods of Procurement

The Public School Contracts Law and supporting administrative code have provided to school districts, various methods of procurement to use for the purchase of goods and services for our schools. Among the major ones are:


Another major procurement method is the Request for Proposal (RFP).

**The Request for Proposal (RFP)**

The Request for Proposal (RFP) is supported for use as a procurement method as follows:

**Procurement of Professional Services—Part I**
The use of the RFP procurement method for professional services is supported by N.J.A.C. 6A:23A-5.2 (a) (5).

“Professional services contracts are issued in a deliberative and efficient manner that ensures the district receives the highest quality services at a fair and competitive price or through a shared service arrangement. This may include, but is not limited to, issuance of such contracts through a request for proposals (RFP) based on cost and other specified factors or other comparable process.”

**Procurement of Professional Services—Part II**
The use of the Request for Proposal procurement method for to purchase professional services is further supported by N.J.A.C. 6A:23A-9.3 (c) (11).

“The district solicits competitive proposals with fee quotes or uses a comparable process to ensure the district receives the highest quality services at a fair and competitive price prior to the award of contracts for professional services.”
Specialized Goods and Services—Competitive Contracting
School districts may use another procurement method when purchasing specialized goods and services as listed in N.J.S.A. 18A:18A-4.1. This method is called the Competitive Contracting process.

School districts using the Competitive Contracting process

“...shall utilize a request for proposal documentation...”


It appears, therefore, that the State of New Jersey has authorized the use of the Request for Proposal (RFP) process for the procurement of certain specialized goods and services, including professional services.

It also appears that school districts have to provide documentation during their budget review that they solicited competitive proposals or used a comparable process in the award of professional services contracts.

Final Note:

Procuring Goods and Services with Federal Funds
When procuring goods and services through federal funds with the desire to award the contract based upon the proposal that is most advantageous, price and other factors considered, the contracting agency is to comply with the Uniform Grant Guidance

2CFR 200.320 (d) Procurement by Competitive Proposals
The Request for Proposal
The Possible Misuse

Advertising for Bidding—the Standard!
The State of New Jersey has clearly outlined in N.J.S.A. 18A:18A-4 (a) the following:

“Every contract for the provision or performance of any goods or services, the cost of which in the aggregate exceeds the bid threshold, shall be awarded only by resolution of the board of education to the lowest responsible bidder after public advertising for bids and bidding, except as is provided otherwise in this chapter or specifically by any other law.”

It is noted that the State of New Jersey has highlighted that every contract that exceeds the bid threshold shall be awarded to the lowest responsible bidder after public advertising for bids and bidding.

Exceptions
The State of New Jersey has provided an exception clause if you want to use another procurement method.

So, it appears that you either bid or use another procurement method recognized by law when purchasing goods and services.

Guidance on the Misuse of the RFP Method
It appears that certain school districts are using the RFP method for procuring certain goods and services, when they should have gone out to bid instead for those particular goods and services. Please seek legal guidance if you want to use the Request for Proposal (RFP) method for goods or services other than professional services or those goods and services listed in N.J.S.A. 18A:18A-4.1.
The Request for Qualifications--RFQ

**A word about the RFQ—Request for Qualifications!**
Another method that has appeared on the procurement scene is called the RFQ—Request for Qualifications. The NJ Division of Local Government Services has recognized this procurement type in Local Finance Notice 2007-11 page 4

**Request for Qualifications—RFQ**
“Using this model, a Board can specify the desired qualifications, establish criteria for, and award open-ended contracts (for terms as allowed by law) based on those proposals, which may or may not include pricing proposals. Orders for specific services would then be placed as needed with individual contractors based on price quotations, ability, or availability of specific goods or services. An RFQ does not require an evaluation based on price—it can be based on skills, ability to deliver a certain product, or range and breadth of a product line—with price being agreed upon at the end of the evaluation process.”

**Proceed with Caution—When Using the RFQ Method**
A stated earlier, to be in compliance with N.J.S.A. 18A:18A-4 (a), it appears that you either bid or use another procurement method recognized by law when purchasing goods and services.

I have found no evidence of the RFQ method in the Public School Contracts Law or supporting administrative code. If you intend to use the RFQ method, please obtain an opinion from your board attorney.
Preparation of Board Resolutions

Awarding Contracts for Goods and Services
Prepared Board of Education Resolutions for Awarding Contracts - Goods and Services

Preface
It will be universally agreed upon by all board members, all superintendents of schools and even many school business administrators that extensive, wordy board resolutions are not in the best interests in conducting an efficient board meeting.

Many school districts follow the course of providing to the board members an agenda listing the items and backup supporting materials. This is fine, however, certain board resolutions for the award of certain contracts for goods and services, require by law, certain information to be included in the resolution.

Guidance on how to prepare resolutions for awarding contracts is provided as follows:

A. Award of Contracts-Bids-N.J.S.A. 18A:18A-21 (b)

It is noted in this citation that "A proper record of the prices and terms shall be made in the minutes of the board."

It appears that it would be in the best interests of the district to list all of the vendors who submitted bids and include their prices for all of the items they on which they bid. The award of contract resolution should have all bid prices from all bidders, and not solely mention the winning bidder.

Extreme Resolution-Athletic Equipment and Supplies Bid
Yes, in Passaic I had an Athletic Equipment and Supplies bid that requested prices for over 175 different items. There were ten (10) bidders who submitted prices. The spread sheet was outrageous, however, every price from every bidder made the agenda and was included in the board minutes.
B. Award of Transportation Contracts-N.J.A.C. 6A:27-9.10 (a) (1)

It is noted in this citation that the board minutes authorizing the award of contracts shall include the following:

- Contractor's name
- Route numbers
- Individual costs of all bidders who submitted bids

C. Award of Competitive Contracting Contracts-N.J.S.A. 18A:18A-4.5 (d)

It is noted in letter (d) of the law that the Purchasing Agent shall prepare a report evaluating and recommending an award of contract.

The report at a minimum shall

- List the names of all those vendors who submitted proposals;
- Summarize each proposal submitted;
- Rank vendors in order of evaluation;
- Provide reasons for the award; and
- Detail the terms, conditions, scope of service, fees and other matters.

It is further noted in N.J.S.A. 18A:18A-4.5 (f), that the aforementioned report shall become part of the public record and shall reflect the final action of the board.

Public Record of an Action of the Board
I think your board attorney will agree with me, that the public record of an action of the board would be recorded in the board minutes, ergo, the resolution for the contract award for Competitive Contracting should have at least the minimum items mentioned in N.J.S.A. 18A:18A-4.5 (d).

It is noted in the above citation, that boards of education, in awarding contracts for professional services, shall state in each instance, the supporting reasons for its actions in the board resolution.

School Business Administrators are encouraged to provide reasons for awarding professional services contracts in each board resolution.

E. Award of Contracts-Proprietary Purchases—N.J.A.C. 5:34-9.1 (c)

It is noted in the above citation that board resolutions awarding contracts through the “proprietary bid” process, shall include a description of why the goods and services are specialized in nature and necessary for the conduct of the affairs of the board. Reference N.J.A.C. 5:34-9.1 (a) (1) (2).

School Business Administrators are encouraged to provide the compelling reasons for the purchase of proprietary goods or services.


It is noted in the above citation that boards of education, in awarding contracts for Extraordinary Unspecifiable Services (EUS), shall state in each instance, the supporting reasons for its action in the board resolution.

School Business Administrators are encouraged to provide reasons for awarding EUS contracts in each board resolution.