**Section 930.240 Procurement Procedures for Professional Services Contracts**

a) Application. The provisions of this Section apply to the procurement of professional services not otherwise referenced in this Part necessary to support CDB projects at the Quincy Veterans' Home. When the procurement does not lend itself to the request for proposal selection process outlined in this Section, the CPO may grant a waiver to the selection process and direct CDB to use an alternative method of selection.

b) Public Notice. Whenever a project requiring professional services is proposed, CDB shall provide no less than 14 calendar days' advance notice published in a request for proposals setting forth a description of the services to be procured, unless a different timeframe for providing advance notice is otherwise specified by CDB. The request for proposals shall include the type of services required, a description of the work involved, an estimate of when and for how long the services will be required, a date by which proposals for the performance of the services shall be submitted, a statement of the minimum information that the proposal shall contain, price (to be submitted in a separate envelope in the proposal package and not mentioned elsewhere in the proposal package), the factors to be used in the evaluation and selection process and their relative importance, and a plan for post-performance review to be conducted by CDB after completion of services and before final payment and made part of the procurement file.

c) Evaluation. Proposals shall be evaluated only on the basis of evaluation factors stated in the request for proposals. Price will not be evaluated until ranking of all proposals and identification of the most qualified vendor. The relative importance of the evaluation factors will vary according to the type of services being procured. The minimum factors are:

1) the plan for performing the required services;

2) ability to perform the services as reflected by technical training and education, general experience, specific experience in providing the required services, and the qualifications and abilities of personnel proposed to be assigned to perform the services;

3) the personnel, equipment, and facilities to perform the services currently available or demonstrated to be made available at the time of contracting; and

4) a record of past performance of similar work.

d) Handling of Proposals

1) Proposals and modifications shall be submitted to CDB and shall be opened publicly at the time, date and place designated in the request for proposals.

2) Opening shall be witnessed by a State witness or by any other person present, but the person opening proposals shall not serve as witness. A record shall be prepared that shall include the name of each offeror and a description sufficient to identify the supply or service item offered. The record of proposals shall be open to public inspection after award of the contract.

3) Proposals and modifications shall be opened in a manner designed to avoid disclosing contents to competitors. Only State personnel and contractual agents authorized by CDB may review the proposals prior to award.

e) Discussions

1) Discussions Permissible. CDB may conduct discussions with any offeror to:

A) determine in greater detail the offeror's qualifications; and

B) explore with the offeror the scope and nature of the required services, the offeror's proposed method of performance, and the relative utility of alternative methods of approach. The CPO may allow changes to the proposal based on those discussions.

2) No Disclosure of Information. Discussions shall not disclose any information derived from proposals submitted by other offerors. CDB staff conducting the procurement shall not disclose any information contained in any proposals outside of contractual agents, State agency personnel or others specifically authorized by the CPO until after the award of the proposed contract has been posted to CDB's Procurement Bulletin.

f) Selection of the Best Qualified Offerors. After conclusion of validation of qualifications, evaluation and discussion, CDB shall rank the acceptable offerors in the order of their respective qualifications.

g) Evaluation of Pricing Data. Pricing submitted for all acceptable proposals timely submitted shall be opened and ranked.

1) If the low price is submitted by the most qualified vendor, the CPO may award to that vendor.

2) If the price of the most qualified vendor is not low and if it does not exceed $25,000, the CPO may award to that vendor.

3) If the price of the best qualified vendor exceeds $25,000, the CPO must state why a vendor other than the low priced vendor was selected and that determination shall be published in CDB's Procurement Bulletin.

h) Negotiation and Award of Contract

1) General. CDB shall attempt to negotiate a contract with the best qualified offeror for the required services at fair and reasonable compensation. CDB, in consultation with the CPO, may, in the interest of efficiency, negotiate with the next highest ranked vendor, while negotiating with the best qualified vendor.

2) Elements of Negotiation. At a minimum, contract negotiations shall be directed toward:

A) making certain that the offeror has a clear understanding of the scope of the work, specifically, the essential requirements involved in providing the required services;

B) determining that the offeror will make available the necessary personnel and facilities to perform the services within the required time; and

C) agreeing upon compensation that is fair and reasonable, taking into account the estimated value of the required services and the scope, complexity, and nature of those services.

3) Successful Negotiation of Contract with Best Qualified Offeror

A) If compensation, contract requirements and contract documents can be agreed upon with the best qualified offeror, the contract shall be awarded to that offeror, unless the procurement is canceled.

B) Compensation must be determined in writing to be fair and reasonable. Fair and reasonable compensation shall be determined by CDB, in consultation with the CPO, based on the circumstances of the particular procurement, including but not limited to the nature of the services needed, qualifications of the offerors, consideration of range of prices received in the course of the procurement, other available pricing information, and CDB's identified budget.

C) Contracts entered into under this Section shall provide:

i) the duration of the contract, with a schedule for delivery when applicable;

ii) the method for charging and measuring cost (hourly, per day, etc.);

iii) the rate of remuneration; and

iv) the maximum price.

4) Failure to Successfully Negotiate Contract with Best Qualified Offeror

A) If compensation, contract requirements or contract documents cannot be agreed upon with the best qualified offeror, a written record stating the reasons shall be placed in the file. CDB, in consultation with the CPO, shall advise that offeror of the termination of negotiations.

B) Upon failure to successfully negotiate a contract with the best qualified offeror, CDB, in consultation with the CPO, may enter into negotiations with the next most qualified offeror.

i) Multiple Awards. CDB, in consultation with the CPO, may enter into negotiations with the next most qualified vendor or vendors when CDB has a need that requires multiple vendors under contract.

j) Publication of Award. The names of the selected vendors and the respective projects shall be published in CDB's Procurement Bulletin within 30 calendar days after the selection and award.