



Administrative Regulation 3323 PROFESSIONAL SERVICES

Responsible Office: Office of Business and Finance

PURPOSE

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

DEFINITIONS

1. "Bid" is a complete sealed solicitation (submitted in competition with other bidders in response to a Request for Bid) to execute specified job(s) within prescribed time that usually includes labor, equipment, services, and/or materials. The bid-receiving party may reject or accept the bid. Once accepted, the bid may turn into a binding contract.
2. "Contract" is, for the purposes of this Regulation, a legally binding written agreement between two or more competent parties with consideration and specific terms that creates mutual obligations which are enforceable by law. Contracts include, but are not limited to, terms of service, license agreements, Memorandums of Understanding, terms of use, or any other written binding agreement. Verbal agreements are not included in this definition and are not permitted by the District.
2. ~~"Contract" is a voluntary, deliberate, and legally binding agreement between two or more competent parties. Contracts are usually written but may be spoken or implied, and generally have to do with employment, sale or lease, or tenancy. Contracts include Memorandums of Understanding (MOUs), terms of services, terms of use, or any other binding agreement.~~
3. "Professional Services" is work performed by an independent contractor, either of a consultative nature or associated with specialized expertise in the service sector, rather than a manufactured product, to augment the District's professional capabilities or serve in an advisory capacity. Examples of professional services include, but are not limited to, architectural services, engineering services, investment management services, banking services, training and development and consulting services.
4. "Proposal" is a complete sealed solicitation (submitted in competition with other proposers in response to a Request for Proposal or Request for Qualifications) to execute specified job(s) within prescribed time that usually includes labor, equipment, services, and/or materials. The proposal-receiving party may reject

Formatted: Font: (Default) Tahoma, 12 pt

Formatted: Indent: Left: 0.5", No bullets or numbering

or accept the proposal. Once accepted, the proposal may turn into a binding contract.

5. "Quotation" is a formal statement of promise (submitted usually in response to a request for quotation) by potential supplier to supply the goods or services required by a buyer, at specified prices, and within a specified period. A quotation may also contain terms of sale and payment, schedule and warranties.

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

Formatted: Font: (Default) Times New Roman

- 6.7. "Joinder" An agreement that permits one or more additional parties, such as governmental agencies, to join an existing competitively solicited government contract after its initial award.

Formatted: Font: (Default) Tahoma

REGULATION

1. Professional services are widely used by schools and departments within the District. While these services are exempt from the bidding requirements under NRS 332, the District desires to employ a competitive process for these services when required and whenever practicable and beneficial to do so. Schools and departments should consult with the Purchasing Department to determine which type of solicitation is most appropriate.

2. The Superintendent, Chief Financial Officer, and Director of Procurement and Contracts are authorized to enter into contracts for supplies, equipment, materials, labor, and services.

2.-

3. Professional Services Utilizing Federal Funding.

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

- a. For services between-greater than \$10,000 but not greater than and ~~\$250,000~~ 49,999, the department or school should solicit at least three quotes from companies that can perform the work and must award to the lowest quoted vendor meeting specifications. The department or school should consult with the Purchasing Department and Grants Department to ensure all federal guidelines are adhered to properly. Alternatively, the

department or school can use the process described below in Section 3(b) for an informal request for a letter proposal. Services with a cost of \$100,000 or more require Board of Trustees approval.

- b. In lieu of obtaining three quotes in accordance with the preceding Section 3(a), for professional services greater than \$10,000 but not greater than \$250,000, an informal request for a letter proposal is acceptable unless otherwise directed by the Purchasing Department. The request for a letter proposal should include a detailed scope of work and the criteria to be evaluated. The weights for the criteria should be determined prior to sending out the request for letter proposals. The department or school should solicit proposals from a minimum of three companies that can perform the work. The criteria upon which to evaluate proposals should include, but not be limited to, the vendor's qualifications and relevant experience, proposed project approach, proposed personnel, and the firm's proposed compensation structure/quote. An evaluation of each of these areas, and any others identified by the school or department in the scope of work, should be performed by the department or school and a recommendation for award to the vendor receiving the highest score should be made by the department or school, subject to review and approval by the Purchasing Department. The Department or school conducting the request for letter proposals must submit the scope of work and scoresheets for each firm evaluated and for each person that participated in the evaluation to the Purchasing Department for approval prior to notifying the winning vendor.

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

d. Exceptions to the above include the following:

- i. The services provider is a sole source. This requires sole source documentation that must be completely filled out, signed by the Area Superintendent or Department Chief and approved by the Senior Director of Supply Chain Management prior to receiving services. This must be approved by the Purchasing and/or Grants Department;
- ii. A joinder contract is utilized. This must be approved by the Purchasing/or Department;and

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma

Formatted: List Paragraph, Indent: First line: 0"

Formatted: Numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

iii. After solicitation of a number of sources, competition is ~~determined~~ determined to be inadequate or insufficient. This determination can only be made by the Purchasing Department; and-

iv. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation.

ed. When procuring goods or services with federal funds, end-users should use the stricter of the processes outlined in this section or the process outlined in section 4 below, NRS 332.

Formatted: Right: 0.55", Space Before: 10 pt, Numbered + Level: 3 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 1.38" + Indent at: 1.5", No widow/orphan control, Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers, Tab stops: 1.17", Left

Formatted: Font: (Default) Tahoma

Formatted: Indent: Left: 0.25", Hanging: 0.25"

4. Non-Public Works Professional Services Not Utilizing Federal Funding

- a. The department or school should consult with the Purchasing Department to determine the most appropriate type of competition to be employed.
- b. For services between \$10,000 and \$24,999, unless otherwise directed by the Purchasing Department, the department or school should solicit at least three quotes from companies that can perform the work. If only quotes are requested, the department or school must award to the lowest quoted vendor meeting specifications, unless there is a compelling reason why the lowest quoted vendor is not satisfactory. Alternatively, the department or school can use the process described below in Section 4(c) for an informal request for a letter proposal.
- c. For services between \$25,000 and \$99,999, either three quotes must be solicited with award to the lowest quoted vendor or an informal request for a letter proposal ~~should-must~~ be used unless otherwise directed by the Purchasing Department. The request for a letter proposal should include a detailed scope of work and the criteria to be evaluated. The weights for the criteria should be determined prior to sending out the request for letter proposals. The department or school should solicit proposals from a minimum of three companies that can perform the work. The criteria upon which to evaluate proposals should include, but not be limited to, the vendor's qualifications and relevant experience, proposed project approach, proposed personnel, and the firm's proposed compensation structure/quote. An evaluation of each of these areas, and any others identified by the school or department in the scope of work, should be performed by the department or school and a recommendation for award to the vendor receiving the highest score should be made by the

department or school, subject to review and approval by the Purchasing Department. The Department or school conducting the request for letter proposals must submit the scope of work and scoresheets for each firm evaluated and for each person that participated in the evaluation to the Purchasing Department for approval prior to notifying the winning vendor.

- i. However, the Purchasing Department may determine that a sealed Request for Bid (RFB), Request for Proposal (RFP), or Request for Qualifications (RFQS) should be used due to a variety of factors including but not limited to the level of public interest in the service, risk factors, or complexity of services; and
 - ii. The Purchasing Department may choose to assist the department or school in managing this process, depending on many factors.
- d. When the professional services procurement is \$100,000 or more, a formal RFP or RFQS should be conducted by the Purchasing Department and awarded by the Board of Trustees. Exceptions to this requirement can be made by the Purchasing Department due to the workload capacity of the Purchasing Department, critical timelines or other factors, in which case an informal request for letter proposals shall be conducted.
- e. Alternatively, a pool of providers may be awarded through the RFP or RFQS process when the District foresees multiple projects or services needed within the same field. After the pool is established, the department may select a provider from the appropriate competitively awarded pool with no further approvals needed.

i. The department should endeavor to use as many providers as practicable within each competitively solicited pool during the term of the solicitation.

i. The department shall submit a report to the Purchasing Department, at least annually, detailing the use of any consultant or professional service provider from any competitively solicited and awarded pool of providers.

ii.

e.f. Exceptions to the above include the following:

- i. The services provider is a sole source. This requires sole source documentation that must be completely filled out, signed by the Associate Chief or Department Chief and approved by the Senior

Formatted: Indent: Left: 1.38", Hanging: 0.13"

Formatted: Indent: Left: 1.75"

Formatted: Indent: Left: 1.38", Hanging: 0.13"

Formatted: Font: (Default) Tahoma

Formatted: Indent: Left: 1.25"

Formatted: Indent: Left: 1.5", Don't add space between paragraphs of the same style, No bullets or numbering

Director of Supply Chain Management~~Procurement and Contracts~~
prior to receiving services; ~~and~~

~~ii.~~ A joinder contract is utilized. This must be approved by the
Purchasing Department; and,

iii. A waiver to the competitive process has been granted. The school
or department may request a waiver to the competitive process.
This waiver can be approved by the Financial Review Committee
(FRC). If FRC grants the waiver, the approved waiver should be
provided to the Purchasing Department when the requisition for
services is entered.

Formatted: Font: (Default) Tahoma

Public Works Professional Services Contracts

Formatted: Indent: Left: 0.25", Hanging: 0.25"

While professional services, including, but not limited to, architects, engineers, land surveyors, and landscape architects are exempt from the bidding requirements in NRS 332, the Purchasing Department will endeavor to competitively solicit for professional services related to public works projects whenever practicable. This could include a solicitation for a specific project or could include a solicitation for a pool of certain professional services.

Formatted: Indent: Hanging: 0.25"

When the Capital Projects Department identifies the need for a professional service provider and the estimated cost of the provider is \$10,000 or more, the Planning Department and/or Construction Department, within the Capital Projects Department, will follow the following process:

If the provider was awarded through an RFP or RFQS process and awarded by the Board of Trustees, if required, the selected provider will be used.

Formatted: Normal, Indent: Left: 0.25", Hanging: 0.25", No bullets or numbering

If the provider was not awarded a solicitation for a specific project, but a pool of providers was awarded through the RFP or RFQS process, the Capital Projects Department may select a provider from the appropriate competitively awarded pool with no further approvals needed.

Formatted: Font: (Default) Tahoma

The Capital Projects Department should endeavor to use as many providers as practicable within each competitively solicited pool during the term of the solicitation.

Formatted: Indent: Left: 0.25"

The Capital Projects Department shall submit a report to the Purchasing Department, at least annually, detailing the use of any consultant or professional service provider from any competitively solicited and awarded pool of providers.

Formatted: Indent: Left: 0.25", Hanging: 0.25", No bullets or numbering

Formatted: Indent: Left: 0.25"

If the provider is not a member of a competitively solicited pool and was not awarded in a solicitation for a specific project, the Planning Department or Construction Department should either submit for sole source approval or must obtain a waiver of solicitation from FRC. For example, some specialized services may be required and the awarded pools may not have any provider that can provide these specialized services.

Formatted: Indent: Left: 0.25", Hanging: 0.25"

Formatted: Font: (Default) Tahoma

Formatted: Normal, Indent: Left: 0.25", Hanging: 0.25", No bullets or numbering

All consultants or professional services providers must have a contract and all contracts must be reviewed and approved per Board Policy 3321 and

Administrative Regulation 3322. In most cases, the District's contract template for public works consultants shall be used.

5. Use of Joinder Contracts

Joinders are a mechanism that is typically used to streamline the procurement process and/or leverage economies of scale by allowing multiple entities to benefit from its terms, conditions, and pricing negotiated in the original contract.

- a. Joinders should not be used as a way to bypass the District's procurement process or avoid a district competitive solicitation.
- b. Joinders should not be used as a means to procure goods or services from a desired or favorite vendor.
- c. Joinders can be used when it provides better pricing than the District could obtain on its own where a large agency or consortium has taken the lead due to high volume.
- d. Joinders can also be used in unique situations where time is of the essence or where unexpected funding has been received and there is not enough time to initiate and complete a solicitation. This is most common when using grant funds that have a finite deadline for expending the grant funds.

ii.e. The Purchasing Department must always be consulted to determine if a joinder contract is the best tool for a particular procurement. If grant funds are involved, the Grants Department must also be consulted.

5.6. ~~Non Public Works~~ Professional Services Contracts

a. The District uses a standard Independent Contractor Agreement (ICA) for most professional contracts. The school or department is responsible for filling out the ICA (Part A and B) and obtaining the vendor's signature on it. The ICA will be signed by the Superintendent, Chief Financial Officer, or Director of Procurement and Contracts only once the completed ICA has been submitted with the requisition for services.

a.b. A separate contract template may be used for Public Works contracts.

b.c. The vendor may also require their contract be signed. This requires review by the Purchasing Department and the Office of the General Counsel through the contract review process. This review should occur prior to the requisition being entered. The approved contract

Formatted: Font: (Default) Tahoma

Formatted: Indent: Left: 0.25", Hanging: 0.25"

Formatted: Indent: Left: 0.75"

Formatted: Body Text, Indent: Left: 0.75", Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.51" + Indent at: 0.76"

Formatted: Font: (Default) Tahoma

Formatted: Indent: Left: 0.25", Hanging: 0.25"

review form and vendor contract should be attached to the requisition along with the ICA.

~~c.d.~~ On rare occasions, the vendor contract only, without an accompanying ICA, may be authorized if the vendor contract contains the provisions that are in the District's standard ICA. Please consult with the Purchasing Department to determine when/if this can occur.

~~d.e.~~ Services may not be rendered unless the following are met. Accepting services without the following is considered an unauthorized purchase.

- i. A fully executed vendor contract signed by an authorized District person is obtained, when applicable, and a copy is provided to the school or department by the Purchasing Department;
- ii. A fully executed ICA signed by an authorized District person is obtained and a copy is provided to the school or department by the Purchasing Department; and
- ~~iii.~~ A fully executed Purchase Order signed by an authorized District person is obtained and a copy provided to the school or department.

iii.

LEGAL REQUIREMENTS AND ASSOCIATED DOCUMENTS

1. This Administrative Regulation reflects the goals of the District's Strategic Plan and aligns/complies with the governing documents of the District, to include:
 - a. Board Policy 3321, Contract Review and Approval; and
 - b. Board Policy 3320, Procurement.
2. This Administrative Regulation complies with federal laws and regulations, Nevada Revised Statutes (NRS), and Nevada Administrative Code (NAC) to include:
 - a. 2 C.F.R. § 200.0, et seq.
 - b. NRS Chapter 332, Purchasing: Local Governments.

Formatted: Numbered + Level: 3 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 1.38" + Indent at: 1.5"

REVISION HISTORY

Date	Revision	Modification
03/15/2022	1.0	Adopted
7/19/2023	2.0	Revised: to add language re proposals for professional services utilizing federal funding between \$10,000 - \$249,999 and letter proposals for services not utilizing federal funding between \$10,000 and \$99,999
TBD	3.0	Revised: Added use of joinder contracts, deleted public works professional services contracts.