

State and Local Procurement

Tool Kit Guidance



Outline

- **General Rules**
- **Small Purchase**
- **Limited Solicitation**
- **Proposals and Bids**
- **Sole Source**
- **Professional Services**
- **Conflict of Interest**
- **Code of Ethics**
- **Rules of Conduct**



Procurement

- **Procurement is GRANTEE'S responsibility**
- **Must follow applicable statutes**
 - Montana Code Annotated (MCA)
 - Local requirements
- **Free and open competition**
- **May not divide or sequence activities to circumvent procurement methods**
- **Must send documentation of procurement to Commerce**
- **Must send executed agreements to Commerce**



Procurement by Type

- **Small Purchase**
- **Limited Solicitation**
- **Proposals and Bids (competitive)**
- **Sole Source**
- **Professional Services***
- **Any local laws guiding procurement**



Small Purchase

- **Local Government**
 - Purchase of supplies, materials, equipment, or construction \$80,000 or less (§§7-5-2301 and 7-5-4302, MCA)
 - Emergency Situations – council with $\frac{3}{4}$ vote may best meet the emergency and serve the public interest
 - Additional adopted local government policies?



Limited Solicitation

- **Local Government**
 - No specific limited solicitation process
 - Good process to follow for small purchase procurement
 - Additional adopted local government policies?



Proposals and Bids (a.k.a. Competitive Bidding)

- **Local Government**

- Purchase of supplies, materials, equipment, or construction in excess of \$80,000 (§§7-5-2301 and 7-5-4302, MCA)
- Contract must be awarded to lowest, responsible, responsive bidder
- Two publications in newspaper of general circulation – publish twice with six days separating



Sole Source

- **Local Government**
- **No sole source process**
- **18-4-306 MCA**
- **Prequalified purchases**



Professional Services

- **State statute applies to both state agencies and local governments (§18-8-201, et seq., MCA)**
- **Applies to architectural, engineering and land surveying services**



Professional Services

- **Request for Qualifications (RFQ)**
- **Process allows for selection of firm(s) most qualified to provide the services required after agency publishes requirement for services**
- **If publishing one proposal for multiple professional services and including grant administration, make it clear firms/consultants may respond to a single or combination of services in the proposal by using the words “and/or”**



Professional Services...

– **Since 2017..**

- If contracting for \$50,000 or less, can do so via direct negotiation (18-8-212 MCA)
- Allows for local agency to enter into a contract with 1 or more firms from RFQ to provide services on as-needed basis for 1 or more projects (18-8-204(3) MCA)



SAMPLE NOTICE

NOTICE OF REQUEST FOR PROPOSALS

ADVERTISEMENT REQUESTS FOR PROPOSALS WHALLEY ROAD BRIDGE ENGINEERING AND/OR GRANT ADMINISTRATION SERVICES

The Valley County Commission is soliciting proposals to hire a firm to provide general engineering and/or grant administration services for various designated and undesignated public-works projects within the Valley County jurisdictional area. The immediate need will be to assist the County with a bridge assessment and preliminary engineering report for the replacement of selected bridges. The County will utilize the selected firm to serve as an on-call County Engineer for a period of up to two years for all professional engineering and/or grant administration tasks activities associated with but not limited to roads, bridges, trails, water, wastewater, solid waste, subdivision reviews, site development, environmental reviews, miscellaneous public works projects, etc. Desired services may include the following: planning, preliminary engineering, final design, contracting, construction administration, inspection work, grant writing and/or grant administration. The agreement and payment terms will be negotiated with the selected offeror.

The immediate need will be to assist the County with design, bidding, permitting, and construction management for the replacement of the Whalley Road Bridge. The Whalley Road Bridge was damaged during a flood event in Spring, 2011. The project will be funded by FEMA and must comply with all FEMA and Montana Disaster and Emergency Services requirements and regulations.

Copies of the detailed request for proposals (RFP), including a description of the services to be provided by respondents, the maximum cost of responses, and the factors to be used to evaluate the responses can be obtained by contacting the Valley County Commission, 501 Court Square, Box #1, Glasgow, MT 59230-2485. All responses to the detailed RFP must be received by 4:00 p.m. on April 16, 2013.

DATED this 2nd day of April, 2013.

BOARD OF COUNTY COMMISSIONERS
VALLEY COUNTY, MONTANA
David L. Pippin
David L. Pippin, Chairman

At Lynne Nyquist
ATTEST: Lynne Nyquist, Clerk
Published April 3 & 16, 2013

AFFIDAVIT OF PUBLICATION

STATE OF MONTANA

County of Valley

Jim Orr being duly sworn, upon oath says: That he is the Publisher of The Glasgow Courier, a newspaper of general circulation published once each week at Glasgow, in the county of Valley, State of Montana. That the notice hereunto attached was published in the said Glasgow Courier once each week for Two (2) successive weeks.

That the first publication of said notice was on the 3rd day of April 2013.

That the last publication of said notice was on the 10th day of April 2013.

That the said notice was published in the regular and entire issue of every number of the said Glasgow Courier, during the period and time of said publication, and in the newspaper proper and not in the supplement.

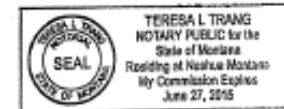
Jim Orr

State of Montana
County of Valley

Signed or acknowledged before me

on April 11, 2013 by Jim Orr

Teresa L. Trang



Cost of Publication: 4 Folios 2 Publications \$80.00

The rate charged for the above legal printing does not exceed the minimum going rate charged to any other advertiser for the same publication set in the same size type and published for the same number of insertions.



Questions?

Additional guidance on CDD website:

comdev.mt.gov

DOCCDD@mt.gov
(406) 841 -2770

