



## Regional Task Force on the Homeless San Diego City & County

<b>Policy:</b>	Procurement Policy	<b>Policy Number:</b>	RTFHBP5
<b>Owner of Policy:</b>	Governance Board		
<b>Policy Sponsor:</b>	Merger Task Force		
<b>Policy Approval By:</b>			

<b>Original Effective Date:</b>	<b>Reviewed Date(s):</b>	<b>Revised Date(s):</b>
6/15/17		

### 1. PURPOSE

The purpose of this Procurement Policy is to establish a broad framework of policies and guidelines to ensure the Regional Task Force on the Homeless' (RTFH) purchasing and contracting functions promote administrative flexibility and efficiency, while at the same time maintaining prudent internal controls and compliance with applicable statutes and regulations. The policy set forth in this document establishes standards and guidelines for the procurement of supplies, equipment and services to ensure that they are obtained as economically as possible through an open and competitive process, and that contracts are managed with good administrative practices and sound business judgment.

### 2. CODE OF CONDUCT

A Code of Conduct shall govern the performance, behavior and actions of the Organization, including Board members, employees, directors, volunteers, or agents who are engaged in any aspect of procurement, including – but not limited to – purchasing goods and services; awarding contracts and grants; or the administration and supervision of contracts.

- a. No employee, officer, director, volunteer or agent of the RTFH shall participate in the selection, award or administration of a bid or contract supported by Federal funds if a conflict of interest is real or apparent to a reasonable person.
- b. Conflicts of interest may arise when any employee, officer, director, volunteer or agent of the RTFH has a financial, family or any other beneficial interest in the vendor firm selected or considered for an award.
- c. No employee, officer, director, volunteer or agent of the RTFH shall do business with, award contracts to, or show favoritism toward a member of his/her immediate family, spouse's family or to any company, vendor or concern who either employs or has any relationship to a family member; or award a contract or bid which violates the spirit or intent of Federal, State and local procurement laws and policies established to maximize free and open competition among qualified vendors.
- d. The RTFH's employees, officers, directors, volunteers or agents shall neither solicit nor accept gratuities, gifts, consulting fees, trips, favors or anything from a vendor, potential vendor, or from the family or employees of a vendor, potential vendor or bidder; or from any party to a sub-agreement or ancillary contract that is not of modest or nominal value.

- e. As permitted by law, rule, policy or regulation, the RTFH shall pursue appropriate legal, administrative or disciplinary action against an employee, officer, director, volunteer, vendor or vendor's agent who is alleged to have committed, has been convicted of or pled no contest to a procurement related infraction. If said person has been convicted, disciplined or pled no contest to a procurement violation, said person shall be removed from any further responsibility or involvement with grants management, procurement actions or bids, consistent with State or Federal policy.

### **3. POLICY**

The RTFH shall provide for a procurement system of and for:

- a. Quality and integrity;
- b. Fair and equitable treatment of all persons or firms involved in purchasing by the RTFH;
- c. Ensure supplies and services are procured efficiently, effectively, and at the most favorable prices available to the RTFH;
- d. Promote competition in contracting; and
- e. Assure RTFH purchasing actions are in full compliance with applicable federal standards, U.S. Department of Housing and Urban Development (HUD) regulations, state, and local laws.

Within the above parameters, RTFH encourages the use of small, minority or women owned businesses. Donated goods and services are used whenever possible and practical. The RTFH Code of Conduct applies to all purchases, regardless of the dollar amount. To the extent any portion of this policy contradicts the Charter or the Bylaws, the terms of the Charter and Bylaws shall prevail.

#### **3.1 INFORMAL SOLICITATION / SMALL PURCHASES**

All individuals securing items and services for the organization must adhere to provisions included in this procedure.

- a. Petty Cash (\$100 or less)  
Small, one time purchases of \$100 or less may be handled through the use of a Petty Cash account. Only one source may be solicited if the price is considered reasonable. The Petty Cash account shall be used and managed in accordance with general accounting practices for "Petty Cash" accounts.
- b. One Quote (\$10,000 or less)  
For procurement of goods and services in excess of the petty cash amount but not more than \$10,000, the RTFH may award a contract after soliciting one quote if the price is considered reasonable based on research, experience, on purchases. The reasonableness of the price shall be documented in the file.
- c. Multiple Quotes (\$25,000 or less)  
Not less than three (3) written price or rate quotations must be obtained from qualified sources for procurement of goods and services costing more than \$10,000 but not more than \$25,000. The award shall be made to the lowest acceptable quotation unless the selection of another responder is justified in writing based on price and other factors. If non-price factors are used for the selection, those factors shall be disclosed to all prospective respondents solicited. The reasonableness of the price shall be documented in the file. Negotiation of price and contract terms is allowed.

#### **3.2 COMPETITIVE SOLICITATIONS (\$25,000 or more)**

Contracts for goods and services valued in excess of \$25,000 will be obtained through a formally advertised and competitive selection process. The RTFH will issue Invitations for Bids (IFB), Requests for Proposals (RFP) and /or Requests for

Qualifications (RFQ). All solicitations will be publicized on the RTFH website and/or other method of general circulation.

### **3.3 NON-COMPETITIVE PROCUREMENT**

Alternative method of procurement used during a major procurement when only one source is invited to submit and offer to provide a good or service. The use of this method shall be minimized to the extent practicable and in every case shall include documentation for justification of this method.

Non-competitive procurement may only be used when certain circumstances apply:

- a. The goods or service are only available from a single source;  
The public demand or emergency need for an item or service does not permit a delay such as that resulting from competitive solicitation;  
The funding source authorizes non-competitive procurement; and/or  
After solicitation from a number of sources, competition is determined inadequate by the RTFH.

## **4. PROCEDURE**

### a. Purchases under \$10,000

Purchases for items that are included in the approved budget and are not standard supplies or services routinely ordered by the RTFH may be purchased with the approval of the Chief Executive Officer. All general procurement procedures apply, including documentation requirements conflict of interest policies.

### b. Purchases from \$10,001 to \$25,000

All purchases must be accompanied by a purchase request that documents the products or services desired and the purpose of the products or services.

- i. All purchase request are to be submitted to the Chief Executive Officer who has authority to approve the purchase;
- ii. The Chief Executive Officer shall review, approve and sign off on the purchase.
- iii. Designated personnel proceed with the purchase in accordance with this policy and procedure.

### c. Competitive Solicitations \$25,001 or more

The RTFH may utilize two types of competitive proposals: Request for Proposals (RFPs) and Requests for Qualifications (RFQs).

- i. Advertisement - While any of the following methods may be employed, the RTFH may elect the method, which, considering matters of economy provides for full and open competition.
  - Advertising in various newspapers, trade journals or publications;  
Electronic advertising through the internet using e-procurement or marketing systems.
- ii. Time Period for Solicitation - Solicitations will be run for a period sufficient to achieve effective competition, which, in the case of paid advertisements, will generally be run not less than once each week for two consecutive weeks.

### d. Competitive Proposals – RFP's and RFQ's will include a request for the following:

- i. Cover Page;
- ii. Table of Contents;
- iii. Statement of Work (SOW);
- iv. Submission Requirements, along with pricing instructions;

- v. Evaluation Factors; and
  - vi. Attachments (including mandatory local, state and federal forms & documents)
- e. Submission Requirements - The RTFH will ensure that the submission requirements include required forms and certifications that are consistent with the factors used for evaluation. For example, if the RFP indicates that proposals will be evaluated based on similar experience in the particular activity, the RTFH will ensure it requests respondents to include information on relevant past experience.
- f. Evaluation Factors
- i. RFP's will contain a clear statement of the evaluation factors to guide the offerors in structuring their proposal. Non-price factors are also called "technical factors."
  - ii. Evaluation criteria will be tailored to fit each procurement. Typical evaluation criteria may include the following:
    - Demonstrated understanding of the requirement
    - Appropriateness of the technical approach in the proposal (including labor categories, estimated hours, and skill mix); a
    - Quality of the work plan;
    - Technical capabilities (in terms of personnel, equipment, and materials) and management plan (including staffing of key positions, method of assigning work, and procedures for maintaining level of service, etc.);
    - Demonstrated experience in performing similar work; and
    - Demonstrated successful past performance (including meeting costs, schedules, and performance requirements) of contract work substantially similar to that required by the solicitation as verified by reference checks or other means.
- g. Evaluation Process
- Amending and Canceling the RFP.* The RTFH may amend or cancel RFPs when necessary or when otherwise considered to be in the best interest of the RTFH.
- i. **CONFIDENTIALITY.** No information regarding any of the proposals, including the names of the offerors or the number of proposals received, should be provided to anyone without the Chief Executive Officer's permission. Offerors submit proposals in confidence and expect their proposals to be protected from disclosure to other offerors or individuals. Each member of the evaluation committee and any advisors to the evaluation committee will be required to sign a certification of nondisclosure.
- Evaluation of proposals will be based on the evaluation factors set forth in the RFP. Factors not specified in the RFP shall not be considered. Initially, proposals should be evaluated on an individual basis against the requirements stated in the RFP; at this point proposals are not analyzed in comparison with each other. Also during the initial evaluation, the committee evaluates only the content of the proposals. No personal knowledge of the offeror not based on the contractor's written submission is or should be part of the written proposals' initial evaluation; however, the contractor's prior performance with the RTFH must be included as part of the standard review of offer or responsibility.
- h. Contract Award

- i. **General.** Contracts shall be awarded only in accordance with the terms of the solicitation. Contracts awarded using the competitive proposals method are based on both price and technical merit of the proposal. Awards will be made only to offerors who have been determined to be responsible contractors.
- ii. **Notice to Unsuccessful Offerors.** The RTFH will notify each unsuccessful offeror and the awardee in writing and will offer unsuccessful offerors an opportunity to request a debriefing the RTFH.
- iii. **Debriefing Unsuccessful Offerors.** The notice to unsuccessful offerors should also provide them with the opportunity to request a debriefing by the RTFH. The notice will state any time frame during which the request must be made (e.g., within 10 business days after receipt of notice). The debriefing will explain how the offer was unsuccessful (e.g., by comparing it to the requirements of the RFP). The debriefing will **not** include a detailed point-by-point comparison with the successful offer or any other offer, and will not reveal any information about another offer that is protected from disclosure.

i. Dispute Process

Any potential, or actual, contractor objecting to an award of a contract resulting from the issuance of an RFP may file a protest of the award of the contract or any other matter relating to the process of soliciting the proposals. Such a protest must comply with the following guidelines:

A protest may be filed by a prospective or actual contractor objecting to the award of a contract resulting from an RFP. The protest shall be in writing and shall contain the following information:

- The name, address, and telephone number of the protestor
- The name and number of the RFP being protested
- A detailed statement of the legal and factual grounds for the protest, including copies of any relevant documents
- A request for a ruling by RTFH
- A statement as to the form of relief requested from RTFH
- Any other information the protestor believes to be essential to the determination of the factual and legal questions at issue in the written protest.

A protest shall be considered timely if RTFH received it within the following periods:

- i. A protest based upon alleged improprieties in the issuance of the RFP or any other event preceding the closing date for receipt of proposals which are apparent or should be apparent prior to the closing date for receipt of proposals shall be filed no later than 4:00 p.m. the closing date for receipt of proposals.
- ii. If the protest relates to the announced intent to award a contract, the protest shall be filed no later than 3:00 pm of the fifth (5th) business day after the announcement of intent to award.
- iii. An untimely protest may be considered if RTFH determines that the protest raises issues significant to RTFH's procurement system. An untimely protest is one received by RTFH's Office of General Counsel after the time period set forth in this procedure.
- iv. All protests must be filed with the RTFH's Legal Counsel.
- v. When a timely protest is filed, a contract award shall not proceed until a decision on the protest is issued or the matter is otherwise resolved,

unless RTFH's Chief Executive Officer determines that a delay will result in a significant disadvantage for RTFH. The winning bidder shall be notified of the receipt of the protest.

- vi. RTFH shall issue written decisions on all timely protests and shall notify any contractor who filed an untimely protest as to whether or not the protest will be considered.

**Procurement Records**

All negotiated contracts shall include a provision that makes it possible for the HUD or any of their duly authorized representative of the United States government, to have access to any books, documents, papers, or records of the contractor/firm that are directly pertinent to the contract, for the purpose of making audit examination excerpts and transcriptions. Further, the contract must include a provision that all required records will be maintained by the contractor/firm for a period of seven years after the project.