GUIDELINES FOR THE PROCUREMENT OF CONSULTANT, CONCESSIONAIRE AND OTHER SERVICES

- Architectural and engineering services are specifically excluded from the scope of these guidelines.
- “Consulting services” shall mean the expertise, advice, professional services, or any other personal services provided by any individual, association, proprietorship, partnership, corporation, or joint venture by contract with Suffolk County Community College including, but not limited to, planning work, grant writing, legal, computer, telecommunications, network, accounting, or educational services.
- “Concessionaire services” shall mean any activity to be authorized by the College in which revenue is to be derived by the College, either as a result of the sole efforts of the concessionaire or as a result of joint efforts by the concessionaire and the College. This shall include any arrangement by which the College derives services, without the expenditure of funds, in exchange for services or promotional opportunities provided by the College.
- “Other services” shall mean any service not included in the above second and third bullets and not excluded by the above first bullet, including leases of personal property, providing of customized software or computer systems, providing of software licenses, sign interpreting, etc.

A. Developmental Approval and Issuance of Requests for Proposals (RFPs) for Procurement of Services having a cost more than $10,000 or for Procurement of Concessionaire Services having a fair market value of more than $10,000

1. The office (“initiating office”) seeking the issuance of a Request for Proposal (RFP) shall obtain from the Office of Legal Affairs a copy of the current RFP model. The RFP model is a document that will evolve over time, therefore, it is important to obtain and utilize the most current model.

2. The initiating office shall be responsible for the preparation and development of the RFP, based on the current RFP model. The administrative boilerplate in the RFP may not be changed without authorization from the Office of Legal Affairs. The initiating office shall involve in the development process the Business & Financial Services Office and such other offices as will be affected by the services performed.

   a. The RFP must include an overview of the services to be procured as well as detailed technical specifications.
   b. The RFP should include a model contract, which may be subject to negotiation prior to award of the contract. The
model contract is to be prepared by the Office of Legal Affairs.

c. The RFP shall state that the model contract is subject to revision arising out of terms and conditions imposed by law and/or deemed appropriate by the Office of Legal Affairs.

3. The initiating office may meet with the Office of Legal Affairs or with the Office of Business & Financial Services for assistance in structuring and working complex RFPs.

4. The RFP should include the following Appendices and any others as determined by the Office of Legal Affairs:

   a. Suffolk County Code, Section A5-7, Local Law 28-1993; “Contractors and Vendors Required to Submit full Disclosure Statement”;
   b. County of Suffolk Contractor’s Vendor’s Public Disclosure Statement (SCEX Form 22);
   c. Suffolk County Affirmative Action Contracting Requirements;
   d. Suffolk County Code Article II, Disqualification of Non-responsible Bidders, Ref. Local Law No. 25-1990;
   e. Notice of Bidders, Ref. Local Law 25-1990;
   f. Bid Certification, Form SCDP-7;
   g. Suffolk County Code, Chapter 386 “Political Parties, Gifts to Officials of,” Local Law No. 32-1980;
   h. Suffolk County Code of Ethics, Article XXX, Sections A30-a through A30-7;
   i. Suffolk County Local Law No. 4-1993, a Local Law to Promote Local Business for County Consulting Work;
   j. Agreement on Terms of Discussion.

5. The initiating office is responsible for the production of one “camera ready” copy of the RFP, after the completion of the review process, and for providing an electronic copy of the RFP.

6. The Office of Business & Financial Services is responsible for control of the issuance of the RFP, including placing an advertisement in the legal newspapers, mailing (or e-mailing) of the RFP to all known qualified service providers or concessionaires, as applicable (not required to exceed twenty) placing it on the College web site, evaluation team procedures, and award of contract.

7. The initiating officer (which shall be a Vice President, Executive Dean or Chief Financial Officer) shall determine the membership of the evaluation team prior to the issuance of the RFP. The Office of Business & Financial Services shall be represented on the team.
The chair of the evaluation team, as designated by the initiating officer, shall communicate the recommendation of the committee to the initiating officer.

8. The decision to award a contract shall be based on the ability of the provider or the Concessionaire to provide quality services and to comply with all applicable laws, rules and regulations. Evaluation criteria shall include review of the qualifications of the firm’s or individual’s or Concessionaire’s proposed staff, the financial stability of the firm, prior experience with similar projects, proposed technical strategies/methodologies, and the proposed schedule of fees. Based on the evaluation criteria, the College will not necessarily choose the proposer with the lowest proposed fee for services. The award of any contract will be made as judged to be in the best interest of the College.

9. If any contract, contract amendment, contract extension or contract modification:
   a. is in excess of $20,000, it must be authorized by a majority vote of the Board of Trustees;
   b. is less than $20,000, it may be approved by the President or his designee, who shall notify the Board of Trustees at the next regular meeting and who shall be authorized to execute any necessary documentation.

B. Negotiation, Approval and Issuance of Contracts for Services

1. The Business & Financial Services Office shall be responsible for:
   a. notifying the Office of Legal Affairs that the contract is to be awarded so that the contract can be prepared;
   b. in the event that further contract negotiation is required with the successful proposer, the Office of Business & Financial Services shall arrange such meetings as may be appropriate.

2. All contracts in final form, including contractor signature, are to be presented by the Office of Legal Affairs to the Department of Law for approval as to form.

3. After approval as to form by the Department of Law, the fully executed contracts will be distributed as appropriate.
C. Development, Approval and Issuance of Requests for Proposals (RFPs) for Procurement of Services having a cost less than $10,000 and More than $1,000

1. The foregoing procedures shall be followed, except that
   a. the process of soliciting proposals shall not require public advertisement or notice to a wide number of qualified firms;
   b. written quotes will be obtained from three sources and the initiating office shall recommend to the Business & Financial Services Office the award of the contract.

2. The President shall be authorized to award the contract.

3. The President or his/her designee shall be authorized to execute any necessary documentation.

Exceptions/Waivers from the RFP Process

A. Under certain limited circumstances, a waiver may be granted by the President.

B. Methodology for Obtaining a Waiver

1. All requests for a waiver must be submitted in writing by the requesting office.

2. All waiver requests should include documentation which answers the following questions:
   a. Is special or technical skill or expertise required in rendering the service? Describe in detail;
   b. Is formal education or training a prerequisite to the requisition of such skill or expertise? Describe in detail;
   c. Is satisfaction of New York State licensing or testing requirements a prerequisite to rendering such services? Describe in detail;
   d. Does the professional service involve a special relationship between the service provider and the recipient (e.g., lawyer-client, doctor-patient, confidentiality of DSS recipients)? Describe in detail;
   e. Do the services involve “one-of-a-kind” programs or are provided by non-for-profit or municipal corporations? Describe in detail;
   f. Does Federal or New York State Law, regulations or grant contracts require that the funds be channeled to certain firms? Attach copy of such directives;
g. Explain why the nature of the services is such that they do not readily lend themselves to competitive procurement and why the best interest of the College would not be served by competitive procurement;

h. If the services are not to be priced competitively, how will they be priced? Describe in detail;

i. Are the services necessary as a result of a public emergency?

Board of Trustees
March 13, 2003