

CONTRACTING FOR PROFESSIONAL SERVICES

All contacts executed by the District are subject to approval or oversight by the Board of Education. Although Requests for Proposals (“RFPs”) are not required by law and are not subject to competitive bidding, the Board of Education shall ensure that professional services are secured by the District in a manner that protects the integrity of the procurement process and the prudent use of taxpayer dollars and provides high quality services to the District, in accordance with applicable law. Professional services include services requiring special skill, expertise, and/or training, including but not limited to legal, architectural, engineering, medical, and insurance services.

The Board directs the Superintendent of Schools or designee to take measures to ensure that highly qualified professionals are secured through the prudent and economical use of public monies from a variety of sources such as: trade journals, professional listings, electronic media such as Bid-Net, and other governmental entities or reliable sources.

Subject to the exceptions described below, professional service contracts between \$35,000 and \$100,000 shall require a solicitation for no less than three informal requests for information (“RFIs”) prior to selection of a provider. Subject to the exceptions below, professional service contracts that are expected to reach or exceed \$100,000 in any fiscal year, RFPs shall be required. RFIs and RFPs shall be required prior to the expiration of an existing contract’s term. Additionally, RFIs and RFPs shall not be required in the following circumstances based on the determination of the Purchasing Agent selected by the Board of Education: providers specifically required pursuant to District grants, providers approved by the New York State Office of Governmental Services, exigent circumstances that require the immediate provision of professional services, and circumstances when the services required are unique or available from only one responsible entity. In all cases in which an RFP or RFI is not performed, professional services shall be secured through other documented methods of procurement which further the purposes of this policy. All RFPs and RFIs required under this policy for the securing of professional services shall contain a detailed scope of services, and solicit specific fees and other associated costs for such services, and other essential terms.

Among the various criteria to be considered, RFPs shall solicit information regarding the following:

1. the suitability of the individual/firm for the District’s needs;
2. the special knowledge, experience and expertise of the individual/firm;
3. the credentials and applicable certifications of the individual/firm;
4. the quality of the service provided by the individual/firm;
5. the cost of the services; and
6. the individual/firm’s commitment to workplace diversity, working with Minority and Women-owned Business Enterprises (M/WBEs), and compliance with applicable laws and regulations prohibiting unlawful discrimination because of race, creed, color, national origin, sex, sexual orientation, age, disability, or marital status.

RFIs shall solicit informal proposals using the six criteria above in an abbreviated format.

The District is committed to complying with all applicable Federal, State, local laws, rules and regulations which prohibit unlawful discrimination because of race, creed, color, national origin, sex, sexual orientation, age, disability or marital status, and encouraging the participation of contractors who have demonstrated a commitment to working with Minority and Women-owned Business Enterprises (M/WBEs). Contractors are encouraged to take all necessary and reasonable steps to ensure that M/WBE firms have the opportunity to compete for, and perform services on, contracts with the District. If the

contractor intends to subcontract a portion of the services on the project, the contractor is encouraged to seek out and consider M/WBE firms as potential subcontractors. The contractor is encouraged to contact M/WBE firms to solicit their interest, capability and qualifications.

RFP respondents shall submit their Equal Employment Opportunity Policy Statement and workforce and M/WBE participation data. Additionally, the Board directs that the Purchasing Agent for the Board utilize the applicable portions of Section 1, h. and i. of Responsible Bidder Policy 6725 for all RFPs issued by the District.

After a thorough review of the proposals, the Superintendent or designee will recommend to the Board of Education or Administration the professional service provider determined to be best suited for the District's needs. Professional service providers selected in this manner will not be considered employees of the District.

Ref: General Municipal Law § 104-b
2 NYCRR §§ 315.2, 315.3
Trane Co. v Broome County, 76 A.D.2d 1015
Appeal of Lombardo, 38 Educ. Dept. Rep. 730
Opn. St. Comp. 92-33

Notes: Adopted December 16, 2010 pursuant to Resolution No. 2010-11: 432; Amended February 26, 2015 pursuant to Resolution No. 2014-15: 508. **Effective date:** In order to allow sufficient time to implement this policy, it shall be effective for all professional service contracts executed by the District after September 15, 2011.; Amended October 28, 2021 pursuant to Resolution No. 2021-22: 243

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