

CHAPTER 5 CONTRACTING

597—5.1(225B) Definitions. As used in this chapter:

“Request for proposal” means a letter or document issued by the council to request that a party(ies) or entity(ies) submit a written proposal to the council for providing a service or undertaking a priority project.

“Solicited proposal” means a document submitted in response to a request from the council which proposes a service or a specific project for the council and outlines the costs for such a service.

“Unsolicited proposal” means a document submitted to the council without a request which proposes a service or a specific project for the council and outlines the costs for such a service.

597—5.2(225B) Contracting conditions. To fulfill its responsibilities and implement the mandates of Iowa Code chapter 225B, the council may utilize available funds to purchase needed services or conduct priority projects. Awards for contracts shall be made through one of the following processes: competitive, sole source, or unsolicited proposals.

597—5.3(225B) Competitive process. The council shall award contracts, to the extent possible, through an open and competitive process. The competitive process includes:

5.3(1) Public notification. The council shall develop a request for proposals and announce the opening of a period for application through public notice. Applicants shall be required to submit first a letter of intent and then a proposal by the deadlines specified in the announcement.

5.3(2) Letters of intent. Letters of intent must clearly identify the applicant and specify the project or service contract sought. Only letters of intent received by the deadline specified in the public notice may be considered by the council. Applicants shall receive a written acknowledgment of their letter of intent and an application packet.

5.3(3) Proposals. Applicants shall submit the proposal to the council chairperson on Form 470-2943. A proposal that does not contain the information specified in the application package or does not arrive by the due date specified in the announcement shall not be considered. At a minimum, proposals must contain the following:

- a. A summary or abstract of the project or service to be provided.
- b. A statement outlining the need or problem to be addressed.
- c. A statement of the purpose and approach to be used.
- d. Goals, objectives, action steps, and timelines for implementation (work plan).
- e. A plan for evaluation.
- f. Applicant’s qualifications and resources to be provided.
- g. A line item budget and budget summary.
- h. Other information identified in the request for proposal or the application packet.

5.3(4) Review and selection. All proposals that meet the minimum criteria stated above shall be evaluated by a selection committee appointed by the council chair. In addition to council members, the selection committee may include representatives from the technical assistance committee and other persons with expertise in a specific area. The selection committee shall review and rank the proposals on the basis of established evaluation criteria. Proposals receiving higher rankings shall be referred to the full council for final review and selection.

a. *Evaluation criteria.* The following factors are considered in evaluating proposals:

- (1) Demonstrated knowledge of the problem or need for the project/service.
- (2) Demonstrated understanding of the purpose of the project/service and adequacy of the overall approach.
- (3) Feasibility of the project/service plan and conformity with the request for proposals.
- (4) Appropriateness of the budget in relation to the objectives and methodology.

- (5) Applicant's demonstrated expertise and adequacy of resources to be provided.
- b. Rejection of proposals.* The council may reject any or all proposals on the basis of funds availability or quality of application.
- c. Selection records.* The council shall maintain a file documenting the review and selection process.

597—5.4(225B) Sole source or emergency selection process. The council may, within specific project parameters under Executive Order number 50 and department of revenue and finance preaudit procedures, elect to award a contract under the sole source or emergency option.

5.4(1) Justification for sole source selection. Sole source selection procedures may be justified when one of the following conditions exists:

- a.* Only a single source is determined to be qualified or eligible or is obviously the most qualified or eligible to perform the project.
- b.* The work is of such a specialized nature, or related to a specific geographical location, that a single source is determined to be qualified or eligible to perform the service.
- c.* Sole source selection shall automatically apply to contracts under \$1000 plus allowable travel expenses.

5.4(2) Justification for emergency selection. Emergency selection procedures may be justified when it is determined that normal selection procedures would unduly delay the initiation of critically needed work or impose unjustifiable costs on the council.

5.4(3) Approval of sole source or emergency selection. Sole source or emergency selection shall be approved by action of the council. The justification for use of sole source or emergency selection and the basis upon which a particular source is selected shall be documented and maintained on file.

597—5.5(225B) Unsolicited proposals. The council may consider unsolicited requests and proposals that address council priorities and responsibilities. Such proposals are forwarded to the council's executive committee for review. Proposals considered pertinent by the executive committee may be referred to the council for consideration and disposition.

597—5.6(225B) Notice of decision. Notification of acceptance or denial of a proposal shall be sent to each applicant.

597—5.7(225B) Request for reconsideration. Applicants not satisfied with the review process may file a request for reconsideration of the denial of an award with the council chairperson. The request for reconsideration must be submitted to the council chairperson within ten working days of the date of the notice of decision and must include the applicant's reasons for dissatisfaction. The request shall be based on a contention that the process violated state or federal law, policy, or rule; did not provide adequate public notice or was altered without public notice; or involved a conflict of interest.

Within ten working days of receiving the request, the council's executive committee shall review the request and evidence provided and issue a final decision.

No disbursements shall be made to any applicant for a period of ten working days after the date of the notice of decision. If a request for reconsideration is received within the ten working days, all disbursements shall be held pending a final decision on the request.

The reconsideration process does not constitute a contested case.

597—5.8(225B) Contract agreements. All funds for approved projects and services shall be awarded through a contract entered into by the council chair and the applicant. Contracts and budgets are negotiated between the council chair or the chairperson's designee and the applicant. The applicant may be requested to modify the original proposal or budget during the course of the negotiations. The

contract shall set forth the expectations and terms of compliance between the contractor and the council. The council or the contractor may request a modification of the contract at any time. However, a modification shall not be put into effect until it is approved in writing by both parties.

597—5.9(225B) Contractor records. Contractors shall be required to keep and make available statistical, financial, and other records as required by the council and specified in the contract.

These rules are intended to implement Iowa Code chapter 225B.

[Filed 1/15/93, Notice 9/16/92—published 2/3/93, effective 3/10/93]