

State and Local Procurement

Tool Kit Guidance



COMMERCE



Outline

- General rules
- Small purchase
- Limited solicitation
- Proposals and bids
- Sole source



Outline

- Professional services
- Conflict of interest
- Code of ethics
- Rules of conduct



Procurement

- Procurement is the grantee's responsibility.
- The grantee must follow applicable statutes:
 - Montana Code Annotated
 - Local requirements
- The grantee must ensure free and open competition.



Procurement

- The grantee may not divide or sequence activities to circumvent procurement methods.
- Send documentation of all procurement activity to Commerce.
- 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 of \$80,000 or less (§§7-5-2301 and 7-5-4302, MCA)
- In emergency situations, the council with a three-quarter 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 as well as for documentation of steps followed (free and open)
- Additional adopted local government policies?

Proposals and Bids: Competitive Bidding

Local Government

- Purchase of supplies, materials, equipment or construction over \$80,000 (§§7-5-2301 and 7-5-4302, MCA) (MCA 18-2-5 MCA)
- Contract must be awarded to lowest, responsible, responsive bidder.



Proposals and Bids: Competitive Bidding

Local Government

- Debarment check(s)?
- Two publications in newspaper of general circulation – published twice with six days separation



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
- This 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

Statutes were modified in 2017.

- If contracting for \$50,000 or less, you can do so via direct negotiation (18-8-212, MCA).
- This allows for local agencies to enter into a contract with one or more firms from RFQ to provide services on an as-needed basis for one or more projects (18-8-204[3], MCA).





Grant Administration

- Grant administration services do not qualify as a professional service under 18-8-2, MCA.
- Follow a selection process to secure an administrator for your project.

Sample Notice



AFFIDAVIT OF PUBLICATION

STATE OF MONTANA

County of Valley

**NOTICE OF REQUEST FOR PROFESSIONAL
ADMINISTRATION
REQUISITION FOR PROFESSIONAL
SERVICES
VALLEY COUNTY, MONTANA
GENERAL ADMINISTRATION SERVICES**

The Valley County Commissioners are seeking proposals to hire a firm to provide professional engineering services to evaluate and redesign the existing public works projects within Valley County. The evaluation will include the county with a bridge assessment and prioritization report for the replacement/reconstruction of bridges. The County will utilize the selected firm to have an engineering, County Engineer or equivalent, to do professional engineering services for the evaluation and redesign of the existing public works projects within Valley County. The evaluation will include the county with a bridge assessment and prioritization report for the replacement/reconstruction of bridges. The evaluation services may include the following: dredging, prioritized engineering, hydrogeology, permitting, construction administration, negotiations with contractors and project management. The agreement and contract terms will be negotiated with the selected firm.

The immediate need will be to assist the County with design, testing, permitting, and construction management of the replacement of the Bradley Roadbridge. The replacement of the bridge is anticipated to be completed in Spring, 2013. The project will be located by RT#34 and County Road 100, just west of RT#34 and Mountain View and Emergency Services departments are responsible.

Copies of the detailed request for proposals (RFP), including a description of the services to be provided by bidders, the minimum content of responses, and the format to be used to evaluate and rank responses will be available for inspection and be obtained from the Valley County Commissioners, 101 Court Square, Box #1, Livingston, MT 59047-2005. All responses to the detailed RFP must be received by 4:00 p.m. on April 10, 2013.

DATED this 2nd day of April, 2013
BOARD OF COUNTY COMMISSIONERS
VALLEY COUNTY, MONTANA
John W. Pfeifer, President
David L. Pfeifer, Chairman

Attorney/Revisor
ATT-2013-Lynn-Ryan, Clerk
(Published April 10, 2013)

Jen 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 hereinabove 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.



Jen Orr

State of Montana
County of Valley

Signed or acknowledged before me
on April 11, 2013 by Tim Orr



Teresa L. Truett



TERESA L. TRUETT
NOTARY PUBLIC to the
State of Montana
Notary of Helena, Montana
My Commission Expires
June 21, 2018

Cost of Publication: 4 Folios 2 Publications \$80.00

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

Questions?

See: commerce.mt.gov/infrastructure-planning

Call: 406-841-2270

Email: doccdd@mt.gov

All photos were provided by the Montana Department
of Commerce.

