

Part III Chapter 08
Competitive Selection Procedures for Certain Services
(Accountants, Clergy, Physicians, Lawyers,
Dentists and Other Professional Services)

A. Requirements.

1. This procedure may be used by agencies to procure the services of accountants, clergy, physicians, lawyers, dentists, and other personal services.
2. Agencies are not required to use this method of procurement if procurement is otherwise authorized as a small procurement, sole source, or emergency procurement.

B. General. Proposals are solicited through a Request for Proposal (RFP) and award is made to the offeror whose proposal is determined, in writing, by the contracting officer to be the best qualified based on the evaluation factors set forth in the RFP. Fair and reasonable compensation shall be determined through negotiation.

C. Agency Procedures.

1. Agency.

- a. Determines need for professional or personal services.
- b. Estimates costs and obtains internal agency approval and, if needed, other approvals to obtain the professional or personal services. For executive agencies, prior written approval from the Office of General Counsel is required for lawyers.
- c. Estimates costs and pre-encumbers funds through agency comptroller.
- d. Notifies Bureau of Small Business Opportunities (BSBO) that an RFP for professional or personal services is being prepared.
- e. Appoints committee to prepare the RFP.
- f. Forwards a prepared copy of RFP to BSBO.

2. BSBO. Assigns and notifies purchasing agency of weights for small diverse business participation. BSBO serves as a consultant to make recommendations to the proposal evaluation committee on issues relating to small diverse business participation.

3. Agency.

- a. Obtains internal and other required approvals of the RFP.
- b. Prepares [Request to Advertise Form](#), and submits for publication on the DGS website (and in the *Pennsylvania Bulletin*, by request only).

- c. Appoints proposal evaluation committee. Invites agency comptroller to participate as a nonvoting member of the committee.
 - d. Develops evaluation criteria with maximum weights for each major criterion.
 - e. Issues RFP.
 - f. Receives proposals and rejects those which were received after the time and date established for receipt of proposals.
- 4. Evaluation Committee.**
- a. Reviews the proposals for compliance with mandatory requirements of RFP. If only one proposal is received for evaluation, the agency must obtain cost or pricing data certification from the offeror before execution of the contract.
 - b. Initiates evaluation of the proposal and, for those proposals that meet the mandatory requirements, forwards portion of proposal pertaining to small diverse business participation to BSBO for review.
- 5. BSBO.** Reviews submitted proposal as it relates to small diverse business participation and provides proposal to the evaluation committee with rating.
- 6. Evaluation Committee.**
- a. Determines that the offeror is responsible in accordance with [Management Directive 215.9, Contractor Responsibility Program, Amended](#). The date of determination should be recorded for future reference.
 - b. Performs preliminary evaluation of the proposal.
 - c. Conducts discussions with any offeror who has submitted a proposal to determine the offerors' qualifications for future considerations.
 - d. Performs final evaluation of the proposals.
 - e. Selects for contract negotiation, using the evaluation factors, the offeror who is determined in writing to be the best qualified based on evaluation factors set forth in the RFP.
 - f. Prepares contractor selection recommendation and forwards to purchasing agency head.
- 7. Purchasing Agency Head.** Approves contractor selection.
- 8. Agency.**
- a. Notifies selected and nonselected offerors.

- b. Designates chief negotiator and contractor negotiating team, if appropriate, including a representative from BSBO at BSBO's option.
- 9. **Negotiation Team.** Negotiates with the selected offeror to establish fair and reasonable compensation for the professional or personal services. If unable to negotiate a contract with the offeror, negotiates a contract with the offeror with the next highest score.
- 10. **Agency.**
 - a. Prepares the contract.
 - b. Obtains internal approvals of contract.
 - c. Obtains selected offeror's signature.
 - d. Signs the contract.
- 11. **Agency Comptroller.** Reviews for fiscal responsibility, budgetary appropriateness and availability of funds and encumbers the necessary funds.
- 12. **Agency.**
 - a. Obtains signature of agency counsel, Office of General Counsel, and Office of Attorney General as required.
 - b. Repeats determination that contractor is responsible in accordance with Management Directive 215.9 if more than three months have passed since the date of the original confirmation.
 - c. Sends copy of contract to the agency, contractor, agency comptroller, and Treasury.
 - d. Sends the contractor a notice to proceed. Sends a copy of the notice to proceed to the agency comptroller.
 - e. Monitors contractor's performance.
 - f. Approves/disapproves contractor's invoices. If approved, forwards to agency comptroller for processing payment.
- 13. **Agency Comptroller.** Processes invoices for payment.
- 14. **BSBO.**
 - a. Monitors contractor's adherence to small diverse business commitments made as part of proposal submission and notifies purchasing agency of any compliance issues.
- 15. **Agency.**

- a. Evaluates completed work against contract to ensure all terms and conditions have been met and all services have been provided to the agency's satisfaction prior to final payment.
 - b. Maintains complete contract file and submits required information to DGS.
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References:

1. [Request to Advertise Form](#) (PA eMarketplace login required)
2. [Management Directive 215.9, Contractor Responsibility Program, Amended](#)