

On motion of Mr. Lagasse, seconded by Mr. Spears, the following ordinance was offered:

**SUMMARY NO. 23434 ORDINANCE NO. 24216**

An ordinance amending Section 2-895 of the Jefferson Parish Code of Ordinances with regard to the Request for Proposals (RFP) process; and otherwise providing with respect thereto. (Parishwide)

**WHEREAS**, in an effort to provide clarity and cohesion to the Request for Proposal (RFP) process, the Parish Attorney's Office was requested by the Jefferson Parish Council to revise the RFP Ordinance in its entirety; and

**WHEREAS**, an amendment to Chapter 2, Article VII, Division 2 of the Jefferson Parish Code of Ordinances is necessary to provide clarity to the procurement process.

**NOW, THEREFORE,**

**THE JEFFERSON PARISH COUNCIL HEREBY ORDAINS:**

**SECTION I.** That Section 2-895 of the Jefferson Parish Code of Ordinances is hereby amended and reenacted to read as follows:

**Sec. 2-895 - Request for proposal (RFP) process**

The following request for proposal (RFP) process shall be used to obtain non-professional service(s) or non-standard item(s) costing fifteen thousand dollars (\$15,000.00) or more when the competitive sealed bid process is not practical, not required by state law, nor advantageous to Jefferson Parish.

- (1) **Goal:** The stated goal of the RFP process is to procure non-professional service(s) and/or non-standard item(s) exceeding the foregoing threshold at terms and with the provider most advantageous to the Parish of Jefferson considering period of performance, type of agreement, and quality of the service(s) and/or item(s) to be procured.
- (2) **Authority:** The authority of Jefferson Parish departments to procure non-professional services or non-standard items meeting the foregoing threshold by RFP shall be by formal resolution adopted by the Jefferson Parish Council. The proposed authorization resolution shall be placed on the "Other Resolutions" portion of the Council Agenda, and shall be accompanied by a copy of the RFP in final form for the Council to consider.
- (3) **Preparation and Elements of the RFP:** The RFP as prepared shall include, but not be limited to: (i) a defined description of the item(s) and/or service(s) to be procured, termed a "statement of work" or "scope of service"; (ii) the specific time and date after which proposals will not be accepted; (iii) desired experience in the line of work or service under consideration (with requested references); (iv) staff capability with resumes requested from key individuals who will complete work or provide service under any ensuing agreement; (v) essential information including but not limited to delivery dates, critical timeframes within which work must be completed and specific terms and conditions applicable to the RFP; and (vi) the specific evaluation criteria that will be used to evaluate the proposals.
  - (a) **Evaluation Criteria:** Specific evaluation criteria shall be developed and stated in the RFP, considering the goal of the RFP process stated in Section (1) above, and the foregoing elements of the RFP. Said evaluation criteria shall be crafted to measure how well a proposer's approach meets the desired performance requirements, and which permit analysis of whether the proposer's methodology meets the minimum stated performance standards, considering required technical expertise and experience, and managerial capability. A scoring system shall be devised to be impartially applied to each proposal.
  - (b) **Weighting:** Once developed, each evaluation criterion shall be scaled or weighted in relative order of importance to the overall

RFP procurement action, and which shall be stated in percentages or points in the finalized RFP.

- (c) **Pricing:** In addition to the foregoing, the RFP shall require pricing or cost of the item(s) or service(s) to be procured in defined format to allow like comparison and/or line item cost analysis. Such pricing schedule(s) shall be submitted with the proposer's RFP response in separate sealed envelopes.
- (4) **Public Notice:** Upon adoption of the authorizing resolution and approval of the completed RFP in accordance with Section (2) above, the Jefferson Parish purchasing department shall provide public notice of the RFP by advertising the same in the official journal of the Parish, a minimum of one time each week for not less than three (3) consecutive weeks. In addition to the official journal of the Parish, said public notice may likewise be advertised in appropriate national trade journal(s) as necessary. The advertisement of the intended procurement action shall include at a minimum, a brief description of the item(s) or service(s) to be procured, a description of the evaluation criteria as stated in the RFP, and a stipulated date and time after which proposals shall no longer be accepted.
- (5) **Questions and Written Correspondence:** Proposers may submit written questions and correspondence in accordance with the schedule defined in the approved RFP. Only timely received written correspondence shall be considered by the Parish. In the event that answers to questions materially change or substantially clarify the RFP, the Jefferson Parish purchasing department shall issue formal addenda to the RFP. Notwithstanding the foregoing, addenda to an RFP may not materially or substantially change the statement of work, scope of service, or the RFP evaluation criteria.
- (6) **Response(s) to RFP:** Written responses to an RFP shall be due at the Jefferson Parish purchasing office defined in the RFP, on or before the advertised date and time deadline for receipt, provided that date shall not be less than thirty (30) days after the date of the first of three consecutive weekly publications in the official Parish journal as defined in Section (4) above. Late proposals shall be rejected and shall not receive further consideration. Proposals should be submitted on the most favorable technical terms which the proposer is able to submit, and at the best price for which the proposer is able to submit. Each person or firm submitting an RFP proposal must submit with their proposal:
  - (a) An affidavit by the proposer attesting: (i) that the affiant has not and will not employ any person either directly or indirectly to secure the public contract under which he is to receive payment, other than persons regularly employed by the affiant whose service in connection with the project or in securing the public contract are in the regular course of their duties for the affiant; and (ii) that no part of the contract price was paid or will be paid to any person for soliciting the contract other than payment of normal compensation to persons regularly employed by the affiant whose services with the project are in the regular course of their duties for the affiant; and
  - (b) An affidavit by the proposer attesting to: (i) any and all campaign contributions that the affiant has made to elected officials of the Parish during the current term; and (ii) any and all debts owed by the affiant to any elected or appointed official of the Parish, and any and debts owed by any elected or appointed official of the Parish to the affiant; and (iii) that the affiant has not made any contribution to or in support of elected officials of the Parish through or in the name of another person or firm either directly or indirectly. For the purposes of this section, elected or appointed officials of the Parish shall be

- limited to Members of the Jefferson Parish Council and the Parish President; and
- (c) An affidavit by the proposer identifying any and all subcontractors, and/or persons, excluding full-time employees, who may assist in providing the item(s) and/or service(s) under any ensuing RFP Agreement.
  - (d) An affidavit by the proposer attesting: (i) that the affiant is registered and participates in the status verification system to verify that all employees in the State of Louisiana are legal citizens of the United States or are legal aliens; (ii) that the affiant shall continue, during the term of any ensuing agreement under the RFP to utilize a status verification system to verify the legal status of all new employees in the state of Louisiana; and (iii) that the affiant shall require all subcontractors to submit to the employer a sworn affidavit verifying compliance with statements (d)(i) and (d)(ii) above.
  - (e) Failure to timely submit the affidavits defined in (a) through (d) above in completed and notarized form shall result in the proposer's submission being deemed non-responsive by the RFP Evaluation Committee, and said submission shall receive no further consideration.
- (7) **Evaluation and Evaluation Committee:** Timely received proposals shall be individually evaluated by the RFP evaluation committee based upon the approved evaluation criteria defined in the advertised RFP. The step-by-step evaluation and the stated objective of the RFP evaluation is to insure that all proposals receive impartial and equitable consideration, considering the goal defined in Section (1) above. Except as where otherwise provided by law, all RFP evaluation meetings shall comply with Louisiana's Open Meetings Law, LSA-R.S. 42:4.1 et seq. and all proposers are encouraged to attend the noticed evaluation meeting(s), as the evaluation committee may determine that discussions are necessary for clarification of submitted materials. However, requests for written submissions shall be required from all proposers uniformly and considered by the evaluation committee. Any departure from this evaluation procedure which is prompted by external factors necessitating departure shall be permitted only insofar as the same treatment is impartially extended to all proposers.
- (a) Reporting: The secretary of the RFP evaluation committee shall prepare and forward to the Jefferson Parish Council a memorandum identifying the responsive and non-responsive proposals, identifying the responsible and non-responsible proposers, and explaining the rationale for the scores assigned. Attached to the memorandum shall be copies of the price proposals received in accordance with (c) below, along with any analysis or clarification completed regarding those pricing criteria. Responsibility of a proposer is determined in the same manner as for competitive sealed bids, and the responsiveness of a proposal shall be determined considering the materials that the proposer has submitted and the core requirements of the RFP.
  - (b) Evaluation Committee: The RFP evaluation committee shall be comprised of one (1) representative from each of the following: (i) the requesting department; (ii) the research and budget office of the Council, (iii) the purchasing department, (iv) the finance department, and (v) an attorney from the Office of the Parish Attorney, subject to the limitations defined in (d) below. Additional employees of Jefferson Parish may only be appointed as members of a particular RFP evaluation committee if authorized in the authorizing resolution defined in Section (2) above.

- (c) **Price Proposals:** After completion and tallying of the evaluation scores, which shall be signed and dated by the respective scoring members of the evaluation committee, those original scoring sheets shall be collected by the secretary of the evaluation committee, and thereafter delivered to the purchasing department representative who shall read the scores aloud. Thereafter the representative from the purchasing department shall open the sealed pricing proposals, and shall read the pertinent portions of those pricing proposals aloud. To the extent necessary, the evaluation committee may further review and analyze the cost proposals and/or request and receive clarification of the pricing information provided by the proposers for submission to Council. The secretary of the evaluation committee shall collect all original score sheets and deliver them to the Council Clerk.
- (d) **Parish Attorney:** The representative from the Office of the Parish Attorney shall act as a non-evaluating member and secretary of the RFP evaluation committee. In addition to the reporting requirements defined in (a) above, the secretary shall keep written minutes of the evaluation meeting, and shall act as liaison between the evaluation committee and any proposer(s). Any correspondence from proposers shall be directed to the secretary of the evaluation committee.
- (8) **Selection and Award:** Upon the communication of the evaluation results, the secretary of the evaluation committee shall prepare and route to the department requesting the RFP for placement on the Council Agenda, a resolution (with a blank for the name of the proposer(s) to be selected by Council) selecting the proposer(s) to supply the non-standard item(s) or perform the statement of work or scope of services; and directing the Parish administration to negotiate favorable contractual terms in accordance with the scope of the RFP and the proposer's written proposal. The Jefferson Parish Council shall review the memorandum and pricing proposals received from the secretary of the evaluation committee and shall complete its analysis for selection of the proposer(s) under the RFP procurement action. Upon completion of its analysis, the Council may either (i) adopt the resolution selecting the proposer(s) to supply the non-standard item(s) or perform the statement of work or scope of services; or (ii) reject all proposals. Selection shall be made by Council from the list of responsive and responsible proposers under the RFP as communicated by the RFP evaluation committee secretary.
- (9) **Ratification of Contract:** After negotiating all terms, conditions and pricing most favorable to the Parish of Jefferson, considering the type of agreement, period for performance and quality of the item(s) and/or service(s) being procured, the Parish administration shall submit the proposed agreement in final form to the Council for ratification. In the event that favorable terms and conditions cannot be successfully negotiated by the Parish administration, or to the extent that Council fails to ratify the proposed agreement, the evaluation committee shall seek authorization from the Parish Council to negotiate favorable terms and conditions with another responsive and responsible proposer under that proposed RFP procurement action.
- (10) **Louisiana Public Records Act Compliance:** Except as where otherwise provided by law, all documents submitted to the Parish under an RFP are subject to Louisiana's Public Records Law, LSA-R.S. 44:1 et seq. and may be released when a public records request is made in accordance with those provisions.

This ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: 7 NAYS: None ABSENT: None

This ordinance was declared to be adopted on the 15<sup>th</sup> day of February, 2012 and shall become effective as follows, if signed forthwith by the Parish President, ten (10) days after adoption; thereafter, upon the signature by the Parish President, or, if not signed by the Parish President, upon expiration of the time for ordinances to be considered finally adopted without the signature of the Parish President, as provided in Section 2.07 of the Charter. If vetoed by the Parish President and subsequently approved by the Council, this ordinance shall become effective on the day of such approval.

THE FOREGOING IS CERTIFIED  
TO BE A TRUE & CORRECT COPY

A handwritten signature in black ink, appearing to read "Eula A. Lopez", is written over the printed name.

EULA A. LOPEZ  
PARISH CLERK

JEFFERSON PARISH COUNCIL