APPENDIX 41

TIER II SOLICITATION PROCEDURE

MASTER CONTRACT FOR ENVIRONMENTAL SERVICES

Title: Master Contract for Environmental Services Tier Two Solicitation Procedure
Short Title: Tier Two Solicitation Procedure
Procedure Owner: State Procurement Bureau
Effective Date: July 1, 2019
Last Update: May 2019

Purpose

This procedure defines the steps necessary for an Agency to engage a pre-qualified Contractor under the Master Contract for Environmental Services.

Definitions

Master Contract – Master Contract for Environmental Services, Term Contract SPB19-0156T.

OBPP – Office of Budget and Program Planning, Governor’s Office.

SPB – State Procurement Bureau, State Financial Services Division, Department of Administration.

Statement of Work Task Order (SOWTO) – A narrative description of services, and deliverables, to be supplied under contract.

Procurement Method

1. SPB reviews agency Tier Two Solicitation materials, per the Tier Two Environmental Services Checklist. SPB verifies OBPP approval, and Tier Two exception (if applicable).
2. If the Master Contract is determined to be the most appropriate procurement method, proceed to Step IV: Tier Two Solicitation Procedure. Otherwise, SPB will work with the agency to obtain the needed services using another procurement method.

Tier 2 Procedure

1. Agency prepares all Tier Two Solicitation materials, which include:
   e. Requisition Form, OPPB Approval (if required).
   f. Cover Sheet & Proposal Instructions. Agency will provide brief project introductory information and requirements, such as due dates and delivery medium and location.
   g. Prevailing Wage must be included if project total contract value is above $25,000.
   h. **SOWTO**
      It is imperative that the SOWTO is properly developed. It is based on the roles and responsibilities expected of the contractor (deliverables), the timelines, acceptance criteria and payment terms. SOWTO template is available from:
      
      SOWTO Template
There are some sections of the SOWTO that may not be completed before posting the Tier Two Solicitation (such as Compensation and Payment, and Contractor Staff.)

Note: If an agency needs help to develop a complete SOWTO, one option available is to hire a contractor to assist developing the SOWTO. If the contract amount to develop the SOWTO is less than $5,000, agency may select any contractor without competition. Agency may also undergo a limited solicitation, for contract amounts between $5,000-25,000. A limited solicitation requires that the agency seek bids from a minimum of 3 contractors.

If a Contractor is engaged to assist with the SOWTO, that Contractor will typically not be allowed to submit a proposal for that SOWTO.

d. SOWTO & Evaluation Criteria

The ordering agency will detail the information they require from the proposing Contractors using the SOWTO. This information will be used to evaluate the proposals received. Additionally, agency develops evaluation criteria and scoring based on their needs as expressed in the SOWTO. The weighting factors are included in the Tier Two Solicitation.

Agency prepares event solicitation via eMACS. SPB will review the event solicitation, per the checklist. SPB will coordinate any necessary changes or additional materials with the agency.

9. The requesting agency releases the Tier Two Solicitation as appropriate, via eMACS for a minimum of fifteen business days. Eligible contractors submit proposals according to the Proposal Instructions. The agency must schedule the participation of the Evaluation Committee - to allow for timely scoring/evaluation of the proposals. Evaluation Committee members will be required to complete a ‘non-conflict of interest’ form provided by SPB.

10. The requesting agency will develop an Evaluation Matrix to use in evaluations.

11. Agency must organize the evaluation meeting (set date, time, and location). Upon notification from the agency, SPB will advertise and allow for public attendance evaluation. Public notice must occur 72 hours in advance of the public meeting.


13. All award recommendations must be in compliance with Master Contract terms and conditions. SPB will complete workflow for Awarded status in eMACS. The agency then notifies all offerors of contract award. Successful Contractor accepts award. Upon acceptance, the agency to proceed with final negations with contractor.

14. Agency finalizes project plans, i.e. timelines, deliverables, etc. with successful contractor and completes the SOW or Position Description (for staff augmentations). The agency will route for signatures.

15. Contractor completes work.
Exceptions and Changes

Exceptions

The Agency Procurement Officer of ordering agency may request an exception to the Tier 2 Procedure based on:

II. Sole Source Justification per MCA 18-4-306
   a. Definition: there is only one source for the supply or service item
   c. Justification must include:
      i. Why this the only contractor that can perform the needed services

For both exception processes, the agency must adhere to the following:

• If the total project cost is within the agency’s delegated authority granted by the State Procurement Bureau (SPB), agency must complete an internal justification. This is either the "Sole Source" Procurement Justification Form or a memo describing the Business Need Justification to the agency procurement officer. The procurement officer must approve the request in writing and must maintain the request per the records retention requirements.

• If the total project cost exceeds the agency’s delegated authority granted by SPB, the agency must submit the completed Sole Source Justification form describing the justification to the State Procurement Bureau. This must be submitted electronically via eMACS eRequisition Form. A response in memo format will be provided to each exception request.