



STATE OF CONNECTICUT  
DEPARTMENT OF HOUSING



### DOH Procurement Requirements & Guidelines

All procurement transactions for goods, services, and construction by a funding recipient with state or federal resources administered by DOH in full or part must comply with all applicable state and federal statutes, regulations including requirements and guidelines indicated in this document. For multiple source funding, the most stringent requirements apply. Procurement must be cost effective, efficient, and consistent with State and Federal statutes, rules, and regulations. Depending on the dollar value of the transaction, procurement may have to be open (publicly advertised) and/or competitive (3 or more bidders).

#### A. PROFESSIONAL SERVICE PROVIDERS' & CONTRACTOR REQUIREMENTS

All providers and contractors must be appropriately licensed, qualified, experienced, registered to do business in Ct, and adequately insured to provide the services requested. Please note that for some professional service providers and contractors', additional requirements may apply as per a Notice of Funding Availability (NOFA) State and or Federal program. Use CHFA Construction Guidelines: Project Planning & Technical Services Review @chfa.org under Design & Construction Criteria for professional service providers and contractors' qualifications, experience and licensing unless otherwise noted.

#### B. SERVICE PROVIDERS FOR SMALL PROJECTS

For buildings less than 5,000 square feet, a contractor, designer, intern architect, rehabilitation specialist, consultant, manufacturer, or certified installer with 3 or more years' experience in the production of drawings and specifications related to the scope of work may be procured. Resume, References, List of similar work/projects required.

#### C. INSURANCE

##### 1. Requirements for Non-Professional/Licensed Service Providers

Professional Liability Insurance (errors & omissions) is required for buildings less than 5,000 square feet with cost over \$100,000 if the service provider is not under the contractor, manufacturer, or covered/employed by someone who is covered. Minimum \$250,000, DOH may require more depending on the project hard cost.

##### 2. Requirements for Architects & Engineers

Professional Liability Insurance covers direct monetary loss and expense from arising from claims for alleged neglect, error or omission in the performance of services in a professional capacity.

##### 3. Requirements for Contractors

See DOH Supplementary Conditions at DOH website under Consolidated Application.

##### 4. Workers Compensation

It is **mandatory** that all individuals (Contractors, Sub-Contractors, Managers, Agencies, Lawyers, Surveyors, Architects, etc.) that are directly or indirectly involved with DOH projects carry Workers Compensation Insurance.

#### D. ATS PROCUREMENT REVIEWS FOR SERVICES & CONSTRUCTION

Funding recipients to submit the following to ATS for review:

##### 1. Before Advertising:

- a. Bid Package, Invitation to Bid.
  - b. Proposed Request for Proposals and Qualifications (RFP's & RFQ's,).
  - c. Proposed selection criteria/scoring sheet.
  - d. List of publications to be used for advertising.
2. Before Contract Award Notification:
    - a. Fee or bid summary of all bidders or proposals.
    - b. Scoring sheets.
    - c. Proposed contract awardee.
    - d. Proposed contract.

#### E. RFP/RFQ REQUIREMENTS

##### 1. Criteria

The RFP or RFQ must provide objective criteria for determining the "lowest responsible qualified bidder", most qualified, best fee or cost proposer. This criteria must be included in the advertised solicitation for the contract.

##### 2. Evaluations & Selections

Proposals and qualifications must be evaluated based on factors stated in the request for proposals or qualifications. The invitation to bid, request for proposals or qualifications shall state the evaluation factors, including price, and their relative importance. Past performance and financial responsibility shall always be factors in making the determination of the "lowest responsible qualified bidder" or highest scorer.

##### 3. Lowest Responsible Qualified Bidder

The "lowest responsible qualified bidder" is the bidder whose bid is the lowest of those bidders possessing the skill, ability, and integrity necessary to perform the work based on objective criteria.

##### 4. The Highest Scorer

The "highest scorer in a multiple criteria bid or RFQ only" is the submitter/bidder who receives the highest score for a combination of attributes, including, but not limited to, price, skill, ability and integrity necessary for the faithful performance of the work.

#### F. RFQ SELECTION PROCESS

Use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated, and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services.

The client shall prepare a formal Request For Qualifications or Proposals (RFQ/P) for the proposed project, which shall prescribe the manner, conditions, and requirements of the response submissions.

The RFQ shall request respondents to indicate their interest in the project and illustrate their relevant project experience and overall capabilities to perform the required services. The RFQ should include a minimum of the following:

1. The scope of services is a general description of the intended project, which includes:
  - a. A description of the intended site, type of project and number of units
  - b. A list of unusual conditions and requirements
  - c. Funding program requirements
  - d. A general description of the professional services to be provided
  - e. A general description of the deliverables to be produced by the professional
  - f. Any special expertise or unusual services that might be required

- g. A time schedule for the overall project, including the selection process to retain a firm or contractor.
- 2. Qualifications  
The manner in which the firm's qualifications shall be submitted which shall include the firms brochure, experience with similar projects, and relevant resume(s)
- 3. Fees  
An hourly rate and expense schedule (Professional Services)
- 4. References  
Contact information for not less than three professional references
- 5. Selection Criteria  
Professional competence, experience on similar projects, ability to perform the required service within the overall time schedule.
- 6. Submittal Instructions  
The location and address where the responses are to be submitted
- 7. Time Deadline  
The time schedule for receipt of responses, date, and time  
DOH reserves the right to review the RFQ prior to finalization.
- 8. Selection Committee  
The Client shall establish a selection committee to screen and evaluate RFQ responses, select the qualification firms and request fee proposals, interview qualified firms, and make final selection. The committee should be assembled prior to the release of the RFQ.

The Committee shall establish evaluation criteria and forms for the purpose of evaluating and ranking each respondent's qualifications. The evaluation forms shall be finalized prior to the receipt of the proposals.

#### Suggested Evaluation Criteria

- a. Ability to provide proposed scope of services.
- b. Qualifications and experience of project team.
- c. Capacity to meet schedule/time requirements
- d. Awareness of project issues, complexities
- e. Experience on similar projects
- f. Quality and performance on past services
- g. Fees & expenses
- h. References

The committee shall review the responses and rank the firms according to their qualifications and criteria important to the project.

The committee should develop a "short list" of the top three to five firms, by scores that are deemed to be most qualified to perform the required professional services.

The committee shall screen all responses received for compliance with the RFQ.

Responses that do not comply with the intent of the RFQ will not be considered in the selection process.

- 9. Request for Fee Proposal  
The client shall notify the short-listed firms of their selection and request each firm to submit their fee proposal for complete services based on the scope of services, as amended if necessary. The request shall stipulate the date and time for receipt of the fee proposals. The request shall also indicate the terms and conditions of the contract and

the required time frame for providing professional services. Those firms not selected to submit fee proposals shall be so notified.

#### 10. Review of Fee Proposals

The evaluation of each of the fee proposals by the selection committee and client, shall consider the overall ranking of the firm and the fairness and reasonableness of the proposed fee. In determining fair and reasonable compensation to be paid, the committee shall consider:

- a. The scope of services.
- b. The professional competence of the professional firm.
- c. The technical merits of the proposal.
- d. The ability of the firm to perform the required services within the time and budgetary limits of the contract.
- e. The fee for which the services are to be rendered.

#### 11. Confidentiality

All proposals are to be considered confidential information until such time as the final selection is made and the contract is formally executed. The selection committee should select the most competitive fee proposals for final selection following an interview. If there is a significant disparity among the fee proposals the client shall request each firm to substantiate their proposal during the interview, as appropriate. If the review reveals that the overall scope of services has been misinterpreted or lacks sufficient clarity, then the committee shall issue appropriate clarification to each firm and request a resubmission of proposals.

#### 12. Interview Process

The client shall arrange an interview of the top firms. The firms should be provided at least one-week advance notice of a date and time for their interview. Those firms not selected shall be so notified. Prior to the interviews the committee shall prepare an evaluation form with predetermined selection criteria to allow interviewers to evaluate the firms uniformly and independently. The evaluation form may include the following:

- a. Project team management plan.
- b. Experience of project team.
- c. Location and quality of office facilities.
- d. Project control measures to monitor schedule and budget.
- e. Availability of staff based on firm services load.
- f. Project approach.
- g. Quality of services of similar projects.
- h. Awards and past client recommendations.
- i. Financial stability of firm.
- j. Overall team rating.

The interviewed firms shall be allotted the same amount of time for their interview. The committee members evaluate and rate each firm during and/or immediately following each interview. After all interviews are completed the members should reassess their initial evaluation of each firm in comparison to the other firms' evaluations. The committee shall rank the firms in order of overall preference.

#### 13. Final Selection

The committee shall select the firm, which in accordance with the selection criteria, is most qualified to perform the required design services. The selection committee should provide a formal written recommendation of selection to the client.

#### 14. Notifications

The selected firm shall be notified of its selection. Those firms not selected shall be so notified. The selected firm shall be requested to prepare and submit the applicable contract along with the required certificates of insurance. See DOH Professional Services & Construction Contracting Requirements.

15. Records Maintenance

The client shall maintain all records of the selection proceedings in a safe and secure manner. Such records shall be submitted to the DOH upon request.

16. Modifications of the Selection Process

DOH approval is required for any modification or change to the selection process.

G. INVITATION TO BID

An RFQ process (F) may be used to create a short list of contractors to invite to bid.

1. Bid Package

The bid package must include the following:

- a. Invitation to Bid.
- b. Bid Form.
- c. Bond Requirements/Sample Forms.
- d. Applicable Sample Contract.
- e. Applicable Federal Forms/Supplementary Conditions.
- f. Notification to Bidders.
- g. DOH Supplementary Conditions.
- h. Drawings & Specifications.
- i. General description of the intended project, which includes a description of the intended site, type of project and number of units.
- j. A list of unusual conditions and requirements.

H. ADVERTISING

1. Public Advertising

- a. The most common practice of public notice for professional services or construction contracts is to advertise the availability of the contract in a newspaper of general circulation.
- b. A second is to publicly notice a call to pre-qualification of professional service providers and contractors. Responders will submit their qualifications for review by the owner and the owner's representative or committee. A short-list would be assembled of the qualified service providers or contractors. These pre-qualified service providers and contractors would then be eligible to receive proposed scope of work and information to review for the project. It is useful in eliminating unqualified service providers and contractors from bidding or proposing fees for work that is outside of their experience/ability.

2. Non-public Advertising

With medium to large projects it is common for the project sponsor to approach three to five reputable contractors and request that they review the project plans and specification and submit a sealed bid for the contract at a pre-arranged time and date.

With small projects it is common for the project sponsor to approach three to five reputable service providers or contractors and request that they submit a quote or price for a specific amount of work. This method is most often used for single trade-oriented projects, such as minor plumbing or HVAC work. Telephone solicitations are also common, but contacts should be logged.

3. Required Electronic/Web Advertising  
Minimum 5 days for work greater than (>) \$50,000  
DAS State Contracting Portal/CtSource  
Town of project location Website
4. Required Local Media/Paid  
Minimum 2 days for work greater than (>) \$100,000  
1 local newspaper general circulation in market area  
Public/legal notices sections.
5. Required by Commission on Human Rights & Opportunities (CHRO)  
SBE/WBE/MBE advertising requirements
6. Additional Advertising  
Free electronic and paper advertisements  
Postings in community
7. Construction Advertising/Invitation to Bid  
The Advertisement should include:
  - a. Whether the project is state and or federally funded.
  - b. If State Prevailing Wages or Davis Bacon applies
  - c. All EEO, MBW, WBE requirements
  - d. Bonding Requirements

#### I. SOLE SOURCE PROCUREMENT

Sole source procurement is not permissible unless a requirement is available from only a single supplier. A requirement for a particular proprietary item does not justify a sole source procurement if there is more than one potential bidder or offer for that item.

#### J. EMERGENCY PROCUREMENT

Emergency procurement is for funding recipients who are under contract utilizing state funds or by approval/directive of the commissioner of DOH.

An "emergency" exists where normal operations (or portions thereof), affect the health or safety of any person, or the preservation of property would be seriously impaired, threatened or jeopardized if immediate action were not taken to correct the situation.

Emergencies are conditions which creates a threat to public health, welfare, safety, such as may arise by reason of floods, epidemics, riots, equipment failures, or similar extraordinary conditions or contingencies that cannot reasonably be foreseen and guarded against.

DOH must be notified in writing of emergency conditions asap before any contracts are signed. The notification must include a brief description of the emergency condition and its cause. DOH may require standard procurement procedures if they do not agree that it is an "emergency condition", does not fit the descriptions as indicated below.

You may proceed at "your own risk" if you choose to execute a contract before notifying DOH. DOH reserves the right to not provide funds if DOH does not agree with your determination of "emergency condition" or you did not follow the guidelines below.

Emergency repairs and emergency purchases costing up to \$200,000 (state funds) may be made without obtaining quotations or bids (excluding real property). All emergency purchases exceeding \$200,000 must be directed to DOH. Such emergency requests must be submitted in writing to DOH for approval.

For emergencies, 3 quotes or proposals must be obtained in writing by invitation for supplies, materials, equipment, and contractual services.

The "lowest responsible qualified responder" whose bid/proposal is the lowest of those bidders possessing the skill, ability, and integrity necessary to perform the work shall be selected.

Emergency procurement can be used when a condition creates an immediate and serious need for supplies, materials, equipment, or contractual services in which time needed to procure according to normal requirements would seriously threaten: (1) the proper functioning of a property (2) the preservation or protection of property; (3) the health or safety of any person.

Emergency procurements shall be limited to those supplies, materials, equipment, or contractual services necessary to meet the emergency.

**K. NON-COMPETITIVE PROCUREMENT.**

The receipt of three acceptable proposals is considered the minimum threshold for a "competitive" procurement. When an RFP process receives fewer than three acceptable proposals in response, DOH must be contacted in writing for approval of selection from less than 3 responses.

**L. RESTRICTIONS ON CONTRACT EXTENSIONS**

Service or Construction Contracts cannot be extended to cover work for multiple, additional projects to avoid procurement requirements or for personal preference or favor of a service provider or contractor.

**M. PROHIBITION**

Funding Recipients are prohibited from breaking down requirements into multiple purchases that are less than the applicable threshold (commonly called 'bid splitting' or "unbundling") merely to permit use of the small purchase procedures or avoid any requirements that apply to purchases that exceed those thresholds. However, larger requirements may be broken into smaller ones to afford SC, WBE or MBE the opportunity to participate in the Funding Recipient's procurements.

**N. GOODS & PROFESSIONAL SERVICES PROCUREMENT**

Goods: Project scope of work materials, physical items not part of a construction contract.  
Service Providers: Architects, Engineers, Designers, Consultants etc.

1. Costs & Fees: Less than (<) \$5,000  
Competitive, minimum 3 quotes.  
Solicit quotes publicly or by invitation in writing (hard copy or email)
2. Costs & Fees: between \$5,000 - \$50,000  
Open, Competitive, minimum 3 proposals  
Non-public, or publicly advertised RFQ or RFP.  
Paid advertisement is not required.  
Weighted selection/evaluation criteria for RFQ.  
Municipal recipients' threshold for publicly advertised RFP or RFQ for services may be lower.
3. Cost & Fees: between \$50,000 - \$200,000: Over \$200,000 sealed submissions  
Open, Competitive, minimum 3 proposals

Public Opening \$200,000+  
Publicly advertised RFQ or RFP.  
Weighted selection/evaluation criteria.

#### O. CONSTRUCTION PROCUREMENT

Contracts for Contractors and Construction Managers

1. Total Construction Cost Less than (<) \$200,000  
Use cost per building for scattered site, small projects, single family homes,  
Contract cannot exceed \$100,000 per building inc. site work  
Cannot be used if you are using the same contractor for each building and the total cost  
combined exceeds \$200,000.  
Competitive, Minimum 3 quotes.  
By Invitation or Advertising.
2. Total Construction Cost – Greater than (>) \$200,000+ Sealed Bid  
Open, Competitive, 3 bids Minimum.  
Publicly advertised RFQ or RFP.  
Public Opening of Sealed Bids.
3. CONSTRUCTION MANAGERS IN PLACE OF GENERAL CONTRACTORS –  
The DOH grantee may employ a Construction Manager at Risk (CMAR) with a guaranteed  
maximum price for state funded projects using the AIA A133 contract with A133 GMP  
Amendment. The CMAR must be procured by RFQ/RFP based on qualifications and  
division 1 (general requirements) pricing and overhead and profit. Each subcontractor  
must be procured by the same procurement procedures outlined in Section O-1&2, DOH  
procurement guidelines for the procurement of a general contractor for subcontracts over  
and less than \$200,000. Any specific self-performed construction trade work (including  
material purchase) to be conducted by the construction manager requires DOH ATS  
review and approval. For self-performed trade work over \$200,000, DOH may require 2  
competitive price estimates to substantiate costs. Percentage allowances for self-  
performed work are at the discretion of DOH but in no case can the CMAR self-perform  
over 20% of the total construction costs

#### P. IDENTIFY OF INTEREST BETWEEN DEVELOPER AND GENERAL CONTRACTOR

The DOH grantee must comply with the CHFA standards for Cost Acceptance Limits for  
identity of interests including limits on general requirements, builder's overhead, profits, and  
fees. Subcontractors must be procured by the same procurement procedures outlined in  
Section O-1&2, DOH procurement guidelines for the procurement of a general contractor for  
subcontracts over and less than \$200,000. Any specific self-performed construction trade  
work (including material purchase) to be conducted by the identity of interest contractor (or  
identity of interest sub-contractors) requires DOH ATS review and approval. For self-  
performed trade work over \$200,000, DOH requires 2 competitive price estimates to  
substantiate costs. Percentage allowances for self-performed work are at the discretion of  
DOH but in no case can the identify of interest contractor self-perform over 12% of the total  
construction costs.