

CONTRACTING FOR PROFESSIONAL SERVICES

The Board of Education will make certain that professional services are secured in a manner that protects the integrity of the process, ensures the prudent use of taxpayer dollars and provides a high quality standard of service, in accordance with law and regulation. Professional services are defined as services requiring special skill and/or training, such as legal services, medical services, auditing services, property appraisals or insurance.

Purchasing professional services does not require competitive bidding. The Board directs the purchasing agent to take measures to ensure that a highly qualified professional is secured through the prudent and economical use of public money, which may include:

1. reviewing trade journals;
2. checking professional listings; and/or
3. inquiring of other districts or other appropriate sources.

The designated district staff will prepare a comprehensive written request for proposals (RFP), which will contain critical details of the services sought. The RFP will specify that the proposal include the structure of the relationship between the district and the provider, including, if applicable, the terms of the retainer, the hourly fees and other associated costs.

In reviewing the RFPs, the district will consider, at a minimum, the following factors:

1. the suitability of the individual/firm for the district's needs;
2. the special knowledge or expertise of the individual/firm;
3. the credentials and applicable certifications of the individual/firm;
4. the quality of the service provided by the individual/firm;
5. cost;
6. the staffing available from the firm or the time available from the individual;

The district will periodically, but not less frequently than every five years, issue professional service RFPs and may conduct interviews as part of the RFP process. The written proposals submitted by applicants shall be maintained for at least six years.

The district will not be subject to the RFP procedure when the district purchases professional services that require specific, special and unique skill or training.

The Board of Education will review the proposals and select the professional service provider best suited to the district's needs when the appointment is for a professional service provider who reports directly to the Board of Education (i.e. attorney or auditor). For all others the Superintendent, after a thorough review of the proposals, in consultation with the purchasing agent will recommend the professional service provider best suited to the district to the Board of Education for its approval.

In the alternative to an RFP procedure, except in the case of the External Auditor, the District may undertake a Request for Quotes (RFQ) procedure for professional services from among professional service providers with expertise and substantial experience in servicing New York State Public School Districts, and the Board may waive the requirements of this policy based upon a long term satisfactory relationship with such a professional services provider.

Regardless of when during the year the professional service provider was engaged by the Board, at the annual organizational meeting the Board will appoint the attorney, physician, external auditor, or other professional, as applicable. Professional service providers selected and appointed in this manner will not be considered employees of the district.

Cross-Ref: 2210, Board Organizational Meeting
6700, Purchasing
9500, Compensation and Benefits

Ref: General Municipal Law § 104-b
2 NYCRR §§ 315.2, 315.3
Trane Co. v Broome County, 76 A.D.2d 1015
Appeal of Lombardo, 38 Educ. Dept. Rep. 730
Opn. St. Comp. 92-33

Adoption date: July 7, 2010
Revision Adoption Date: 11/20/13