

Department of Natural Resources

Contracts & Grants Policy #: 01

Effective: February 2013

Subject: Policies and Procedures
For Contracts and Grants

Authorization: R.S. 36:354A (10); R.S. 39:1482-1526;
Division of Administration (Rules & Reg.
(Located at
<http://www.doa.la.gov/osr/lac/books.htm>)

I. POLICY:

It is the policy of the DNR to award personal, consulting and professional contracts through competitive selection process; with the exception of Cooperative Agreements.

Cooperative Agreements are not subject to a competitive process. (Cooperative Endeavor Agreement (CEA) means an agreement between the State and its political subdivisions, other state governmental entities, or federal agencies in accordance with current executive orders BJ 2008-29, respectively, relative to CEAs or Line Item Appropriations (LIAs) and R.S. 33:9029.2 and R.S. 39:366.1 et al and other applicable legal requirements as applicable).

For Atchafalaya Basin Program Cooperative Endeavor Agreements, the local entities select their own design consultants subject to the prior written approval of the Department. Additionally the Office of Facility Planning and Control approves the contract terms prior to the department allowing the local entity to execute the contract with their consultant.

The general policy shall be applied to methods of source selection for contracts that are not CEA's as follow:

0-\$49,999	Sole Source (Non-Competitive)
\$50,000 and above (Consulting Services)	Request for Proposals (RFP) as required by La. R.S. 39:1503.

II. PURPOSE, SCOPE AND APPLICABILITY:

Pursuant to cited authority, the Secretary has responsibility for contracts in accordance with law and rules promulgated by the Division of Administration. This policy establishes policies and procedures for administration of this responsibility and is applicable to the initiation, execution, and implementation of every type of contract between the Department of Natural Resources (DNR) and any other person or entity. A listing and brief description of forms to be used to initiate any contract action are included as (Attachment 1) in these procedures.

III. POLICIES GOVERNING METHODS OF SOURCE SELECTION:

Exceptions to this policy may be approved, due to exigent circumstances, or when necessary to accomplish the agency mission, when they are, in the opinion of the official approving the exception, necessary, and in the in the best interest of the agency and the State of Louisiana, to prevent the unnecessary incursion of the public fiscal and efficient operation of the state's business. While conditions may dictate acting upon oral authority, exceptions should be documented in writing and placed in the appropriate file, as soon as practicable. Exceptions may be made on the authority of the Secretary, or, the Undersecretary.

IV. RFP/RSIQ: SELECTION PROCEDURES:

To initiate the RFP/RSIQ process, the requesting Office/Division must submit the Request for RFP/RSIQ form to Contracts and Grants through the appropriate Assistant Secretary or Division Administrator. Requests for RFP must be submitted 4-6 months prior to the anticipate beginning date of the contract.

a. RFP:

- (1) In accordance with the DOA's Rules and Regulations, an RFP will be advertised on:

the LAPAC website (<http://wwwprd.doa.louisiana.gov/osp/lapac/pubmain.asp>);

the DNR website (<http://dnr.louisiana.gov>) and in several local newspapers. Notices will also be sent by mail to selected proposers on the Division of Administration's Pre-qualified Offerers list, which can be found at (<http://www.doa.louisiana.gov/OCR/pql.htm>), selected proposers are chosen by the RFP Project Manager based on the type of service(s) required for the project.

- (2) Proposal Review Committee: The Proposal Review Committee shall include staff members* (at least three, but generally no more than five) from the Office/Division initiating the project. *Generally the Department head or anyone else, who is responsible for addressing protest concerns, if any, should not serve on an RFP evaluation committee. The Committee shall evaluate and rank proposals according to the criteria listed in the RFP which shall include, at a minimum, the following:

1. Technical Approach (30 points): Technical approach and methodology to the project and adequacy of proposal to achieve the requirements of the Scope of Services in the desired degree of detail. (30 points; if cost proposal is incomplete it will receive zero points)
2. Cost (30 points): Cost will be determined using the following formula:

$$\text{Cost} = 30 \times \frac{\text{Lowest Cost}}{\text{Proposer's Cost}}$$

The lowest cost proposal will receive thirty (30) points. All other proposals will be rated by multiplying the maximum possible points (30) by a fraction that consists of the low cost as numerator and cost proposal being evaluated as denominator;

3. Relevant Experience (30 points): Relevant experience of the firm and qualifications of the key personnel assigned to the project; and
4. Hudson/Veteran Small Entrepreneurship Program (10%): Ten percent (10%) of the total evaluation points on Hudson/Veteran Small Entrepreneurship Program RFPs are reserved for proposers who are themselves a certified Veteran or Hudson Initiative small entrepreneurship or who will engage the participation of one or more certified Veteran or Hudson Initiatives small entrepreneurships as subcontractors.

Reserved points shall be added to the applicable proposer's evaluation score as follows:

Proposer Status and Reserved Points

- Proposer is a certified small entrepreneurship: Full amount of the reserved points
 - Proposer is not a certified small entrepreneurship but has engaged one or more certified small entrepreneurships to participate as subcontractors or distributors. Points will be allocated based on the following criteria:
 - The number of certified small entrepreneurships to be utilized
 - The experience and qualifications of the certified small entrepreneurship(s)
 - The anticipated earnings to accrue to the certified small entrepreneurship(s)
5. Additional evaluation criteria and changes in the weight formula may be suggested by the Division Administrator and/or Assistant Secretary with justification, reviewed by the Contracts and Grants Administrator, and approved by the Secretary.

b. RSIQ

- (1) The selection will be made in a competitive process with public solicitations of Interest and Qualifications. An executive committee, including senior staff members, shall evaluate Statements of Interest and Qualifications and make a recommendation to the Secretary. This process may be waived in the event highly specialized professional services are required.

Questions from potential proposers will be received by Contracts and Grants on a date listed in the DNR RFP/RSIQ Time Schedule and in the RFP. *Any questions not submitted to Contracts and Grants in writing within the schedule time period will not be answered.* After 3:00 PM on the scheduled Q&A deadline, all questions will be compiled and submitted to the DNR RFP/RSIQ Project Manager (PM) for answers. The PM will submit answers to Contracts and Grants in a timely manner to allow ample time for potential proposers to make any decisions or changes regarding their proposal prior to the deadline. Schedule of Events included in RFP/RSIQ will be complied with or otherwise amended prior to deadline for events.

Upon receipt of proposals (received in response to RFP/RSIQ), a Proposal Review Committee will review and make recommendations in accordance with the following procedures. Under **NO** circumstances should a contractor be told he will be selected until after formal approval by the Secretary and notification letters have been mailed, nor should a contractor be authorized to incur expenses until after formal approval by the Division of Administration.

Recommendations for Contracting Party Selection:

- (1) The Proposal Review Committee will submit an Evaluation and Ranking Report (including all original evaluation sheets) to the Contracts & Grants Management Division through the appropriate Division Administrator or Assistant Secretary, with recommendation for award of contract (including any Request for Contract forms).
- (2) Contracts & Grants will obtain approval of the Secretary and notify the successful proposer(s) of the selection. Notification letters will also be sent to the unsuccessful proposer(s). The Project Manager should ensure that any Request for Contract(s) is/are submitted to Contracts and Grants along with the appropriate forms and documentation. Contracts and Grants will not process any contracts without proper documentation. Contract requests without appropriate forms and documentations or any incorrect or missing information will be **returned without action (RWA)** to the requesting Division.

V.

CONTRACT REQUESTS AND DOCUMENTATION:

a. Personal, Professional and Consulting Services Contracts/Interagency Agreements Request Process: To initiate a contract after the selection process has been completed, the requesting office must submit a Request for Contract form. This request will be submitted to Contracts and Grants through the appropriate Assistant Secretary or Division Administrator. Availability of funding is required from Accounting prior to submitting requests to Contracts and Grants. The following documentation must accompany the Request for Contract:

- (1) Scope of Services, including project objective, detailed descriptions of tasks to be accomplished, goals and objectives, deliverables, and date deliverables are to be submitted. Each task in the Scope shall be numbered and deliverables for each task shall be listed and numbered correspondingly.
- (2) Detailed budget, delineated by task (when applicable), and including various classes of man hours at appropriate rates (with extended totals) and an itemized listing of all other expenses and fees.
- (3) Resumes of key contract personnel assigned to the project.
- (4) Contract Certification stating all provisions of La. R.S. 39:1497 have been met.
- (5) Sole Source Selection, if applicable.
- (6) Contract Justification
- (7) Justification for Civil Service Approval (N/A if under \$20,000)
- (8) Cost Benefit Analysis (only needed for contracts)
- (9) If consultant is a University faculty member, approval by the President (per R.S. 39:1498.2b) should be included with signed agreement.

b. Cooperative Agreements Request Process: To initiate a cooperative agreement, the requesting Office/Division must submit the Request for Contract form. This request will be submitted to Contracts & Grants through the appropriate Assistant Secretary of Division Administrator at least 12-16 weeks prior to the anticipated beginning date of the project. Certification of the availability of funding is required from the Fiscal Division prior to submitting requests to Contracts and Grants. The following documentation must accompany the Request for Contract:

- (1) Scope of Services, including project objective, detailed description of tasks to be accomplished, deliverables and date deliverables are to be submitted. Each task in the Scope of Services shall be numbered and deliverables for each task shall be listed and numbered correspondingly.
- (2) Detailed budget, delineated by task (when applicable), and including various classes of man hours at appropriate rates (with extended totals) and an itemized listing of all other expenses or fees.
- (3) Contract Certification stating that the provisions of La. R.S. 39:1497 have been met.
- (4) Sole Source Selection, if applicable.

VI. AGREEMENT STATUS: All sections that deal with any contracts and/or grants have access to Contract's and Grants SONRIS screens for Agreements, Amendments, Invoices, Grants & RFP's/RSIQ's. Each screen will have a "Status" and a "Status Date". This tool is to be used by staff to remain up to date on your agreements.

Status Code	Description
FISC	Fiscal / Accounting
CAN	Cancelled
CIV	Civil Service Approval
SEC1	Secretary Approval
SEC2	Secretary Signature
CP	Contracting Party
HLD	Hold
CNG	Contracts & Grants
MB	Mineral Board
ORM	Office of Risk Management
AG	Attorney General
FPC	Facility Planning & Control
FED	Federal Agency
OCR	Office of Contractual Review
ACT	Active
EXP	Expired
PPE	Pending Performance Evaluation
BA-22	BA-22
TERM	Terminated
OCPR	Office of Coastal Protection and Restoration

VII. CONTRACT APPROVALS: An agreement is not valid and a Contracting Party **shall not begin work** until:

- a. The contract has first been approved by the Secretary on behalf of DNR and,
- b. The contract has been approved in writing by the Director of the Office of Contractual Review or by the Contracts and Grants Administration if agreement applies to DNR's Delegated Authority. Some agreements may also need the following approvals:
 - (1) Facility Planning & Control (average 10 days) ex. Atchafalaya Basin Program contracts or agreements
 - (2) Attorney General (average 2 weeks) ex. legal contracts
 - (3) Risk Management (average 2 weeks) ex. legal contracts.
 - (4) Civil Service (average 2 weeks), ex. Contracts over \$20,000.00

VIII. MONITORING PROCEDURES: An evaluation of a contractor performance and determination as to the utility of the final product is required by La. R.S. 39:1500 for all contracts. DNR contracts will specify that a progress report and the final report must be received by the Project Manager prior to issuance of incremental and final payments. The required evaluation will be as specified in the DNR contract monitoring plan outlined below. This monitoring plan shall be included in DNR Contracts, Interagency Agreements, and Cooperative Agreements in the Article entitled Payment.

- a. Designation of a Project Manager: The designation of a Project Manager shall be determined prior to submitting any Request for Contract. **Duties of the Project Manager** are listed as follows:
 - (1) Represent DNR in all necessary interface with the Contracting Party;
 - (2) Ensuring that contractor work effort is consistent with the Scope and Objectives of the project;
 - (3) Keeping DNR agency management informed on progress of the project;
 - (4) Making appropriate recommendations relative to its development and direction;
 - (5) Ensuring that reports required herein are submitted in a timely manner; and
 - (6) Maintain complete files of reports required by the Monitoring Plan.
- b. Reporting Requirements:
 - (1) A progress report shall be submitted with each invoice for payment including, as a minimum, the required information on the Monitoring Report (See Attachment 2). The invoices will be completed by the Contracting Party, submitted to the Project Manager with two (2) copies

and one (1) original, and forwarded to Contracts and Grants for approval prior to being submitted to Accounting for payment. The Project Manager must sign the invoice and the monitoring report to indicate approval for payment.

- (2) Responsibility for monitoring includes the requirement that the Office/Division make timely provisions if cost overruns are anticipated. If an amendment is \$5,000 or more, the requesting office must submit a Contract Justification.
- (3) A final summary report shall be submitted by the Contracting Party on the Monitoring Report with the final invoice for payment.
- (4) Upon completion of the contract, a Performance Evaluation (PE) shall be prepared by the Project Manager. The PE must be submitted to Contracts and Grants within 30 days after the expiration date of the contract. The original PE will be maintained in the file.

The following people will receive a copy of the PE from Contracts and Grants:

1. Contracting Party
2. Project Manager
3. Accounting
4. Office of Contractual Review (OCR) – if contract or any amendment(s) was sent to OCR for approval. All OCR approved agreements MUST be submitted in accordance with La. R.S. 39:1500. The PE must be submitted to Contracts & Grants within 30 days of the expiration date of the contract. It is the Project Manager's responsibility to submit this form on time.
5. Legislative Auditor – for any contracts with a total amount of \$250,000.00 or greater.

IX. CONTRACT AMENDMENTS: Amendments to a contract must be requested by the Project Manager at least 12 weeks prior to the expiration date of the contract. No amendments can be made if not fully executed prior to the existing expiration date. Any changes in a contract budget (except in contracts with allowance for 10% budget revision) or Scope of Services also require a written amendment. Expenditures in excess of approved budgeted amounts will be disallowed until receipt of a duly executed amendment. No costs shall be incurred after expiration of the contract.

X. CONTRACTS WITH "FOREIGN" CORPORATIONS: According to the provisions of La. R.S. 12:301 et seq., any firm incorporated in another state must obtain a certificate of authority to transact business in Louisiana from the Louisiana Secretary of State,

Corporations Division. Any Contracting Party that has not previously contracted with the State will also have to complete a W-9 and a Contractor Information sheet. Potential out-of-state contractors must be made aware of these requirements.

- XI. EQUAL OPPORTUNITY EMPLOYER: The State is an equal opportunity employer. Its Contractors, sub-contractors, vendors and suppliers must take affirmative action to effect this commitment in their operations.
- a. Civil Rights Compliance: The Contracting Party agrees to abide by the requirements of the following as applicable: Title VI and VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, Federal Executive Order 11246, the Federal Rehabilitation Act of 1973, as amended, the Vietnam Era Veteran's Readjustment Assistance Act of 1974, Title IX of the Education Amendments of 1972, the Age Act of 1972, and the Contracting Party agrees to abide by the requirements of the Americans with Disabilities Act of 1990, the Davis-Bacon Act (40 USC 276a et seq), and the Federal Funding Accountability and Transparency (FFATA) (<https://www.fsr.gov>).
 - b. Hudson / Veteran's Initiative: The Louisiana Department of Natural Resources fully participates and encourages contractor participation in the Hudson Initiative. The State of Louisiana Veteran and Hudson Initiatives are designed to provide additional opportunities for Louisiana-based small entrepreneurships (sometimes referred to as LaVet's and SE's respectively) to participate in contracting and procurement with the state. A certified Veteran-Owned and Service-Connected Disabled Veteran-Owned small entrepreneurship (LaVet) and a Louisiana Initiative for Small Entrepreneurships (Hudson Initiative) small entrepreneurship are businesses that have been certified by the Louisiana Department of Economic Development. All eligible contractors are encouraged to become certified. Eligible contractors are also required to make it clear in their proposal that they are certified by attaching a certification document. Qualification requirements and online certification are available at https://smallbiz.louisianafoward.com/index_2.asp.
- XII. CODE OF ETHICS FOR STATE EMPLOYEES: All potential Contractors should be advised that Change 15 of Title 42 of the Revised Statutes (R.S. 42:1101 et seq., Code of Governmental Ethics) applies to Contractors in the performance of services called for in individual contracts.
- XIII. INSURANCE: All Contractors must comply with the revised DNR insurance requirements. The new insurance clause for agreements is attached.

XIV. GRANTS: A copy of the grant must be provided to CGMD for their information and any queries.

XV. EXCEPTIONS: Exceptions to this policy may be approved, due to exigent circumstances, or when necessary to accomplish the agency mission, when they are, in the opinion of the official approving the exception, necessary, and in the in the best interest of the agency and the State of Louisiana, to prevent the unnecessary incursion of the public fiscal and efficient operation of the state's business. While conditions may dictate acting upon oral authority, exceptions should be documented in writing and placed in the appropriate file, as soon as practicable. Exceptions may be made on the authority of the Secretary, or, the Undersecretary.

XVI. QUESTION; Questions regarding this policy should be directed to the Contracts and Grants Division, Office of Management and Finance at 225-342-4513.



Stephen Chustz, Secretary



Date

CONTRACTING PROCEDURE FORMS AND DESCRIPTIONS

****Please note that ALL forms are available on the DNR Intranet and on the Contracts and Grants page. Contracts & Grants will NOT email copies of the forms.****

<u>FORM NAME</u>	<u>USAGE/PURPOSE</u>
Request for Contract	Used when requesting any agreement. Amendment requests should be added to the bottom of the original Request for Contract (RFC) form. **Administrative signature and date required for all Requests**
Contract Certification	To be submitted with RFC's for all agreements.
Contract Justification	To be submitted with RFC's for all agreements. Only required for amendments if adding \$5,000 or more.
Civil Service Justification	To be submitted with RFC's for all agreements \$20,000 or greater.
Cost Benefit Analysis	To be submitted with RFC's for all contracts.
Monitoring Report	To be completed by the Contracting Party and submitted with invoices to the Project Manager for review and approval.
Performance Evaluation	To be submitted to the Project Manager to Contracts & Grants within 30 days of the contract's expiration. Not needed for Cooperative Agreements, Cost Shares or Intergovernmental Agreements.
Request for Sole Source Selection	Used when requesting an agreement for services available from only one source. Not applicable for agreements from an RFP or RSIQ.
Request for RFP/RSIQ	Used to request the initiation of the RFP/RSIQ process.
Evaluation and Ranking Report	To be submitted by the Proposal Review Committee to the appropriate Assistant Secretary or Division Administrator with recommendation(s) for selection. Proposals are only valid for 90 days after the RFP/RSIQ deadline for proposals.

DNR CONTRACT NO. _____

Appendix B

MONITORING REPORT

Date: _____

Contracting Party: _____ DNR Contract No. _____

Project Title: “ _____ ”

Invoice No. _____ Invoice Amount: _____

Total Contract Amount: \$ _____ Balance: \$ _____

Total invoiced to date: \$ _____

I. WORK COMPLETED TO DATE (ACCORDING TO TYPE CONTRACT):

- A. Percentage of work completed [include percentage completed and/or milestones accomplished (give dates)].
- B. Hourly (include services performed and number of hours worked).
- C. Scope of Services Outlined by Tasks (include tasks completed or portion of task completed to date).
- D. Actual Costs Incurred
- E. Fee Schedule

II FOR EACH PROJECT A NARRATIVE OF IMPLEMENTATION PROGRESS INCLUDING:

- A. Tasks and/or milestones accomplished (give dates)
- B. Tasks and/or milestones not accomplished with explanation or assessment of:
 - 1. Nature of problems encountered:
 - 2. Remedial action taken or planned:

3. Whether minimum criteria for measure can still be met:
4. Likely impact upon achievement

III DELIVERABLES

IV OTHER DISCUSSIONS OF SPECIAL NOTE

Contracting Party _____ Date _____

Approval _____ Date _____

DNR Project Manager