

# CONTRACT TRAINING

July 2019



## VISION

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To create a world-class educational system that gives students the knowledge and skills to be successful in college and the workforce, and to flourish as parents and citizens

## MISSION

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To provide leadership through the development of policy and accountability systems so that all students are prepared to compete in the global community

MISSISSIPPI STATE BOARD OF EDUCATION  
STRATEGIC PLAN GOALS

1

All Students Proficient and Showing Growth in All Assessed Areas



2

Every Student Graduates from High School and is Ready for College and Career



3

Every Child Has Access to a High-Quality Early Childhood Program



4

Every School Has Effective Teachers and Leaders



5

Every Community Effectively Uses a World-Class Data System to Improve Student Outcomes



6

Every School and District is Rated "C" or Higher



# THE OFFICE OF PROCUREMENT

To ensure compliance with State Law, the Department has mandated:

- ✓ ***All Contract requests shall be approved and processed by the Office of Procurement.***
- ✓ **Any deviation from this policy may result in a violation of state procurement laws.**
- ✓ **Any employee associated with violating such laws with improper and fraudulent procurements shall be responsible for those payments owed to the State as well as be held accountable for any other penalties deemed appropriate by law.**

# CONTRACT WORKER VS. INDEPENDENT CONTRACTOR



Where Do We Begin?



# *First things first!*

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Before preparing a contract, ensure funds are available by contacting the office accounting contact or grants management contact.



# CONTRACT WORKER

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- ✓ Receives instructions about when, where and how to work
- ✓ Paid hourly rate
- ✓ Expenses reimbursed
- ✓ On-going relationship with employer



# INDEPENDENT CONTRACTOR

- ✓ Independent trade or profession in which they offer their services to the public and make a living
- ✓ MDE can not control the method utilized to perform the work
- ✓ Paid a flat rate
- ✓ Expenses are not reimbursed



# METHOD OF PROCUREMENTS

**Quotes** - agency provides description of service and the vendor sets the price as the lowest and best bid is awarded. Best means “final and most attractive offer”

**IFB** - agency provides required specifications as the vendor submits specifications along with cost as the lowest and best bid is awarded.

**RFP** - agency requirements are highly technical and vendors develop and provide ideas or solutions with cost to accomplish an outcome for service; award is based on weighted criteria.

**RFQ** - agency most critical factor is a contractor’s qualifications to demonstrate their ability to perform the work; award is based on weighted criteria.

**RFA** - agency specifies price and requirements for services as the contractor submits experience and qualifications; award is based on weighted criteria.

# QUOTES

In order to process a quote acceptably, you must:

- ✓ Check your budget
- ✓ Complete an MDE Request for Quote Form
- ✓ Include specifications that will be sent to all vendors (the specifications sent to each vendor must be identical for each quote)
- ✓ Include all of the individual quotes submitted by the vendors based on established threshold [no telephone bid processes are allowed]
- ✓ All questions and answers must be compiled and sent to ALL vendors contacted for a quote.
- ✓ Submit a contract to the Procurement Office with all quotes attached with the lowest bidder awarded.

## Contract Worker

Pay Rate Determination Required

- |                         |                                     |
|-------------------------|-------------------------------------|
| ✓ Up to \$5,000         | No competitive procurement required |
| ✓ \$5,000.01 - \$50,000 | Request for Application             |
| ✓ Over \$75,000         | Request for Application             |

## Independent Contractor

- ✓ Up to \$5,000
  - One Quote,
  - (No competitive procurement required)
  - PPRB Preapproved Vendor Lists
  
- ✓ \$5,000.01 - \$50,000
  - Two (2) written quotes
  - Invitation for Bids
  - Competitive Sealed Qualifications
  - Competitive Sealed Proposals
  - PPRB Preapproved Vendor Lists

# PROCUREMENT METHODS

Cont.

✓ \$50,000.01 - \$75,000

Three (3) written quotes

Invitation for Bids

Competitive Sealed Qualifications

Competitive Sealed Proposals

PPRB Preapproved Vendor Lists

✓ Over \$75,000

Competitive Sealed Bids

Competitive Sealed Proposals

Competitive Sealed Qualifications

PPRB Preapproved Vendor Lists

# PROCUREMENT SOLICITATIONS Over \$5,000

## **Contract Worker:**

- ✓ Request for Applications (RFA) – solicits workers with experience to provide specified service; award is based on a selection process.

## **Independent Contractor:**

- ✓ Invitation for Bids (IFB) – solicits vendor to bid on a specified service and the lowest bidder receives the award.
- ✓ Request for Proposals (RFP) – solicits vendors to provide a professional service to MDE; award based on a selection process.
- ✓ Request for Qualifications (RFQ) – solicits vendors with special qualifications to provide services to MDE for a project; award based on a selection process.

Always review the  
Timeline for Submission of Contracts.

This will assist you with completing  
the Tentative Timeline Checklist for  
the RFA/IFB/RFP/RFQ.



# FORMS TO COMPLETE

**RFA/IFB/RFP/RFQ are found on the Procurement webpage:**

## **Bid Checklist and Forms:**

- ✓ Submission Form – Bureau and Chief Officer must be aware of the advertisement request.
- ✓ RFA/IFB/RFP/RFQ Template
- ✓ Draft Contract - Scope of work and renewal options shall mirror scope of work in solicitation
- ✓ Rubric – Shall mirror selection criteria in the solicitation
- ✓ Advertisement Letter
- ✓ Facilitator Agreement

# PROCESS FOR REVIEW

- ✓ Submit required forms in compliance with required approval signatures to the Procurement office.
- ✓ Date stamp procurement items and place in the procurement inbox.
- ✓ Contract analyst, Director of Procurement and the Compliance Officer will review for compliance.
- ✓ Revisions are requested as needed.



# AFTER PROCUREMENT REVIEW

- ✓ Contract analyst will contact OTSS to post to the MDE website and advertise with the Clarion Ledger, if applicable.
- ✓ Program office will pick up responses day after due date.
- ✓ Program office will pre-review specifications and complete the Application/Proposal Not Evaluated Form, if necessary. **(Form must be reviewed by the Director of Procurement prior to the day of evaluation)**

# AFTER EVALUATION

**Program office must review and complete the following forms and submit to Procurement:**

- ✓ Evaluator forms/sign in sheet
- ✓ Evaluator rubrics
  - Encourage evaluators to comment
- ✓ Evaluator Factor Scoring Sheet
- ✓ Vendor Score Sheet
- ✓ List of contractors ranked highest to lowest
- ✓ Notification of Intent to Award Letters
- ✓ Public Records Request is possible

Procurement Director will validate evaluator scores to begin a contract.

# CONTRACT

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Visit Procurement's webpage for the Contract Worker or Independent Contract checklist for required forms.

The following are required for all contract packets:

- Contract Justification** — Bureau and Chief Officer must be aware of the contracts.
- ✓ Complete all fields
- ✓ Check YES or NO, if IT-related services

# CONTRACT

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Forms, continued:

- ✓ **IRS Checklist**
- ✓ **Contract Template**
- ✓ **Tax Forms**
- ✓ **Board Item, if required**
- ✓ **Certification of PERS Service Retirement**
- ✓ **Performance Evaluation Review**
- ✓ **Certification of School District/Public Entity**

# Effective Dates for Contracts

- ✓ **When all parties sign** - should be affixed as the begin date for NEW contracts executed within the fiscal year.
- ✓ **July 1** – should be affixed for NEW contracts or renewals executed to begin services on **July 1**.
- ✓ **A Hard Date** - should be affixed when the contract is executed **AFTER** the start date.



**If YES is checked, IT-related services are included in the contract. OTSS must review the contract prior to submission to the Procurement office!**

**If a program evaluation is required, the Office of Educational Accountability must review the contract prior to submission to the Procurement office.**

***There are noteworthy items that are specific to Contract Workers or Independent Contractors.***



# CONTRACT WORKER

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- ✓ **Background Check** (must be completed and approved by HR)
- ✓ **Form W-4 Tax Form**
- ✓ **State Withholding Form**
- ✓ **Performance Evaluation Review Form**
- ✓ **PERS Form 4B** (for a PERS retiree only)
- ✓ **Form I-9** (must be completed after contract packet has been approved and upon obtaining final signatures)

# INDEPENDENT CONTRACT

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- ✓ Requisition
- ✓ Form W-9 tax form
- ✓ Employee vs Independent Contractor Determination Questionnaire (PERS retiree only)
- ✓ Debarment Verification Form
- ✓ Performance Evaluation Review

# PERS RETIREES

- ✓ Contract Workers may only work HALF of what a full-time employee works, half of the amount of hours and half of the amount of days.
- ✓ Contract Workers may only earn HALF of what the salary would be for a full time employee. This amount is only for personal services and does not include FICA, PERS, or travel.
- ✓ PERS Form 4B must be completed and signed by both the retiree and the Bureau Director. Procurement will send form to PERS after finalizing contract.

Independent Contractors **MUST** be classified as such by PERS. The Employee vs. Independent Contractor Determination Questionnaire must be completed by contractor and program office and submitted with the contract packet. Procurement will submit the form to PERS but the contract packet will not be approved until PERS has determined contractor is indeed an independent.

A PERS retiree's contract, in the amount of \$20,000 or more, will be placed on the House Bill (HB) report for SBE approval. This process is required by HB 681 and report is submitted to the Senate and House Appropriations Committees.



# CONTRACTS REQUIRING SBE APPROVAL

(\$50,000 or above)

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**Please see timeline for due dates!!**

Board item must be submitted with contract packet. Procurement, the Compliance Officer and Chief of Operations will review and approve Board item to place on the SBE agenda. Contract packet will not be approved for final signatures until SBE has approved item.

# CONTRACTS REQUIRING PPRB APPROVAL

(\$75,000 or above)

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**Please review timelines**  
**for contract due dates!!**

Contract packets require SBE and PPRB approvals for contracts exceeding \$75,000.

# CONTRACT APPROVAL

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Once the contract packet has been approved by the Office of Procurement, the contract analyst will attach the signed Justification Form and notify the program office contact via email to obtain final signatures.

Please note the following:

- ✓ Contract **MUST** be emailed to vendor in PDF format;
- ✓ Original signatures required;
- ✓ Attach the approved justification to obtain Chief's signature;
- ✓ Submit to Procurement for Director's signature.

# CONTRACT APPROVAL

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Procurement will enter contract into SPAHRS/MAGIC and email final contract to program office contact.

- ✓ Contract Worker contracts will route to Accounting.
- ✓ Independent Contracts, along with requisitions will route to Purchasing to generate a purchase order.
- ✓ Upon receipt of a signed contract, keep a file copy and send to vendor.
- ✓ Procurement cannot share information between program offices.

# CONTRACT MANAGEMENT

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- ✓ Monitor Services
- ✓ Maintain Documentation of Work
- ✓ Approval of Payments
- ✓ Evaluate Performance

# Questions & Closing Thoughts

**Monique Corley**  
Procurement Director

**Madeleine Morris**  
Contracts and Grants

**Carolyn McKenney**  
Contracts and Grants

**Patricia Youngblood**  
Contracts and Grants

**Vivian Taylor**  
Purchasing

**Kajarius White**  
Purchasing

