

**COUNTY OF RIVERSIDE, CALIFORNIA**  
**BOARD OF SUPERVISORS POLICY**

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**Policy:**

Department heads contemplating the procurement of professional or personal services by contract shall adhere to the following guidelines and procedures:

**1. DEFINITIONS**

- a. **Professional.** A professional with whom the County of Riverside may contract for professional services can generally be described as one whose vocation, calling, occupation or employment involves specialized knowledge, labor or skills, and such labor or skill is predominantly mental or intellectual rather than physical or manual. Professional services may only be rendered pursuant to a license, certification or registration authorized by the Business and Professions Code or the Chiropractic Act.
- b. **Personal Services.** A personal services contract is a contract whereby one of the contracting parties, as consideration or part consideration, is to perform a service for the county as provided in the contract and such services may not be provided by substitution or contracted out to a third party. Such service must be provided personally by the contracting individual.

**2. QUALIFICATIONS**

The contractor must be a person specially trained, experienced, expert and competent to perform the service and, if a professional, he must be duly licensed or certified as such.

**3. LIMITATIONS**

Professional or personal services contracts shall only be rendered under one or more of the following circumstances:

- a. The required services are outside the scope of the duties of county employees.
- b. The required services must consist of services, advice, education or training for the county or its employees. The services must be in financial, economic, accounting, engineering, legal, medical, therapeutic, administrative, architectural, security matters, and laundry and linen services. They may consist of maintenance or custodial services upon the making of appropriate findings in compliance with Government Code Section 31000.

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- c. There is no public agency available and presently able to provide the services.
- d. There are no existing county employees who are equally trained, experienced, and able to perform the service.
- e. Severe time constraints are imposed on completing a project within a time frame required by statutory and regulatory requirements that reasonably could not be anticipated so that completion could be accomplished by existing local government staff.

**4. EXCEPTIONS TO POLICY**

This policy shall not apply to contracts covered under other county, state or federal policies or regulations, nor to:

- a. Agreements for construction soils and materials testing laboratories of construction contract inspectors;
- b. Contracts for shelter home and youth home services;
- c. Workers compensation services, malpractice liability services, and liability insurance services, including legal, investigative and rehabilitation services.;
- d. Agreements for architectural and engineering services. Procedures for contracting for these services are established by Board of Supervisors Policy H-7.

**5. PROCEDURES**

All recommendations to the Board of Supervisors for contracts for professional or personal services shall comply with the following procedures, except as expressly provided elsewhere in this policy:

- a. Subject to the availability of funds, the department head shall prepare a request for proposal, which shall include specifications, conditions and any other requirements deemed necessary for the provision of such services;
- b. The department head shall distribute copies of the request for proposal to as many prospective bidders as will ensure a sufficient number of competitive bids. In no event shall the number of RFP's distributed be less than three unless the department head certifies that three bidders are not available; and

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- c. The department head shall review and rank in order ranging from "most responsive" to "least responsive" all proposals received from responsible offerors. Based on services being requested and the quality of the specification provided, each criteria listed below will be assigned a weighting factor or a percentage of the total weight. The proposals will be evaluated utilizing this predetermined weighing factor in establishing a ranking for each proposal.

Therefore, by using the evaluation criteria, cost is only one element of the overall evaluation and establishing price reasonableness through due diligence, award recommendations may be made to other than the initial low cost offerors. The following section guidelines shall be used in recommending to the Board of Supervisors the award of a contract to the most responsive bidder:

1. Actual capability to complete the project in conformance with the specifications, conditions and other requirements of the County of Riverside;
  2. Demonstrated ability to prepare or deliver professional, accurate and timely finished products or services irrespective of unusual or difficult circumstances;
  3. A reasonable contract price in relationship to the size, quality and time constraints of the proposed project with due consideration of competitive proposals;
  4. Satisfactory experience and performance on similar types of services;
- d. Requests for approval of contracts for the employment of persons to furnish maintenance and custodial services to a county facility shall also contain a recommendation and recitation of facts to enable the Board to make appropriate findings in compliance with Section 31000 of the Government Code.
- e. All proposed contracts must be reviewed and approved as to form by the County Counsel in compliance with Policy A-5. Appropriate standard contract forms should be obtained from County Counsel and included with Requests for Proposals. No such contract shall be submitted to the Clerk of the Board of Supervisors without the review and recommendation of the County Executive Officer.

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- f. Pursuant to Government Code Section 25502.5(a), the County Purchasing Agent may process and execute contracts for personal and professional services, which do not exceed, in aggregate, the appropriate statutory limit, currently \$100,000. This policy, however, shall limit such contracting authority of the Purchasing Agent to \$25,000 without prior Board approval if the contract was not competitively bid.
  - g. Request for contract approval, which must go to the Board will be clearly identified as Request for award of a contract to the most responsive offeror." All requests for award to other than the most responsive offeror, regardless of dollar value, must go to the Board and be fully justified.
- 6. CONTRACT ADMINISTRATION:**
- a. **Department Head** - The department head shall be responsible for the satisfactory performance of the contract requirements by the contractor. This includes contract monitoring, that process which determines if the contractor is performing the contracted services, and contractor evaluation. The evaluation process will determine the effectiveness of the contractor's service delivery process and, to the extent possible, whether the delivered service is accomplishing that which the County intended. The establishment of a quantifiable objective is an essential element of the contract development process to enable evaluation.
  - b. **Program Manager** - The program manager is responsible for contract administration; i.e., the day-to-day operation of the contract which includes, but is not limited to, insuring compliance with the technical requirements of the contract and processing of contract payments.
  - c. All amendments to contracts approved in compliance with this policy shall require the approval of the Board of Supervisors after review and recommendation by the County Counsel and County Executive Officer.
- 7. PROVISION FOR WAIVER:**
- Upon request of a department head, setting forth good cause, the Board of Supervisors may approve a contract for special services without compliance with procedures set forth in this policy.
- 8.** This policy supersedes revised Policy A-18 approved by the Board of Supervisors on April 13, 1993.

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**Reference:**

- Minute Order 6.9 of 11/03/1981
- Minute Order 3.36 of 04/13/1993
- Minute Order 3.5 of 04/08/1997
- Minute Order 3.7 of 02/01/2000 (supersedes Policy A-18 adopted 11/03/1981)
- Minute Order 3.7 of 11/07/2006
- Minute Order 3.8 of 10/23/2018 (RESCINDED)

RESCINDED