

## **Procurement: *Request for Statement of Qualifications***

### **Definitions—**

- A “vendor” is a person who seeks to enter into a contract with the District to provide a procurement item and includes a bidder, an offeror, an approved vendor, and a design professional.
- A “request for statement of qualifications” is a document used to solicit information about the qualifications of a person interested in responding to a potential procurement, including all other documents attached to that document or incorporated in that document by reference.
- A “statement of qualifications” is a written statement submitted to the District in response to a request for statement of qualifications.

[Utah Code § 63G-6a-103\(74\), \(89\), \(96\) \(2019\)](#)

### **Purposes of Request for Statement of Qualifications—**

A request for statement of qualifications must be used as part of the process to establish an approved vendor list. (See Policy CBDB.) A request for statement of qualifications also may be used to identify qualified vendors in one stage of a multiple-stage procurement process (invitation for bids, request for proposals, or design professional procurement). A request for statement of qualifications may not be used as the sole basis for awarding a contract, nor may it be used to solicit costs, pricing, or rates, or to negotiate fees.

[Utah Code § 63G-6a-410 \(2017\)](#)

### **Request for Statement of Qualifications Process—**

The request for statement of qualifications procurement process begins when the District issues a request for statement of qualifications. The District shall publish a request for proposals in accordance with the notice requirements of Policy CBA.

[Utah Code § 63G-6a-410\(3\), \(6\) \(2017\)](#)

#### *Content of request for multiple-stage process*

A request for statement of qualifications in a multiple-stage procurement process shall include:

- a statement that participation in other stages of the multiple-stage procurement process will be limited to qualified vendors;
- the minimum mandatory requirements, evaluation criteria, and applicable score thresholds that will be used to identify qualified vendors, including, as applicable:

- experience and work history;
  - management and staff requirements or standards;
  - licenses, certifications, and other qualifications;
  - performance ratings or references;
  - financial stability; and
  - other information pertaining to vendor qualifications that the Board of Education or Procurement Officer considers relevant or important; and
- the deadline by which a vendor is required to submit a statement of qualifications.

[Utah Code § 63G-6a-410\(4\) \(2017\)](#)

### *Content of request for approved vendor list process*

A request for statement of qualifications in an approved vendor list process under Policy CBDB shall include:

- as may be applicable, a general description of
  - the procurement item the District seeks to acquire;
  - the type of project or scope or category of work that the District will procure;
  - the procurement process to be used by the District; and
  - the type of vendor the District seeks to provide the procurement item;
- the minimum mandatory requirements, evaluation criteria, and applicable score thresholds that vendors are required to meet to be included on the approved vendor list;
- a statement that the approved vendor list will only include responsible vendors that
  - submit a responsive statement of qualifications and
  - meet the minimum mandatory requirements, evaluation criteria, and applicable score thresholds described in the request;
- a statement that only vendors on the approved vendor list will be able to participate in the procurements identified in the request;
- a statement on whether the District will use a performance rating system for evaluation the performance of vendors on the approved vendor list, including whether a vendor on the list may be disqualified and removed from the list;

- a statement on whether the approved vendor list used by the District is closed-ended or open-ended (see Policy CBDB) and
  - if the District uses a closed-ended list, the deadline for a vendor to submit a statement of qualifications and the specified time after which the list will expire, or
  - if the District uses an open-ended list,
    - the deadline for a vendor to submit a statement of qualifications to be considered for the initial list,
    - a schedule indicating when a vendor not on the initial list may submit a statement of qualifications to be considered to be added to the list, and
    - the specified time after which a vendor must submit a new statement of qualifications in order to renew the vendor's status as an approved vendor on the list; and
- a description of any other criteria or requirements specific to the procurement item or scope of work that is the subject of the procurement.

[Utah Code § 63G-6a-410\(5\) \(2017\)](#)

#### *Correction or clarification of statement of qualifications*

The Board of Education or its designee may allow a vendor to correct an immaterial error in a statement of qualifications, as provided in Policy CBA and may also request a vendor to clarify information contained in a statement of qualifications, as provided in Policy CBA.

[Utah Code § 63G-6a-410\(7\), \(10\) \(2017\)](#)

#### *Submission of statement of qualification*

Statements of qualifications (or modifications of statements) submitted after the established due date and time will not be accepted for any reason except when the District determines that an error on the part of the District or its employee resulted in the statement (or modification) not being received by the due date and time.

All statements or modifications to bids received by physical delivery will be date and time stamped by the District. When submitting a statement or modification to a statement by physical delivery (U.S. Mail, courier service, hand-delivery, or other physical means), vendors are solely responsible for meeting the deadline. Delays caused by a delivery service or other physical means will not be considered as an acceptable reason for a statement or modification of a statement being late.

When submitting a statement or modification electronically, vendors must allow sufficient time to complete the online forms and upload documents. The solicitation will end at the closing time posted in the electronic system. If a vendor is

in the middle of uploading a statement when the closing time arrives, the system will stop the process and the statement or modification to the statement will not be accepted.

[Utah Admin. Rules R33-4-101a \(June 21, 2017\)](#)

## *Establishment of evaluation committee*

The District shall appoint an evaluation committee consisting of at least three individuals with at least a general familiarity with or a basic understanding of either (1) the technical requirements relating to the type of procurement item that is the subject of the request for statement of qualifications or (2) the need that the procurement item is intended to address. The District shall ensure that the evaluation committee and each individual participating in the evaluation process (a) does not have a conflict of interest with any vendor that submits a statement of qualifications, (b) can fairly evaluate each statement of qualifications, (c) does not contact or communicate with a vendor concerning the evaluation process or the procurement outside the official evaluation committee process; and (d) conducts or participates in the evaluation in a manner that ensures a fair and competitive process and avoids the appearance of impropriety. The District may authorize the evaluation committee to receive assistance in better understanding a technical issue involved in the procurement from an expert or consultant who is not a member of the committee and who does not participate in evaluation scoring. The evaluation committee may, with the approval of the Board of Education or its designee, enter into discussions or conduct interviews with, or attend presentations by vendors for the purpose of clarifying information contained in statements of qualifications. However, in such interactions, a vendor may only explain, illustrate, or interpret the contents of the original statement of qualifications. The vendor may not (1) address criteria or specifications not contained in the original statement of qualifications, (2) correct any deficiency, inaccuracy, or mistake other than an immaterial error, (3) remedy an incomplete submission of documents, (4) remedy an untimely statement submission, (5) substitute or alter a required form, (6) remedy a cause for the vendor being considered not responsible or the statement not responsive, or (7) correct a failure to meet mandatory minimum requirements, evaluation criteria, or score thresholds.

[Utah Code § 63G-6a-410\(9\) \(2017\)](#)

## *Evaluation of statements*

The evaluation committee shall evaluate and score statements of qualifications submitted in response to a request for statement of qualifications using the minimum mandatory requirements, evaluation criteria, and applicable score thresholds set forth in the request for statement of qualifications.

[Utah Code § 63G-6a-410\(9\)\(c\) \(2017\)](#)

## *Determination of qualified vendors*

After the evaluation committee completes its evaluation and scoring of the statements of qualifications, the committee shall submit the statements and evaluation scores to the Board of Education or its designee. The Board of Education or its designee shall review the committee's scores and shall correct any errors, inconsistencies, or reported noncompliance with the Procurement Code. After reviewing the evaluation committee materials, the Board of Education or its designee shall make a final determination of:

- qualified vendors who are allowed to participate in the remaining stages, if the request for statement of qualifications process is used as one of the stages of a multiple-stage process, or
- vendors to be included on an approved vendor list, if the request for statement of qualifications process is used as part of the approved vendor list process.

[Utah Code § 63G-6a-410\(9\)\(e\), \(f\), \(14\) \(2017\)](#)

#### *Withdrawal of statement*

A vendor may voluntarily withdraw a statement of qualifications at any time before a contract is awarded with respect to which the statement of qualifications was submitted.

[Utah Code § 63G-6a-410\(11\) \(2017\)](#)

#### *Single qualified vendor*

If only one vendor meets the minimum qualifications, evaluation criteria, and applicable score thresholds set forth in the request for statement of qualifications which is being used as part of an approved vendor list process, the District shall cancel the request for statement of qualifications and may not establish an approved vendor list based on the request or on submitted statements of qualifications. If the District cancels the request, it shall make available for public inspection a written justification for the cancellation. (If the requirements set forth in Policy CBA for making an award based on a single response to a solicitation are met, the Board may make an award based on a single statement of qualifications.)

[Utah Code § 63G-6a-410\(12\), \(13\) \(2017\)](#)

[Utah Admin. Rules R33-4-109 \(June 21, 2017\)](#)

#### *Rejection of statement*

The Board of Education or the Procurement Officer may reject a statement of qualifications based on a determination that the vendor (1) is not responsible, (2) is in violation of the Procurement Code, (3) has engaged in unethical conduct, or (4) receives a performance rating below the satisfactory performance threshold specified in the request for statement of qualifications. A statement may also be rejected if there is a change in the vendor's circumstances that, if known when the statement was evaluated, would have caused the statement to not receive a qualifying score. A statement may also be rejected if it is not responsive or does not meet the mandatory minimum requirements, evaluation criteria, or applicable score

thresholds stated in the request for statement of qualifications. Upon rejection of a statement, the Board of Education or the Procurement Officer shall make a written finding stating the reasons for rejection and provide a copy of that finding to the vendor whose statement was rejected.

[Utah Code § 63G-6a-410\(8\) \(2017\)](#)