

## Request for Proposals

### Packet Synopsis

A **Request for Proposals** and a **Request for Bids** are in many ways synonymous. If a distinction can be made, the former is generally used in soliciting a service, i.e. the official publication of record, legal services, a planning consultant, etc., while the latter is used in soliciting for a physical construction activity, i.e. for a sewer plant or sewer line construction, a fire house, a road or the like.

Where and when public money is being spent, common sense and good public ethics would ordain that such be a public process and that every effort be made to get the best service or physical facility at the least possible cost. Openness and competition are the means for accomplishing these two goals. But not only common sense and good public ethics mandate an open and competitive public process, so does State Statutes.

Minnesota Statutes § 471.345, Uniform Municipal Contracting Law, with limited exceptions, requires that that Minnesota's counties, cities towns, school districts and other municipal or public corporations procure needed goods and services in an open bid process. This does not mean that the lowest bid has to be automatically accepted but rather that the bid must be "awarded to the lowest *responsible* bidder". But if a Local Unit of Government (LGU) does not take the lowest bid, it must document its reason for doing so and such an action should be based upon facts entered into the record.

The **Request for Proposals (RFP)** and a **Request for Bids** process is not as daunting as it may seem. The following contents of this packet have been selected to illustrate the whys, hows and whens of the RFP process and is looking essentially at its use in land use planning.

Minnesota Statutes § 471.345, Uniform Municipal Contracting Law – The statute noted above, is included as it is the law that all LGUs must follow when soliciting goods or services.

Choosing a planning consultant for local planning, Minnesota Planning, Local Planning Assistance, August 1998 – In this brief paper, the first point made is that the community should first identify what it has "in house" to contribute to the purpose for which a consultant is being considered. It then runs through issues and questions that will or should be identified and addressed in the course of selecting and working with a consultant.

Request for Proposals for Comprehensive Plans, *PAS Memo*, American Planning Association, Chicago, IL, April 1999 – Discusses in detail the RFP process: document structure, project description, scope of services being solicited, qualifications, financial agreements and project budget, evaluation criteria, preparation assistance, directions for submission and advertising

Consultants in the Public Eye, PAS Memo, American Planning Association, Chicago, IL, April 1995 – Present the synthesis of views of both public sector planners and private consulting planners as to how each perceives the other. Although not directly germane to the RFP process, it gives a good picture of interrelationships.

Planning Assistance; A Guidebook, Georgia Department of Community Affairs, Atlanta, GA., May 1991 – This is a guide by the state of Georgia for local communities wishing to expedite their land use planning obligation. Its advice has universal application.

Three Requests for Proposal samples:

Request for Proposal to Up-date City comprehensive Plan, City of Greenfield, MN.

Request for Proposal for Consulting Services to Update the Parks Master Plan, City of Burnsville, MN.

Request for Proposal for Bridge Replacement, Bridge no. 4184, Scott county Highway Department, MN.

Professional Services Agreement between the County of Itasca and Biko Associates, Inc.

- This is a sample of the RFP process end product, the final contract. This is what the RFP process is about, a well defined contract for services.

## LEGAL NOTES

There are other Minnesota Statutes that one should review in conjunction with a **Request for Proposals (RFP)** or a **Request for Bids** process. These are:

- CHAPTER 365, TOWN GENERAL LAW § 365.37 Conflicts, bids, emergencies, penalty, removal
- CHAPTER 375, COUNTY BOARDS § 375.21 Contracts of county boards.
- CHAPTER 412, STATUTORY CITIES § 412.311 Contracts.
- CHAPTER 465, RIGHTS, POWERS AND DUTIES; MUNICIPALITIES § 465.71 Installment and lease purchases; cities, counties; school districts.
- CHAPTER 462, HOUSING, REDEVELOPMENT, PLANNING, ZONING § 462.396 Grants; levies; budget; accounts; audits; bids; deposits.
- CHAPTER 471 MUNICIPAL RIGHTS, POWERS, DUTIES § 471.345 Uniform Municipal Contracting Law.

CHAPTER 471 MUNICIPAL RIGHTS, POWERS, DUTIES § 471.345 Uniform Municipal Contracting Law. - applies to the Seven County Metropolitan Area only.