

DAS Procurement Division

How To Write A Scope of Service to Get the Results You Want

Session Presenters –DAS Procurement Services

- Tina Costanzo
Contract Team Leader
- Rachel Whitesell
Staff Attorney
- Ben Bare
Staff Attorney

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Varying Perspectives

- Agency's view of their need (what you think you want)
- Procurement's view of the need (what the Contract Specialist thinks you want based on your description)
- Vendor's view of the need (what Vendors think you want based on a combination of the first two perspectives)

Creating the Scope of Work/Product Description - General

- The MOST important step in the process
 - Most frequent cause for contract failure – **unclear specifications**
 - Establish performance standards and a contractual baseline
 - Provide the contractor with a basis to bid on or respond to
 - Communicate effectively
- Identify the resource, schedule and compensation constraints (i.e. shipping costs and delivery requirements)
- Identify specific technical data requirements such as plans, specifications, reports, etc.
- Identify performance, quality and operational characteristics
- Identify specific mandates or directives that may influence the contract (licenses, statutory directives etc.)

Creating the Scope of Work/Product Description - General

- Text should be clear and free of vague terms (contract language)
- Use specific words to avoid misunderstandings
 - *Shall*: expresses a requirement binding on either party
 - *Should/May*: expresses a non-mandatory provision
 - *Will*: expresses a declaration of purpose on the part of the purchaser
- Identify a minimum requirement
- Allow for maximum competition (don't draft to one contractor)

Creating the Scope of Work/Product Description - General

- Identifying Requirements
 - Review/modify last RFP/Bid issued
 - Research other agency proposals
 - Brainstorm with committee members/stakeholders
 - Identify new requirements
 - Seek to improve based on experience, not simply re-use “last time’s” document

Creating the Scope of Work/Product Description – Nitty Gritty

- Describe the type of work to be done
 - Initial general overview
 - Specific responsibilities
- Describe anticipated results
 - Deliverables
 - Services rendered
- Statement of Qualifications
 - Establishes an expected quality level for performance (i.e. manner consistent with industry, 99% error free, etc.)

Is the Statement/Scope of Work (SOW) appropriate?
<p>The following questions may be used as tests for the appropriateness of the SOW:</p> <ul style="list-style-type: none"> • Does the Statement tell the offeror what is required to be done? • Is the information necessary to assist the offeror in understanding what is required? • Will the offeror and the jurisdiction be able to negotiate reasonable pricing parameters for tasks, services, etc.? • Will the tasks, when accomplished, produce results consistent with project objectives?
Are the objectives clear?
<p>Do they provide a method for the procurement officer to keep salient features of the procurement's objectives foremost while preparing and reviewing the SOW?</p> <ul style="list-style-type: none"> • Is the SOW sufficiently specific to permit the offeror to identify and the jurisdiction to evaluate the manpower and resources needed to accomplish it? • Are the specific duties of the offeror stated in such a way that it is known what is required and permit the jurisdiction to determine if the requirements have been met prior to signing the acceptance document? • Are sentences written so that there is no question of whether the offeror is to be obligated, such as: <i>The successful offeror shall do the work, not, This work will be required.</i> • Are the proper reference documents provided? Are they pertinent to the SOW? Are they properly cited in the solicitation? • Are the specifications or exhibits applicable, i.e., latest revisions of each document? If so, are they properly cited in the solicitation? • Are the specifications restrictive? Are only the necessities specified? • Are there dates for the key tasks to be accomplished by the offeror in the solicitation document? Is the time reflected in working or calendar days? • Are proper quantities shown?
Some do's and don'ts
<ul style="list-style-type: none"> • Avoid misunderstandings and eliminate possible doubts. • Describe the <i>what, where, and when</i>, and avoid loopholes. • Avoid over-specifying and clarify the contractual obligations of the jurisdiction

Figure 20. Statement of Work Checklist.

What Vendor's Want to See

- Critical to be concise and clear in the Title to your RFP or Bid... It should be short but:
 - Use good, simple keywords in the title.
 - Be clear and concise.
 - Convey the service you are seeking to contract.
 - Make certain your request is asking for the appropriate services and/or professionals.

Example - What Service Do they Want?

TITLE OF THE REQUEST FOR PROPOSALS

PROFESSIONAL SERVICES FOR THE
BRANDING AND ECONOMIC
RESTRUCTURING OF THE COMMUNITY
REDEVELOPMENT AREA

Example - What Service Do they Want?

Scope/Purpose

The intent of this project is to contract for professional services to implement the Redevelopment Plan and “Brand” the Downtown CRA in accordance with the Agency’s mission statement to “facilitate the emergence of a vibrant urban village where people of all ages will live, work, shop and be entertained.” The vision of the area recognizes the unique social and economic factors that are compressed in a relatively small area of the City. Policy 3.2.8 of the Redevelopment Plan is to “**Brand the Core District as** a well managed and organized urban destination for the purpose of drawing both visitors and residents to a broader market.” There are a number of existing retail and restaurant businesses in the Downtown area that through an economic restructuring process can be enhanced and expanded. Based on the success of these enterprises the CRA will be assisting in attracting new businesses to all the new developments.

Example – Vendor's Point of View

Does this Request give me a sense that this government knows what it wants and how the job needs to be accomplished ?

Introduction

The City of Winter Park invites your participation in the Request for Proposal (RFP) process to select a developer interested in leasing or purchasing approximately 5.0 acres of land owned by the City of Winter Park located at 941 W. Morse Boulevard. The West Morse Boulevard area is a gateway into the heart of the City's Community Redevelopment Area and the downtown business district.

Description

An existing 63,894 square foot office building, known as the McCarty Building which was originally constructed in 1958, is currently on the site. An aerial view and location map are attached as Appendix A. The property is located within the City of Winter Park, a political subdivision of Orange County, Florida. The City has a population of approximately 29,000. This parcel is located within the City's community redevelopment area. The property is designated as Office on the City's Future Land Use Map and is in the City's O-1 Zoning District.

Background Information and Assumptions

The City, using CRA funds, acquired the property in 2005. In addition to receiving a return on its investment, the City's goal is to create a high quality development that emphasizes sustainability and compatibility with surrounding properties. The City is seeking a developer that will create an environment that is appealing to the surrounding area, protects the mature tree canopy on the property and provides bicycle and pedestrian walkability to both the surrounding commercial areas as well as the City's Lake Island Park. Finally, the City seeks to maximize the value it can achieve to fund future municipal initiatives, through a prudent and secure transaction.

An abatement study was completed on the site in 2006 and is attached as Appendix B. **Only firms prequalified through the RFI-12-2010 process may submit proposals.**

Selection Criteria

The City intends to use the RFP process to competitively select and rank a firm or consortium of firms based on:

- Site Development - should clearly establish a development plan for the site that complements the City's goals and vision for the development (55%)
- Transaction Structure - offer a fair market value for the land and the best potential for value creation (45%)

Qualifications of the bidders will be determined on the referenced criteria. Any bidder that does not meet the associated qualifications shall be determined to be unqualified to bid on this RFP and can be removed from consideration. The City plans to make a final selection and enter into either lease or purchase with the successful bidder.

Timeline

The City intends to conduct the RFP process from June 2010 through July 2010. It is the intention of the City to have a developer selected and a transaction negotiated by fall 2010.

A voluntary walk-through of the building and the site is scheduled for July 7, 2010 immediately following the pre-proposal meeting. While not mandatory, each developer is encouraged to visit the site and include any details into the presentation materials.

The City seeks three types of information from the development teams set out in the selection criteria listed in Section II and as described below. This information is required under the Tabs listed under the Proposal Format:

Qualifications

The primary criteria in selecting a developer will be to identify an experienced and highly qualified team that can create a vision for the site yielding the best financial and value creation package. The developer should also provide a sustainable development that encourages community and stakeholder collaboration; fosters distinctive, attractive development with a strong sense of place, incorporating the gateway attraction of Morse Boulevard into historic Winter Park; preserve open spaces; and creates walk-ability around the site, connecting to the area's parks and commercial features.

As part of the response, please provide the City with specific information regarding the following:

- General overview of your organization both nationally and in the Central Florida area. Please detail the growth and development history of your firm, and comment on the local team you would assign to this project. Please provide an organizational chart and a summary of qualifications of the members of the team who will be working on this project, including a description of their roles and relevant experience. Please identify who will be the team leader throughout the project.
- Provide your team's experience in working on similar type projects in similar settings. Respondents shall identify three to five relevant projects with which the Respondent or the team members have had primary involvement. The City is interested in your direct experiences working with other municipalities on projects of similar size and complexity. As part of your submittal, please address your interaction with community groups, and detail any proffers or community amenity packages that were negotiated as part of these projects.
- Please provide your firm's experience with ground leased development projects or similar structures. What has the degree of success been for your land partner (please be as specific as possible)? What have been the benefits and challenges of these structures for your projects? What are your preliminary concepts of reselling and leasing space and what is your estimated absorption time?
- Please outline a detailed project schedule through entitlements assuming August 9, 2010 as the date your team is selected. What will be the consequences for failure (i.e., penalties) to meet schedule and/or development milestones on your team?
- Discuss how your team would propose working with the City to achieve the above referenced project schedule. Elaborate on the roles that you would anticipate the City and your team participating in regarding communications, decision making, public relations, representing the project to the City in the entitlement process, meeting with neighbors, etc.
- Provide your firm's experience and ability to work with major financial partners. Give three relevant examples that demonstrate past performance in working with such groups.
- Please provide an overview of your company's financial strength which will be relied upon for completion of this project. The City is interested in the financial structure that you would use on your side of the relationship, in the structures you typically use and the partners/investors/financiers you typically work with on these developments, and in the timing for including these partners.
- For Respondents and financial/equity partners, include all projects underway, indicated for each project that status (% complete to date), size and scope, cost, developer equity, financial guarantees and the role of the developer and/or financial equity partner.

Site Development

The McCarty Office Building site is unique in both size and redevelopment opportunities within the CRA area of Winter Park. The site's gateway character, mature tree canopy, pedestrian accessibility and proximity to both downtown Winter Park and Winter Park Village uniquely position this site for development. The City will be very interested and will seek to have input into the final development plans for the parcel to assure they are consistent with the City's goals and vision for the corridor and the property. Please provide specific details on the following criteria as part of the submittal:

- The City is interested in job creation and preservation. The ability to provide immediate tenants to the space will be a consideration during the review of the project
- The site can be demolished or rehabilitated depending on the developer's preference
- The site should be developed within the threshold of the .45 Floor Area Ratio permitted under the City's Land Development Code.
- The green space and tree canopy fronting West Morse Boulevard are critical to the redevelopment of the site and should be incorporated into any design
- Pedestrian accessibility to the commercial parcels on US 17-92 and Winter Park Village should be incorporated into the overall master planning and development of the site
- The parking may be retained at street level or through the development of a parking structure
- The City may choose to hold entitlements to future development if the developer is not prepared to develop the site to its maximum capacity.
- A preliminary development plan is required to be submitted as part of the RFP package. This should include a schematic of the site including a rendering of the architectural style of the building, the location of parking, and appropriate open space. Provide a list of uses anticipated for the property.
- Detail challenges you see with the site.
- As part of your response, please explain how you would present, support and position the development to the market, City officials and the surrounding community. Share the timeframe that you envision for the delivery of the project-including any phases as appropriate.

Transaction Structure

The City prefers a ground-lease on this site, but is open to an outright sale of the property. The proposal is required to show a ground lease option. A secondary proposal for purchase may also be included in the proposal. The City has an interest in ensuring the long-term sustainability of the site and the quality of the development. To that end, the City may consider retaining rights-of-first refusal on future sales of the property, establishment of performance targets for development of the property within reasonable market-driven parameters, and establishing covenants for development of the site that will apply to any future owners or successors of interest in the property.

For ground lease payments, please provide the following:

- Describe the complete methodology, including calculation of land value, ground lease constant, escalations in payments, resets of ground value, and any timing/milestones associated with the preceding.
- Please submit a payment schedule that covers the entire term of the ground lease.

For purchase proposals, please provide the following:

- Document the methodology for arriving at fair value including current market data for the site including sales price per square foot, square foot for sale, total sales, and rental price per square foot, rentable square feet and annual rents. If any payments are delayed, please provide a payment schedule that details the timing of payment.

In addition, respondents will be asked to present an estimate of taxable value of the completed project. If portions of the project are to be completed in phases, please provide an estimate of phase completion. In addition to other evaluative criteria, the City will compare the RFP offers based on price and timing of payment to the City.

Proposers must respond in the format delineated below.

Please submit one (1) original clearly marked "ORIGINAL" along with five (5) exact copies, clearly marked "COPY" and one electronic copy on CD for document management purposes. All responses, and copies, are to be submitted on 8 ½ x 11 inch paper, bound individually. If your response contains any information deemed confidential, provide an additional CD with a redacted version of your response labeled "REDACTED". CD shall be in Microsoft Word, Excel, Power Point, or pdf – the most recent software version.

Each directive listed will require an individual index tab in your response package to indicate the information as requested is listed behind its specific tab. Any other information pertinent to the headings as listed herein may be added to the end of each section. However, required information must be listed first in each section. If further materials are necessary to complete your response and are not noted under any of the headings listed below, add a TAB —X tab to the end of your response with proper index as to the subject matter contained therein. Any Addenda are to be acknowledged on the Signature Sheet. Failure to submit this information will render your proposal non-responsive. Each Section is to be preceded with a Tab delineating the information after the Tab.

Table of Contents

Clearly outline and identify the material and responses by the tab and page number. Outline in sequential order the major areas of the responses, including enclosures. Tabs should be used to separate each tabbed section. All pages must be consecutively numbered and correspond to the table of contents.

Tab 1. Cover Letter

Provide a cover letter indicating your company's understanding of the requirements/scope of services/specifications of this formal solicitation. The letter must be a brief formal letter from the Proposer that provides information regarding the company's familiarity with development of property as described in this RFP. A person who is authorized to commit the Proposer's organization to provide the good/services included in the response must sign the letter. Provide all names, titles, addresses, telephone numbers (including facsimile numbers), and e-mail addresses.

Tab 2. Qualifications of Project Staff

Indicate pertinent qualifications of available expert witnesses that will be made available to the City in the event of a challenge to the validity of the technology associated with this photo enforcement project and the equipment used facilitate enforcement.

Tab 3. Site Development

Please address the criteria highlighted under the RFP requirements for this section. These should include a development schematic and phasing plan if needed. **Note:** The City shall not be responsible for any costs incurred by the Proposer in preparing, submitting or presenting its response to the RFP. This Request for Proposals does not and shall not commit the City or their agents to enter into any agreement, to pay any costs incurred in preparation of the submittals or to procure or contract for services or supplies.

Tab 4. Transaction Structure

The City prefers a ground-lease on this site, but is open to an outright sale of the property. All bids must include a ground lease submittal. Bidders also have the option of submitting a contract for sale of the property. The requirements for submittal are listed under the Transaction Structure section of the RFP.

Tab 5. REQUIRED FORMS

Include fully executed **Signature Sheet, Drug Free Workplace Form, Non-Collusion Affidavit of Prime Respondent** in this section.

Tab X. MISCELLANEOUS

Attachments: Additional information, which the Proposer feels will assist in the evaluation, should be included.

Example - The Red Flags !!!

- The Request's purpose is not really clear.
- Dates/times in the RFP do not match.
- The RFP is 59 pages long and the description of the services sought is 2 paragraphs.
- Description does not include mention of necessary/required items.
- No Deliverables Described.
- The work is to rely on another study/plan that is not yet contracted for or completed.

Example - The Red Flags !!!

- Project Budget found/told does not match what consultant knows to be the project cost.
- City/CRA has repeatedly hired the same firm for work and there does not appear to be any reason they would hire someone else.
- A City/CRA/County where there has been difficulty before for consultants.
- An RFP that reads like a bid... as if a commodity is being purchased.

Creating the Scope of Work - Some of the Problems

- A person unfamiliar with the project is the contact person.
 - No expectation I will get an answer to my question.
 - Will get the “technical answer” not desired answer.
 - Will get an insufficient answer to the question after it gets “lost in translation.”
 - Not a prime responsibility of a purchasing employee and thus not a priority.

Creating the Scope of Work - Some of the Problems

- Scope That is Too Expansive/Not Expansive Enough:
 - Asks for one service and describes unrelated services to be included.
 - Does not give sufficient time to complete services desired.
 - Does not include description of services Consultant knows to be needed.

Creating the Scope of Work - How to Get it Right...

Just put yourself in the Vendor's shoes....

- Does this Request tell me what they want?
- Are the submittal requirements clearly listed?
- How long will this take to put together?
- Does the government seem to have their stuff together and understand what they are asking for?
- What is my anticipated return on my investment of time, effort and money?

Language Examples

- Language From RFP/RFQ Documents:

*"The City may, in its sole discretion and **without any obligation to act reasonably**, reject any and all proposals, negotiate with any entity submitting a proposal, waive any formalities connected therewith, extend deadlines, request additional information ..."*

Language Examples

- From a Redevelopment RFP:

Neither the City, nor (owner's agent), nor any their officers, agents or employees, shall be responsible for the accuracy or completeness of any information provided to any Developer as part of the RFP or clarifications to the RFP. All Developers are encouraged to independently verify the accuracy of any information provided by the City or (the owner's agent) or obtained from any other source. The use of any of this information in the preparation of a response to this request is at the sole risk of the Developer.

Big Items

- Define The Project Needs
- Legal Requirements
- Good Technical Writing (delineation of responsibilities, active voice, capitalized terms, etc.)
- Internal Consistency
- Identify Knowledgeable Contact Person
- Allow For Innovation when possible