

NATOA 2021 Annual Conference
Effectively Engaging Consultant Expertise
THURSDAY, SEPTEMBER 23RD
1:15 p.m. – 2:00 p.m. Eastern

THE PROCUREMENT PROCESS

1. What are the rules / procedures of your local government that you must follow?
2. What is your budget?
3. What do you want to do? (What job, what company / industry, how many years)
4. What are you allowed to do under your local ordinance and state law?
5. When do you need the project completed? Will you be able to meet this schedule knowing the length of time required for the procurement process?

WHEN TO USE SPECIALIZED CONSULTANTS

6. Recognize that the industry does this every day and has in-house experts. You do this occasionally and don't have the expertise, the industry knowledge, or the understanding of what is happening on the cutting edge. ACCEPT THAT YOU ARE NOT AS SMART AS YOU THINK YOU ARE ABOUT THIS SUBJECT MATTER! Typically, these are projects that will apply to multiple years, and you will have to live with the results for a while, so recognize that and do not under value the effort.
7. Even with in-house capabilities, the person or persons probably are already at capacity on their available time.
8. Information to be provided by the industry will be identified as confidential. Does your local government and state government provide you the capability to protect the confidentiality of the data? Most "Sunshine Laws" make it difficult. If using a consultant, especially if hired by your attorney (in-house or outside) it may be easier to protect the data and allow the consultant to get access to such data.

THE RFP

9. Building the contact list –
 - a. Ask NATOA
 - b. Use the NATOA listserv and your regional NATOA chapter, state League of Cities, Council of Non-profits, national or regional Alliance for Community Media, and chambers of commerce to help identify potential consultants. Seek info from other governments, from your outside counsel.
 - c. Who has done such work for you before (was the work satisfactory or not). Compare previous efforts with efforts of others locally and nationally to evaluate the quality.
 - d. Who has contracted for such work in your region?
 - e. Can you "piggyback" on the RFP and contract of another local government? Discuss with your procurement folks.
10. The RFP –
 - a. Examples from others (see 9a-e above).
 - b. Make sure the scope of work addresses the things you need for this project.

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- c. Do your procurement folks have a standard format? Do you need to modify it to meet the requirements of this job? (insurance and bond are typical, percentage of completion payment is typical in construction, but not for professional services).
- d. If you do not have available funding but need to do the job, can you do it on a contingent basis? Realize contingent may impact the consultant's ability to testify if the matter is litigated.
- e. Will the LFA require a formal report? If not, how will the results be communicated?

EVALUATING PROPOSALS

- 11. Make sure the proposals satisfy the required criteria of:
 - a. Experience (review reports that have been prepared for other clients). Even if the firm of the proposer is recognized, make sure the individuals who will be performing the work for you have the required experience.
 - b. Scope of work. Be careful that some proposals will leave open items in the scope of work to be "at the option of the LFA." Those items will be in addition to the budget identified in the proposal and are an open invitation to major increases in the consultant's costs. On the other hand, be aware of scope creep, i.e. asking the consultant to perform services not in the original agreement without a commensurate increase in budget.
- 12. Know the role of the LFA in the project, i.e. how much supervision and oversight will be required, what additional services will the LFA need to supply (legal, on-site assistant, liaison with company). Is the LFA prepared to take on that role or those roles?
- 13. Evaluate the potential for this work to be litigated and, if there is a likelihood, are you comfortable with the consultant in that role? Will you need to bring someone else in at additional cost to testify?
- 14. Do interviews and ask questions. Seek guidance from the proposer in the interview that your scope of work will provide what you need and can be done in a timely manner.
- 15. Remember lowest cost is not always the best choice.

THE CONTRACT

- 16. Make sure the reporting and oversight requirements are spelled out in the contract as well as the payment terms.

MANAGING THE PROJECT (& CONSULTANT)

- 17. Have designated line of supervision – who at the consultant and who at the LFA are responsible.
- 18. Have periodic meetings between the consultant and the LFA to know status, trouble spots, any impacts to the schedule.
- 19. Make sure the LFA is doing its part in providing data and support for getting information from third parties.
- 20. Once the project is complete and report provided, make sure the LFA processes occur in a timely manner.