

Contracting for Pesticide Collection & Disposal Services

A Perspective from State Program Managers

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Session Objective

To offer points to consider to assist in writing and responding to RFP's and IFB's for pesticide disposal services.

Session Outline

PART 1: State program contracting

- Administrative section
- Technical section

- **PART 2: Waste disposal contractor perspectives and comments**

Session Mission

CONTRACT

noun /((kahn trakt)/

An agreement to perform duties to accomplish goals

Partners to reach goals

State AND Contractor

NOT Adversaries that fail to meet goals

State VERSUS Contractor

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State Contracting - Administrative

FULL DISCLOSURE

**I am the Pesticide Disposal Assistance Program
Manager and Contract Administrator for the
NCDA&CS' Pesticide Disposal Contract**

State Contracting - Admin

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To be clear:

I don't work for ...

NC Department of Administration

I am not ...

a Purchasing and Contracts Agent

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I didn't even stay at a brand name hotel last night.



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But I DO know this:

**If problems arise during your Contract term,
your Program could be ... in *JEOPARDY*.**

Proper preparation helps minimize:

- **Contract / Cost Disputes**
- **Performance Problems**
 - **Liability**

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You can't eliminate it, but you can
MINIMIZE potential issues.

(1) Write an effective Contract
to address *YOUR* Program needs

(2) Perform Due Diligence
to choose appropriate Contractor

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**(1) Write an effective Contract
to address your Program needs**

Decide on Contract Type

Two Primary Types

IFB - Invitation For Bids

RFP - Request For Proposals

State Contracting - Admin

IFB - Invitation for Bids

A solicitation document normally used in soliciting competition for formal sealed bids from potential sources of supply.

RFP - Request For Proposals

A solicitation document normally used for soliciting competition for contractual services. The contents of the RFP should include a brief intro and background of the project, a detailed scope of work, proposal requirements, and criteria for evaluating offers.

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IFB - Invitation for Bids

- **Used primarily for ‘sources of supply’ – in IFB defin!**
(goods & materials, but CAN apply to services)

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Just because you ‘CAN’,
doesn’t mean you ‘SHOULD.’

State Contracting - Admin

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- **Easiest contract type for Contract Administrators**
(easiest (=best?), relinquishes control)

DEF: Contract - *An agreement to perform duties to accomplish goals*

State Contracting - Admin

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You and your Contractor are the EXPERTS for the duties and goals.

P&C are to help put the agreement in place.

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- **Easiest contract for Purchasing & Contracts personnel**
(comfort zone; little input from others; “it is what it is”)

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Hey, there’s no arguing with numbers!

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- **COST dictates Contractor**
(often no input on selection; budget vs goals conflict)

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Sometimes you DO get what you pay for.

State Contracting - Admin

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- **Used primarily for ‘contractual services’ – definition!**
(duties and goals, with 2-step process = EVALUATIONS)

State RFP contracts typically have a 2-step process

1- Technical Evaluation

2- Cost Evaluation

Evaluations are vital to overall contract effectiveness!

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Evaluations are vital to overall contract effectiveness!

- **Shared control and responsibility with P&C (Together)**
- **Maintains competitive cost proposals (Weighted)**
- **More involvement means more work by Contract Administrator**
- **Minimize performance problems (Expert input from start)**
- **Minimizes Liability** by providing for Technical Oversight (team of technical reviewers with weighted evaluations)

State Contracting - Admin

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- **Determine if you CAN use an RFP!**
(some states must request “Delegation Authority”)

**Just because you ‘SHOULD’,
doesn’t mean you ‘CAN.’**

State Contracting - Admin

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You may have to convince P&C to allow for RFP!

Liability is thought of as a TECHNICAL concern.

**As the Technical Expert, you may need to show how
Liability affects the Contract, Program, and your
Department = explain ‘Jeopardy’**

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[Audience Participation]

Contract Administrator:

“I’ll take ... ‘Your work is full of Idioms and Facts’ for 100, Alex!”

Trebek:

“And the Answer is – ‘FACT: Lingering Liability’”

Contract Administrator:

“What is ”



State Contracting - Admin

[Audience Participation]

Contract Administrator:

“I’ll take ... ‘Your work is full of Idioms and Facts’ for 100, Alex!”

Trebek:

“And the Answer is – ‘FACT: Lingering Liability’”

Contract Administrator:

*“What is **..... CRADLE TO GRAVE**”*



State Contracting - Admin

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To convince P&C to allow for RFP

- **Find other RFP contracts in your state, if any!**
- **Find other RFPs out of state, if available.**
- **Make a friend, or 3 in DOA or P&C already!**
- **Explain Jeopardy to them – with examples!**

State Contracting - Admin

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(some states must request “Delegation Authority”)

“True” Delegation Authority affords complete authority for review and selection process of Contractor

- **not necessarily desired due to legal ramifications and not experts at legally binding contracts**
- **but possible sharing of authority with DOA oversight**

RFP = Shared Control

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(duties and goals, with 2-step process = shared control)
- **Determine if you CAN use an RFP!**
(some states must request “Delegation Authority”)
- **RFP Proposal aspect allows ‘discussions’ w Contractor**
(Firm, but not rigid – provides room for improvement)

Contract Admin and Contractor work together towards goal accomplishment, yet peak performance remains

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(duties and goals, with 2-step process = shared control)
- **Determine if you CAN use an RFP!**
(some states must request “Delegation Authority”)
- **RFP Proposal aspect allows ‘discussions’ w Contractor**
(Firm, but not rigid - provides room for improvement)
- **Cost does NOT dictate contract nor Contractor**
(weighted and combined w Tech eval; budget vs goals)

Sometimes what you want may cost you!

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State Contracting – Admin END

Before going into Tech Eval

Mention copy of cost evaluation tally sheet

Financial Contacts for individual states

(2) Perform Due Diligence

to choose appropriate Contractor