

**State of Michigan  
Independent Citizens Redistricting Commission (MICRC)  
Procurement Review Procedures and Guidelines**

**Adopted February 25, 2021**

**Amended and Effective August \_\_, 2021**

**MICRC PROCUREMENT REVIEW PROCEDURES AND GUIDELINES**

**A. Purpose**

The MICRC is committed to transparency in the redistricting process and utilizing taxpayer dollars responsibly with integrity and accountability. These Procedures and Guidelines are adopted to foster transparency and integrity in the evaluation, negotiation and award process for the MICRC's handling of Requests for Proposals (RFP) or such other solicitations or procurement analyses undertaken by the MICRC pursuant to its authority under Subsection 4 of article IV, § 6 of the Michigan Constitution. These Policies and Procedures are intended to ensure uniformity of practice and procedures in the procurement activities of the MICRC.

**B. Scope**

These Procedures and Guidelines apply to the MICRC, its individual members, and staff as well as any individual participating in the review, evaluation, comparison or recommendation proffered regarding solicitations for the MICRC or made on its behalf. These Procedures and Guidelines shall be read in conjunction with the MICRC Commissioner Code of Conduct.

**C. Process**

1. The MICRC establishes the following procurement thresholds and associated actions:

\$4,999.99 and below no bid required (informal contract)

\$5,000.00 to \$49,999.99 three (3) informal bids required

\$50,000.00 and above a request for proposal shall be issued

For expert witness or legal services \$50,000 and above a hybrid request for proposal may be issued.

2. The MICRC requires a Solicitation Manager for all procurements. The Solicitation Manager shall be identified on each procurement and their contact information listed.
3. The MICRC may participate in an existing State of Michigan contract or procurement for services or goods.
4. While it is anticipated to be a rare occurrence, the Executive Director may make an emergency procurement not to exceed \$50,000.00 when exigencies require the

immediate delivery of goods or services. An “exigency” is defined as a purchase made without following normal purchasing procedures due to a sudden and unexpected happening or unforeseen occurrence or condition which requires immediate action.

- a. Use of the emergency procurement exception is only permissible during the actual exigent circumstances. An exigency procurement of \$5,000 or greater shall be limited to those supplies or services necessary to meet the exigency.
  - b. If the Executive Director makes a determination that an exigency exists, they should first determine whether the goods or services sought can be procured from an existing statewide term contract.
  - c. Emergency procurements shall be made with such competition as is practicable under the exigent circumstances and reported via electronic transmission as soon as practicable to the MICRC.
  - d. The emergency procurement shall be included as an agenda item under New Business at the next regular meeting. The Executive Director shall provide the following information in a written report at that meeting:
    - i. The basis of the emergency and for the selection of the particular contractor.
    - ii. The specific conditions and circumstances that clearly illustrate why procurement other than through noncompetitive proposals would cause unacceptable delay in addressing the public exigency.
    - iii. Describe any known conflicts of interest and any efforts that were made to identify possible conflicts of interest prior to the emergency procurement. If no efforts were made, explain why. If a conflict of interest is unavoidable, explain how it was unavoidable and any steps taken to address the impact of that conflict of interest.
    - iv. Whether the emergency procurement is a one-time procurement or will be transitioned to the competitive procurement process after the exigency has been addressed.
  - e. The Executive Director shall submit the procurement contract to the MICRC for action within two (2) weeks of the date of the procurement.
5. The MICRC shall issue procurement requests and provide an opportunity for responsive bids to be submitted utilizing the following process with relevant dates and deadlines contained in the procurement request:
- a. For Request for Proposals:
    - i. MICRC approves the issuance of the RFP by majority vote.
    - ii. Requests for proposals shall be posted on the MICRC website for a minimum of seventeen (17) days.
    - iii. Submission of bidder questions.
    - iv. Posting of MICRC responses to bidder questions which have been approved by a majority vote of the MICRC.
    - v. MICRC adopts a resolution to establish a committee to review the ranked proposals and make recommendations to the MICRC.
    - vi. Deadline to submit a proposal.
    - vii. Review by MICRC and Michigan Department of State (“MDOS”) staff to rank proposals and provide rationale to the MICRC for each proposal received. This evaluation process shall ensure the

minimum requirements are met and, based on the contents of the proposal, provide rationale related to the ranking. A point value shall be assigned for technical evaluation criteria not to exceed the weight assigned to each criterion set forth in the RFP. A mean (or average point value) shall be given for each criterion calculated by the scores of each individual MICRC staff member participating in the review and one (1) score provided by MDOS staff. The mean value and corresponding rationale shall be submitted to the MICRC for consideration.

- viii. Committee shall review the ranked proposals in an open meeting and identify recommendations to bring to the full MICRC for bidder presentations.
  - ix. MICRC, by majority vote, shall select the bidders invited to present their responsive proposal to the MICRC.
  - x. MICRC shall perform its due diligence in the review and evaluation of responsive proposals and the selection of bidder presentations.
  - xi. Upon completion of its due diligence activities, the MICRC shall select the bidder to which the contract will be awarded by majority vote.
- b. For MICRC procurements requiring three (3) informal bids:
- i. MICRC approves the issuance of the procurement request by majority vote.
  - ii. The procurement request shall be posted on the MICRC website for a minimum of seven (7) days.
  - iii. The MICRC may permit bidder questions by including the relevant dates for submission of questions and the corresponding response date in the procurement request. If bidder questions are included in the procurement, the posting of MICRC responses to bidder questions shall be approved by a majority vote of the MICRC.
  - iv. Deadline to submit a bid. If less than three (3) informal bids are received the Executive Director ~~may shall~~ directly solicit additional bids via email transmission so that a minimum of three (3) bids are considered or a written statement is provided detailing the specific outreach actions taken and individuals or entities contacted in an effort to solicit additional bids. Individuals or entities solicited directly shall have a minimum of five (5) days from the date of the email transmission to respond to the procurement request.
  - v. Review by MICRC and Michigan Department of State (“MDOS”) staff to provide recommendations to the MICRC on next steps. This review process shall ensure the minimum requirements are met and, based on the contents of the bid, provide rationale related to the ranking. A point value shall be assigned to each bid for responsiveness based on content. A mean (or average point value) shall be given for each bid calculated by the scores of each individual MICRC staff member participating in the review and one (1) score provided by MDOS staff. The mean value and corresponding rationale supporting the staff recommendation shall be submitted to the MICRC for consideration.

- vi. MICRC shall perform its due diligence in the review and evaluation of responsive bids.
  - vii. Upon completion of its due diligence activities, the MICRC shall select the bidder to which the contract will be awarded by majority vote.
- c. For informal contracts:
- i. The Executive Director may procure a good or service utilizing an informal contract process to obtain best value for the MICRC.
  - ii. This process shall not require bids or posting.
  - iii. The cumulative limit on any informal contract with a single vendor is \$4,999.99 per month.
  - iv. The Executive Director shall prepare a monthly report for the MICRC detailing the goods or services procured during the previous month, actual cost incurred and any other relevant information.
- d. For expert witness or legal services \$50,000 and above a hybrid request for proposal may be issued in lieu of the request for proposal process set forth in 5(a) of these Procedures and Guidelines:
- i. MICRC approves the issuance of the hybrid RFP by majority vote.
  - ii. Hybrid requests for proposals shall be:
    - 1. Posted on the MICRC website for a minimum of ten (10) days to accept bids; and
    - 2. Forwarded via electronic transmission as a formal invitation to bid to a minimum of four (4) potential vendors on the written recommendation of General Counsel. Individual Commissioners may recommend names to be considered. MICRC approves the issuance of the invitations to bid by majority vote. The potential vendors shall be identified based on:
      - a. For expert witnesses, their published writings, past experience providing testifying expert witness services in the same or substantially similar area sought in the hybrid RFP.
      - b. For legal services, their past experience providing legal services in the same or substantially similar area as sought in the hybrid RFP.
  - iii. Submission of bidder questions.
  - iv. Posting of MICRC responses to bidder questions which have been approved by a majority vote of the MICRC.
  - v. MICRC adopts a resolution to establish a committee to review the ranked proposals and make recommendations to the MICRC.
  - vi. Deadline to submit a proposal.
  - vii. Review by MICRC and Michigan Department of State (“MDOS”) staff to rank proposals and provide rationale to the MICRC for each proposal received. This evaluation process shall ensure the minimum requirements are met and, based on the contents of the proposal, provide rationale related to the ranking. A point value shall be assigned for technical evaluation criteria not to exceed the weight assigned to each criterion set forth in the RFP. A mean (or

average point value) shall be given for each criterion calculated by the scores of each individual MICRC staff member participating in the review and one (1) score provided by MDOS staff. The mean value and corresponding rationale shall be submitted to the MICRC for consideration.

- viii. Committee shall review the ranked proposals in an open meeting and identify recommendations to bring to the full MICRC for bidder presentations.
- ix. MICRC, by majority vote, shall select the bidders invited to present their responsive proposal to the MICRC.
- x. MICRC shall perform its due diligence in the review and evaluation of responsive proposals and the selection of bidder presentations.
- xi. Upon completion of its due diligence activities, the MICRC shall select the bidder to which the contract will be awarded by majority vote.

#### **D. Evaluation Guidelines**

The MICRC mandates the following for any individual participating in its procurement activities:

1. Disclose, to the Solicitation Manager, any actual or potential conflict of interest you have with a bidder or the award of an informal contract, or any situation that may call into question your ability to participate impartially and without bias.
  - a. Conflict of interest includes any personal, financial, business, or other interest that impairs, may impair, or give the appearance of impairing independent judgment or action in the performance of duties.
  - b. Individual members of the MICRC shall disclose and abstain, if necessary, pursuant to the MICRC Rules of Procedure, *Section 9.1, Duty to Vote*, dated February 4, 2021.
2. Report any actual or perceived conflict of interest of others to the Solicitation Manager or MICRC General Counsel.
3. Perform evaluation duties impartially and without bias.
4. Adhere to the highest ethical standards by demonstrating honesty, integrity, and professionalism.
5. Report any verbal, written or electronic contact or communication from a bidder or third parties on behalf of a bidder to the Solicitation Manager or the MICRC General Counsel.
6. Review and understand the solicitation documents and addendums.
7. Review and understand the proposals received.
8. Attend scheduled meetings and be prepared to actively participate in the evaluation and/or award process based on bidder submissions and interviews.
9. Ensure the details of the proposals and evaluation remain confidential until the MICRC or Committee meeting where it will be discussed in an open meeting.
10. Evaluate each bid on its merits.
11. Apply evaluation criteria consistently to each bid.
12. Document evaluation results and provide rationale where appropriate.

13. Comply with any applicable civil service rules including relevant ethical standards of conduct.
14. Attend any post award activities such as debrief and protest meetings, and vendor kick-off meetings, as needed.

#### **E. Award or Final Decision**

1. MICRC shall award RFPs or procurements requiring three (3) informal bids based on the most responsive proposal received from a responsible vendor that provides the best value.
  - a. “Best value” is determined by analyzing the components of the proposal such as price, quality, expertise, schedule, terms and conditions, product cost, supply situation, timeliness, expertise, Michigan economic impact, environmental and sustainability practices, compliance with relevant law including labor laws, and identifying the vendor who provides the best overall offer to the MICRC.
  - b. A “responsive” proposal is one that is submitted in accordance with the solicitation instructions and meets all mandatory requirements identified in the solicitation.
  - c. A “responsible vendor” is a vendor that demonstrates it has the ability to successfully perform the duties identified by the solicitation.
2. All contract awards or procurement activities that require an evaluation of bids by the MICRC shall be authorized by resolution supported by majority vote of the MICRC. No award or decision is final until a resolution is adopted, ~~and~~ the successful bidder has been notified by the MICRC and the corresponding procurement documentation has been fully executed by all parties. The MICRC may suspend any requirement in these Procedures and Guidelines except for those contained in Sections (D) and (E) for a specific solicitation upon majority vote.