

INTERSTATE MEDICAL LICENSURE COMPACT

#12 – Policy on Procurement

ADOPTED: March 7, 2023

EFFECTIVE: March 7, 2023

AMENDMENT HISTORY (LIST WHEN AMENDED AND CITE SECTION NUMBER):

- None Paragraph III was modified by changing the language in subparagraph 7, adding a new subparagraph 8, renumbering the old subparagraph 8 to 9, and adding a new subparagraph 10 by the Executive Committee on July 9, 2024.

I. Policy Statement

This policy is established to define the process by which the goods and services necessary for the ongoing activities of the Interstate Medical Licensure Compact Commission (IMLCC) are obtained.

- IMLC Statute, Section 12, paragraph (f) authorizes the IMLC to “Pay, or provide for payment of the expenses related to the establishment, organization, and ongoing activities of the Interstate Commission.”
- IMLC Statute, Section 12, paragraph (o) requires that a budget be established from which expenditures are made.
- IMLC Bylaws, Article IV, Section 2, establishes the duties of the executive director, to include the monitoring of expenditures and budgets, and to execute contracts.

This policy supersedes and replaces IMLCC – Administrative Memo No. 4 in its entirety.

II. PURPOSE

The purpose of this policy is to establish a process by which goods and services are obtained and to outline the administrative procedures to be followed in securing those goods and services.

III. General Provisions

It is the policy of the IMLC that the procurement of goods and services by the IMLC shall follow the following process:

- \$1.00 to \$50,000– The one-time, or aggregate annual amount, procurement of goods or services in this range may be made at the discretion of the executive director without an RFP or contract, provided such funds are available in the

budget. The expense will be recorded, receipts maintained, and reported regularly to the Treasurer and the Budget Committee.

- \$50,000 to \$100,000 – The one-time, or aggregate annual amount, procurement of goods and services in this range, shall require a cost analysis which will serve as documentation of the vendor selection. The cost analysis shall list:
 1. The names of the contractor(s) or vendor(s) considered;
 2. A description of the goods or services to be provided;
 3. The cost of the goods or services;
 4. The reason for the purchase;
 5. The budget category to which the purchase will be charged;
 6. The term of the purchase agreement;
 7. Other key provisions of the purchase agreement, including performance standards, if applicable;
 8. The delivery dates, if applicable;
 9. List the executive director as the authorized representative of the IMLCC; and
 10. Other information unique to the specific purchase agreement.
- \$100,000 or greater – The one time or aggregate annual amount in this range shall require a written Request for Proposal (RFP). The Executive Committee, as provided in IMLC Statute, Section 11, paragraph (k), shall act on behalf of the Interstate Medical Licensure Compact Commission in all matters related to the RFP process. The RFP process shall include the following requirements:
 1. The minimum requirements for the goods and/or services to be provided shall be established in written form by the executive director, and approved by the Executive Committee, prior to the publication of the RFP.
 2. Engage IMLC's legal counsel at every juncture of the process where there is a potential for uncertainty or liability, prior to decisions to move forward to next steps, or when the Executive Committee and/or executive director believe such consultation to be necessary and appropriate.
 3. The minimum requirements for such goods and/or services shall include, at a minimum:
 - A description of the goods and/or services to be provided,
 - The estimated cost to be budgeted for obtaining the goods and/or services,
 - The reason for the purchase,
 - The budget category to which the purchase will be charged,
 - The estimated term of the purchase agreement to be entered into with the prevailing vendor, including any applicable scope of work/deliverables and performance standards,
 - Other information which is unique to the specific purchase agreement.
 4. Prior to implementation, the following action steps are to be outlined and provided to the Executive Committee for its approval:

- The RFP development phase,
 - The process and timeline for both publication and solicitation of bids,
 - The deadline for submission of bids,
 - The evaluation process, including goals and metrics, and
 - The anticipated process, including scoring criteria, for selection of the winning bid.
5. The Executive Committee shall be responsible for the oversight of the RFP process. Matters related to the RFP process may be considered in a meeting closed to the public as permitted by IMLC Statute, Section 11, paragraph (h)(3) and certified by legal counsel.
6. The executive director, shall establish an evaluation process, subject to approval by the Executive Committee, including scoring criteria, methods for the evaluation of the submitted bids, and vendor track records. An RFP for technology services may include a separate evaluation process performed by IMLC IT staff, the results of which will be given special consideration by the Executive Committee when determining the successful vendor.

7. ~~The Executive Committee Director shall determine the successful vendor. The create a report recommending the proposed vendor to the Executive Committee.~~

- IMLCC's legal counsel shall be a part of the Executive Committee's discussions and deliberations.
- The executive director shall be part of the Executive Committee's discussions and deliberations, as an ex-officio member, unless a documented conflict of interest precludes such involvement, in which case, a member of the IMLCC staff shall be requested to fill this role.

8.

The Executive Committee shall by majority vote accept or reject the recommended vendor, subject to the provisions of the IMLC statute, including, but not limited to Section 11(k).

- Should the Executive Committee reject the recommended vendor, the Executive Committee may consider other vendors from the current RFP process list or initiate a new RFP process.
- 7. • Should the Executive Committee accept the recommended vendor, the executive director shall negotiate the terms of the contract ~~with the successful vendor~~, including a Statement of Work, subject to approval by the Executive Committee.
- ~~IMLCC's legal counsel shall be a part of the Executive Committee's discussions and deliberations, including drafting the contract by and between the IMLCC and the selected vendor.~~

- ~~▪ The executive director shall be part of the Executive Committee's discussions and deliberations, as an ex-officio member, unless a documented conflict of interest precludes such involvement, in which case, a member of the IMLCC staff shall be requested to fill this role.~~
- ~~▪ The Executive Committee will make its determination after consultation with the executive director and consideration of the executive director's recommendations and advice.~~

9. The executive director shall be authorized to execute the contract with the vendor, including any other documents necessary and proper to procure the goods and/or services.

8-10. Any RFP exceeding \$1,000,000.00 in one time or in aggregate spending by fiscal year, shall be done in consultation with the Budget and Information Technology Committee accordingly.

IV. RESPONSIBILITY

The Executive Committee shall be responsible for administering this policy and ensuring that this policy is current, and compliant with all applicable standards and legal requirements. The administration and maintenance of this policy shall be the responsibility of the Executive Committee which is also authorized to act through the executive director.