

The City of
OKLAHOMA CITY
Department of Public Works

May 8, 2012

TO: All Architects, Engineers, And Planners

RE: Consultant Selection Procedure

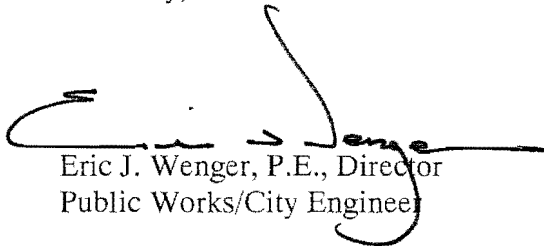
On November 18, 1986, the Oklahoma City Council adopted amended procedures for the selection of Architects, Engineers, and Planners. The following provisions are called to your attention:

Paragraph 3. "ADVERTISEMENT FOR CONSULTANTS" requires that a legal notice regarding the City's intent to secure consultant services shall be published at least one (1) time in a daily newspaper of general circulation and, if requested by the consultants, by First Class Letter. All advertisements will be published in the Journal Record.

Any consultants desiring the First Class Letter service will be required to pay a \$15.00 annual fee to cover the cost of the mailing. This fee should be paid along with your annual submittal of GSA 254 as required in Paragraph 1.

In addition to the above mentioned advertisement and first class letter service, the Public Works Department posts active advertisements on the City of Oklahoma City website at <http://www.okc.gov/pw/notice.html>.

Sincerely,



Eric J. Wenger, P.E., Director
Public Works/City Engineer

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RESOLUTION

A RESOLUTION ADOPTING STANDARDS AND PRESCRIBING PROCEDURES FOR THE SELECTION OF AND THE NEGOTIATIONS OF CONTRACTS WITH ARCHITECTS, ENGINEERS AND PLANNERS FOR ALL PUBLIC IMPROVEMENT WORK, AND ESTABLISHING A PROFESSIONAL LIAISON COMMITTEE (AS APPROVED IN 1974 AND AMENDED IN 1978 AND 1980)

WHEREAS, the ultimate values of Architect, Engineer and Planner services are derived from the creative judgment, skill and technical abilities of professional consultants, it is deemed necessary, advisable and in the best interest of The City of Oklahoma City and the public generally, to establish open selection procedures for obtaining qualified, experienced and competent consultants in a manner that will merit public confidence, with the object of effecting an equitable distribution of contracts among qualified firms, providing that such distribution does not violate the principle of selection of the most qualified firms.

NOW, THEREFORE, BE IT RESOLVED by the Council of The City of Oklahoma City for the purposes of this resolution:

- (a) "Public Improvement Work" is defined to be any improvement or structure which is constructed, altered, repaired or maintained under contract with The City of Oklahoma City, and any consultant study prepared for The City by an Architect, Engineer or Planner.
- (b) "Consultant" is defined to be any individual, firm, corporation, association, partnership, co-partnership or any other organization possessing the required qualifications to provide architectural, engineering and/or planning services for any Public Improvement Work project.
- (c) "Director" is defined to be the Director of Community Development Department for The City of Oklahoma City.
- (d) "Department" is defined to be any Agency, Trust or Department of The City of Oklahoma City responsible for a Public Improvement Work project.
- (e) "City" is defined to be The City of Oklahoma City and all Departments thereof.
- (f) "Consultant Review Committee" shall be a committee composed of a representative of the City Manager's Office other than the City Manager, a staff Department Representative, the City Engineer and the Director, who shall act as Chairman.

BE IT FURTHER RESOLVED that the following procedures be utilized in the selection of Consultants for all Public Improvement Work projects:

I. CONSULTANT INFORMATION FILES

A comprehensive file for each Consultant interested in and capable of performing Architectural, Engineering and/or Planning services for The City shall be maintained by the Director. These files shall include a completed Architect-Engineer Questionnaire, GSA Standard Form 254, latest edition with supplemental information as required by the Director; completed Evaluation Report for past projects on which the Consultant provided professional services (Appendix A); and a list of past contracts with The City. An Evaluation Report shall be completed for each project within 30 days after final acceptance of the project. A copy shall be sent to the Consultant with a 30 day period for review and comments, if any, and shall be incorporated in the file.

2. DEPARTMENT RESPONSIBILITY

It is recognized that the Department is the User/Client and therefore shall have certain primary functions such as defining the scope of a proposed project, determining the various project components, phases and timetables, and then preparing detailed project descriptions to guide prospective Consultants. The scope of a Consultant's work for a proposed project shall include all Public Improvement Work related to the project which can reasonably be bid in one construction contract or which can be designed by one Consultant with less technical effort than would be required if the scope was divided between more than one Consultant.

3. ADVERTISEMENT FOR CONSULTANTS

The City's intent to secure Consultant services shall be published at least one time in a daily newspaper of general circulation published in Oklahoma City and by first class letter to all Consultants listed in the file required at Paragraph 1, above, to be maintained by the Director and shall contain the following information:

- A. Description and scope of the project or projects (as per Paragraph 2 above).
- B. Estimated construction cost and time schedule for project.
- C. Funds available (Federal or State participation, etc.)
- D. Last date for submitting Letter of Interest in performing services to Director.
- E. Other pertinent data.
- F. To cover the cost of directly notifying Consultants by first class mail, a fifteen (\$15.00) dollar annual fee is hereby levied, said fee to be tendered along with Form 254 required heretofore in numerical Paragraph Number 1 and each 12 months thereafter so long as a Consultant desires to be considered as an Architect, Engineer or Planner for Public Improvement Work projects.

4. CONSULTANT RESPONSE

Consultants desiring consideration must meet the requirements of this Resolution and to be considered, must submit a letter to the Director within fourteen (14) days of the last day of publication and mailing of the notice, and must have on file an Architect-Engineer Questionnaire not over twelve (12) months old.

5. DIRECTOR TABULATION AND ELIGIBILITY

After expiration of the period for expression of interest, the Director shall tabulate the names of the Consultants submitting Letters of Interest and having current questionnaires on file. The tabulation shall also indicate the eligibility or ineligibility of each Consultant with respect to the criteria in Paragraph 6D below. (Consultants who have submitted Letters of Interest but who are ineligible shall be notified by letter from the Director). The Director shall furnish the tabulation and each listed Consultant's comprehensive file (or pertinent extracts thereof) to the Department responsible for the project. He may include such other data, information, or comments that he thinks will be beneficial to the Department. Should there be an inadequate expression of interest in a project, the Department and the Director shall confer to add additional Consultants for consideration which are known to be eligible and qualified for the project.

6. DEPARTMENT EVALUATION

The Department shall evaluate the Consultant files forwarded by the Director. This initial evaluation should consider the requirements of the Consultant Interview Evaluation Sheet (Appendix "B") as well as the following factors to be determined from the Consultant files, Community Development staff, and if less than three (3) Evaluation Reports are available, replies to inquiries to former clients:

- A. Specialized experience in the type of work contemplated.
- B. Capacity of the Consultant to accomplish the work in the required time.
- C. Past performance (from Evaluation Report, Appendix "A").
- D. * Development of a reservoir of well-qualified and experienced professional design firms ready to serve The City.

(1) To reap the benefits of a good continuing service, Departments are encouraged to employ the same firm that gave them service worthy of continuity. To also benefit from an occasional variation and to avoid uninspired sterile design and service, each Department is encouraged to try another firm occasionally. Therefore:

Each Department may hire a Consultant for no more than three (3) consecutive projects, but then must hire another Consultant for at least one (1) project prior to hiring the original Consultant again, except in the case of additions to an existing structure, site adaptations, or planning contracts not resulting directly in construction of a Public Improvement Work.

(2) The Director shall, on a quarterly basis, tabulate all Consultant contracts issued by The City of Oklahoma City, and its agencies and Trusts by Consultant, including the amount of fees as established by those contracts and shall compute the percentage of fees of each Consultant, considering all contracts issued within the past five (5) years, using the depreciated value of these contracts. Depreciated value is defined as the dollar value of Consultant fees based on full value for fees awarded within the previous twelve (12) months and reducing twenty (20%) percent per year for the previous four (4) years. Provided, that when contracts are for services where Federal funds are involved, that the firms are to be charged with the contractual fees at such time as the funds are available and the work ordered issued.

(3) No Consultant shall be considered as eligible for consideration of a Consultant contract with fees below the following schedule where his percentage as defined under D(2) above is above the following schedule:

<u>Percentages</u> <u>At or Exceed</u>	<u>Contract Fee</u> <u>At or Below</u>
5%	\$100,000
2.0%	25,000

Consultant, as used in the paragraph, specifically means any individual or business entity being evaluated, including its pro-rata percent participation in any and all previous joint ventures, consortiums or other forms of amalgamation if the previous pro-rata is available to The City. If pro-rata information is not available to The City, the entire value of previous services involving Consultant being evaluated shall be included in determining their eligibility. Percentage determinations shall include the value of all fees for Consultant and Planning services performed for any Agency, Municipal Trust or Department of The City.

7. DEPARTMENT SELECTIONS

The Department, upon completion of the initial evaluation, shall select no less than three (3) nor more than five (5) Consultants for more detailed consideration. In the event selections for more than one contract are being considered at the same time, the number of Consultants selected for more detailed consideration should be at least twice the number of contracts contemplated. All Consultants who responded to the notice shall be notified of their selection or non-selection for detailed consideration. Consultants selected for detailed consideration shall provide such additional information, in writing, as the Director may prescribe.

8. CONSULTANT INTERVIEWS AND SELECTIONS

All of the Consultants submitted by the Department shall be given detailed consideration by the Consultant Review Committee, with particular attention being given to the considerations contained in the Consultant Interview Evaluation Sheet.

On projects for which the estimated cost of construction exceeds \$2.5 million, the Consultants selected for detailed consideration shall be interviewed by the Consultant Review Committee.

On projects for which the estimated cost of construction exceeds \$250,000 but is less than \$2.5 million, interviews will be conducted if requested by any Consultant selected for detailed consideration. Any such request shall be included in the response to the request for additional information required by Paragraph 7, above.

On all projects, regardless of estimated cost of construction, interviews will be conducted whenever the City Manager deems such interviews appropriate.

Consultants shall be notified in writing of whether interviews will be conducted and, if there are to be interviews, of the time and place.

Interviews will be open to the public; however, once the interviews commence, they shall run continuously until all Consultants have been interviewed and the Consultant representatives shall be sequestered from the public. Any Consultant violating sequestration shall be disqualified from further consideration.

In order to insure an objective evaluation, those considerations have been given numerical values, which when all evaluation sheet scores are totalled, will provide a ranking of the Consultants interviewed, listing the first, second, and third choice for negotiation. Where interviews are not conducted, then the files maintained by the Director together with the additional written information obtained in accordance with paragraph 7 above, shall be evaluated by the Committee for purposes of ranking the Consultants.

9. CONSULTANT REVIEW COMMITTEE REPORT

A full report of the evaluation procedures and recommendations of the Consultant Review Committee shall be prepared by the Director and submitted to the City Manager for his independent review. This report shall be in the form of a Memo generally containing the following information:

- A. Subject Project.
- B. Scope of Project.
- C. Summary of findings and recommendations of Consultant Review Committee.
- D. Consultant Review Committee's certification that procedure was followed.
- E. The Director's tabulation of Consultants submitting Letters of Interest, including the indications of eligibility and ineligibility.

10. CITY MANAGER'S RECOMMENDATION

The City Manager shall then transmit the report of the Consultant Review Committee, together with his comments and recommendations, to the City Council. The City Manager shall advise the Consultants interviewed by the Consultant Review Committee of his recommendations and shall advise the Consultants not recommended that they may submit any comments on the Consultant selection procedure to the Professional Liaison Committee. The City Manager shall supply preprinted cards, with postage paid, and pre-addressed for direct mailing to the Chairman of the Professional Liaison Committee for such purpose with questions as follows:

In your opinion did the Consultant Review Committee follow the intent of the Consultant selection procedures outlined by the City Council of Oklahoma City?

Yes

No

Do you feel you were given a fair consideration by The City of Oklahoma City?

Yes

No

Do you wish to appear before the Professional Liaison Committee on this matter?

Yes

No

Comments: _____

Consultant

11. COUNCIL AUTHORIZATION

The City Council may then authorize contract negotiations between the Director and the recommended Consultant.

12. CONTRACT NEGOTIATION

Upon authorization by the Council, the Director shall negotiate the contract scope with the selected Consultant. The fee for the project shall be determined from the City Consultant Fee Schedule. If the contract scope is materially different than the work scope on which the fee schedule is based, then an appropriate adjustment in the fee shall be negotiated. If the Director and the first choice Consultant cannot reach agreement, their negotiations should be terminated by obtaining the Consultant's best and final offer in writing. This offer, along with a request for authority to begin negotiations with the second choice shall be sent to the Council for action. It is the intent of The City not to enter into contracts which obligate The City to award additional or incremental design elements of the project to the firm under contract.

13. COUNCIL APPROVAL

The negotiated contract shall be submitted to the Council for approval of the award.

14. ADMINISTRATIVE PROVISIONS

A. Nothing in this act shall affect the validity of any contracts in existence at the effective date hereof.

- B. The requirements of this Resolution may be waived by the Department and the Director for Public Improvement Work contracts of \$10,000 or less.
- C. It is hereby recognized that it may be in The City's best interest to group several small contracts together into a single contract in order to attract qualified firms.
- D. If any section, subsection, paragraph, phrase, clause or work of this Resolution is held to be invalid, the remainder of the Resolution shall not be affected.
- E. Any resolutions, or parts thereof, in conflict with the provisions of this Resolution, are hereby repealed.
- F. In the case of special projects having unique engineering or architectural considerations where it is deemed desirable by the City Council to have citizen involvement in all stages of the project, two citizens may be appointed by the Mayor to become members of the Consultant Review Committee in addition to those hereinabove named, for the special project only.
- G. If the Department evaluation of the Consultant files reveals less than three (3) qualified, eligible Consultants and reveals that ineligible, qualified Consultants are included on the Director's Consultant tabulation, the Department may request the City Council to permit inclusion of enough ineligible, qualified Consultants to provide three (3) Consultants for detailed consideration. The City Manager shall seek comments and recommendations from the Professional Liaison Committee as to the Department's evaluation for the necessity of including additional Consultants.

15. PROHIBITION AGAINST CONTINGENT FEES

Each contract entered into by The City for professional services shall contain a prohibition against contingent fees as follows: "The Architect, Planner or Professional Engineer (as applicable) warrants that he has not employed or retained any company or person, other than a bona fide employee working solely for the Architect, Planner or Professional Engineer, to solicit or secure this agreement, and that he has not paid or agreed to pay any person, company, corporation, individual or firm, other than a bona fide employee working solely for the Architect, Planner or Professional Engineer, any fee, commission, percentage, gift, or any other consideration, contingent upon or resulting from the award or making of the agreement". For the breach or violation of this provision, The City shall have the right to terminate the agreement without liability and, at its discretion, to deduct from the contract price, or otherwise recover, the full amount of such fee, commission, percentage, gift or consideration.

16. PROFESSIONAL LIAISON COMMITTEE

There is hereby established a Professional Liaison Committee to aid and assist in the orderly implementation and application of the standards and procedures heretofore prescribed. The composition and duties of said liaison Committee shall be as hereinafter set forth:

Membership and Appointment

- A. City appointments by the Mayor and confirmed by the City Council:

- One Architect
- Two Consulting Engineers
- One Lay Member

- B. Professional Appointments:

One Architect by the Oklahoma City Section of the American Institute of Architects

Two Consulting Engineers by the Consulting Engineering Council of Oklahoma

One Planner by the Oklahoma Section of the American Institute of Planners

Committee members shall serve without compensation for a term of two (2) calendar years, and should any vacancy occur, the appointing organization shall fill the vacancy for the remainder of the term. However, the initial term of appointment for the City Council's Consulting Engineers and the Professional Societies' Architect and Planner shall be for one (1) calendar year, and the expiration of those appointments shall continue to occur one (1) year apart from the other appointments. The Committee shall select a Chairman who shall serve for one (1) calendar year. Membership on this Committee shall not disqualify a Consultant from eligibility to perform professional services for The City. However, should a matter involving a member of this Committee come before the Committee, the member involved shall not participate as a Committee member in the processes or voting related to the matter.

Meetings: The Committee shall meet upon the call of the City Council or of the City Manager or of the Chairman thereof.

Duties: It shall be the duty of the Committee to review any written complaint or inquiry submitted to it concerning the application or lack of same of the terms, conditions, or standards imposed by this Resolution.

Upon completion of its review, the Chairman of the Committee shall file a written report with the Mayor, each member of the City Council and the City Manager and with each Professional Society named heretofore.

Such report shall contain the findings and recommendations of the Committee.

Upon receipt of the Committee's report, The City shall take such action as it deems appropriate.

Annual Report will be made at the end of each year to contain:

- (1) Summary of year's activities resulting from requests and reviews, findings and results or corrections.
- (2) Recommendations for improvements.
- (3) Verification that procedures are working properly.
- (4) A review of the year's distribution figures.
- (5) Review of the fee schedule.

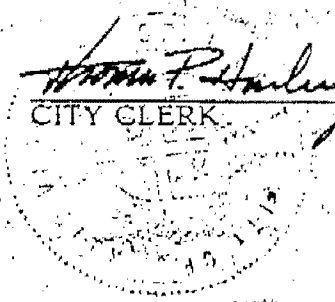
A copy of this report shall be sent to the Mayor, each Councilman, City Manager, and to each professional society.

ADOPTED by the Council and APPROVED by the Mayor of The City of Oklahoma City, Oklahoma, this 18 day of November, 1986.

Andy Houts
MAYOR

ATTEST:

William F. Harley
CITY CLERK



APPROVED as to form and legality this 29th day of October, 1986.

Giles K. Patterson
Assistant Municipal Counselor

A-E CONSULTANT PERFORMANCE EVALUATION

Engineer _____

DEPARTMENTAL DATA

Date _____

DEPARTMENT _____

Project No. _____

PROJECT DESCRIPTION _____

PROJECT COORDINATOR _____

CONSULTANT FEE: Original \$ _____ FINAL _____

PROJECT BUDGET: Original Consultant's Cost Estimate \$ _____

Project Award Contract Amount \$ _____

CONSULTANT EVALUATION

E S P U

Original thinking and creativity _____

Design Practicality and constructability _____

Availability and attention of principals on project _____

How well consultant met time schedule _____

How well firm rectifies its errors _____

Adaptability to changes in Scope of Project _____

Attention given during project construction _____

Post-construction experience with project _____

Construction Cost = \$ _____

of Change Orders and Amendments _____

Total amounts of Change Orders \$ _____

% Change _____

General Comments _____

Project Coordinator

Comments of Department Head _____

Department Head

Comments of Public Works Director _____

Public Works Director

Comments of Consultant _____

Consultant

- E - Excellent
- S - Satisfactory
- P - Poor
- U - Unsatisfactory

Project: _____

APPENDIX B
CONSULTANT INTERVIEW EVALUATION SHEET

Concept of Project

The purpose of this section is to determine the consultant's concept of the proposed assignment. You should evaluate his familiarity with the proposed project, how it relates to the overall City Program, what he is expected to do, the role of others, and how he might approach the solutions to the problems involved.

Excellent X 30
Good X 20
Average X 10
Poor X 0

Staff Availability

The purpose of this section is to determine the capacity of the consultant to accomplish the work in the requested time. You should evaluate the extent the work currently under contract would compete with the consultant's personnel staff capabilities to assume the proposed work.

Excellent X 20
Good X 15
Average X 10
Poor X 0

Qualifications of Personnel to be Assigned

The purpose of this section is to determine the consultant's qualifications and/or specialized experience in the type of work contemplated. You should evaluate such qualifications, particularly in relationship to the current personnel of the firm and the personnel to be assigned to the proposed work.

Excellent X 30
Good X 20
Average X 10
Poor X 0

Past Performance

The purpose of this section is to evaluate the past performance of the consultant in relation to the proposed work. If a Performance Evaluation Report is available, this should be considered. Reports on similar work performed for other communities, if available, should be considered. In the absence of any reports on past performance, the rating of "Good" should be assigned.

Excellent X 25
Good X 15
Average X 10
Poor X 0

TOTAL SCORE

SCORE

