



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Signature Copy

Ordinance: O-EN-037-2019

File Number: ORD-19:025

Enactment Number: O-EN-037-2019

AN ORDINANCE TO ADOPT BY REFERENCE THE GUIDELINES FOR THE SELECTION OF PROFESSIONAL SERVICES AND AWARDING OF CONTRACTS FOR THE CITY OF JONESBORO

WHEREAS, the City Council of the City of Jonesboro, Arkansas desires to have transparency and consistency in the selection of professional services and the awarding of contracts for those services in the City and to be informed of the annual request for qualifications and the creation of an annual list of qualified professional contractors; and

WHEREAS, the City Council for the City of Jonesboro, Arkansas, is seeking specific information on how each department selects qualified professional services for each project; and,

WHEREAS, to ensure this occurs the City Council desires to adopt these guidelines for the selection process.

WHEREAS, pursuant to ACA 14-55-207, public notice was given of the City's intent to adopt said guidelines by reference, and advised that three (3) copies of the documents were on file and available for public review and examination in the Office of the City Clerk, and

WHEREAS, the City Council has discussed these guidelines at numerous public meetings, and all comments, views, suggestions and recommendations have been considered and addressed.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS:

SECTION 1: The Consultant Selection Process for All Construction Projects and Consultant Selection Process for Financial, Legal and Other Professional Services are hereby adopted by reference.

SECTION 2: All submissions to City Council Committees and to the City Council of proposed contracts for professional services, or for the awarding of general contracts of \$20,000 or more, shall comply with the requirements of this ordinance.

SECTION 3: Annually the Purchasing Agent through his/her supervisor, the Director of Finance, shall report to the City Council on the annual request for qualifications and shall present the following information:

1. The specific place and method used in notifying prospective bidders of the annual request for

qualifications.

2. The deadline set for submission of proposals and place of reception.
3. A list of authorized employees on behalf of the City of Jonesboro who attended the opening of the qualifications.
4. A list of the approved contractors listed alphabetically by type of service.
5. A list of contractors not meeting the deadline.

Alternatively, this information may be solicited and reported during the year for particular projects.

SECTION 4: The City representatives on the Selection Committee authorized to select a professional services contractor shall select professional contractors according to the selection processes referenced in Section 1. When seeking City Council approval of a contract with a professional services contractor the department director shall present, in writing, the following information to the Public Works Committee.

1. A list of all the companies considered.
2. All results of rankings, including score sheets.
3. A list of all departments included in selection and ranking.
4. A rank ordered list of the top three contractors.
5. This shall include comments regarding the four considerations under A.C.A. § 19-11-803.
6. The name of the contractor selected and the reasons why the contractor was selected.
7. Names and addresses of the people within the company who will be working with the City of Jonesboro on the project.

PASSED AND APPROVED this 18th day of June, 2019.

Harold Perrin, Mayor

Date _____

ATTEST: _____
Donna Jackson, City Clerk

Date _____

Consultant Selection Process (All Construction Projects)

Unless otherwise dictated by a particular funding agency, the following process shall apply when selecting an architect, engineer, or surveyor for all construction projects. The purpose of this procedure is to ensure that a qualified consultant is obtained through an equitable, qualification-based selection process.

Annual Statement of Qualifications

The City of Jonesboro Purchasing Agent shall advertise in the local newspaper and on the City website, annually, for a statement of qualifications and performance data (SOQ) from Architects, Engineers, and Surveyors that desire to provide professional services for city construction projects. The advertisement period should be for no less than two (2) weeks, at least one time each week, and the deadline for submission shall be 10 days after the second advertisement.

The SOQs shall include but are not limited to the following:

- a. A copy of a professional license for each licensed person, if more than one licensed professional;
- b. Proof of professional liability insurance;
- c. Proof of worker's compensation insurance;
- d. The number of associates and the duties and qualifications of support associates;
- e. A current biography on each licensed professional setting out the professional's experience, education, and training;
- f. A current list of all substantial projects over the previous two years and summary of the type of project, the total project cost, the completion date of each project, and the owner of the project, including address and telephone number; and
- g. The location of the professional service provider's home office and professional license holders and familiarity with the City of Jonesboro.

The SOQs received by the City will be reviewed by the Engineering Department for technical compliance with the requested information. Those meeting the standards will be kept on file in the Purchasing Department and will be available for consultation by all persons involved in the selection process and the general public.

Selection Committees

For a project in which the professional service fee is expected to be less than \$20,000, the Selection Committee shall consist of at least two people -- the sponsoring Department Director, or a person designated by the Department Director; and the staff person tasked with managing the project, or another staff member appointed by the Department Director. The Mayor may, if needed, appoint a third staff member to serve on the committee.

Based on information in the SOQs and the members' own knowledge, the Selection Committee will apply the same criteria used for Evaluation of Letters of Interest to select and rank three firms. An executive summary, including the signed scoresheets, will be presented to the Mayor, who may authorize negotiation of a fee. Once a fee has been agreed

upon, if it is less than \$20,000, a purchase order may be drawn for the Mayor's approval.

For a project in which the professional fee is expected to be \$20,000 or more, the Selection Committee shall consist of four (4) members. Included will be:

1. the project manager, or a person appointed by the Director of the sponsoring Department;
2. the Mayor or the Chief of Staff;
3. a representative of one of the following departments – Engineering, Finance, Inspections, Planning, and Streets (but not the same department as the project manager); and
4. the chairman of the City Council Public Works Committee, or another member of the Council appointed by the Public Works chairman.

The Mayor or Chief of Staff will serve as chairman of the Selection Committee. Each person serving on a Selection Committee should have the expertise necessary to evaluate the pertinent documents involved in the selection process.

Advertisement for Letters of Interest

For all construction projections involving a professional fee expected to be \$20,000 or more, the City of Jonesboro Purchasing Agent shall advertise in the local newspaper and on the City website for Letters of Interest (LOI) from architects, engineers, or surveyors who desire to provide professional services for the particular project. The advertisement period should be for no less than two (2) weeks, at least one time each week, and the deadline for submission shall be 10 days after the second advertisement.

The advertisement will describe the general nature of the project, allowing consultant firms to evaluate their interest in performing the services. The LOI should include Form 330.

If a solicitation fails to yield three (3) qualified respondents, the City may proceed with the evaluation process if it is determined the solicitation did not contain conditions or requirements that arbitrarily limited the competition.

Evaluation of Letters of Interest

The Committee shall evaluate the Letters of Interest (LOI) based on the following criteria:

No	Evaluation Factors for LOIs	Maximum Points Possible
1	The specialized experience and technical competence of the firm with respect of the type of professional services required;	10
2	The capacity and capability of the firm to perform the work in question, including specialized services, within the time limitations fixed for the completion of the project, including Form 330;	10
3	The past record of performance of the firm with respect to such factors as control of costs, quality of work, and ability to meet schedules and deadlines;	10
4	The firm's proximity to and familiarity with the area in which the project is located.	10
	Total Points	40

*Past performance or evaluations from other clients will be considered when the firm has not worked for the City previously.

Following their review, the Selection Committee will prepare a short list (from three to no more than five) of consultant firms determined capable of performing the required services and request that these top firms submit detailed proposals (no fee schedule) for further evaluation.

Request for Proposals

The Selection Committee shall prepare a scope of work document and Request for Proposals (RFPs) from the consultant firms on the short list. The scope of work should include:

- a. A detailed purpose and description of the work;
- b. Services that will be furnished by the City;
- c. Services that will be furnished by the consultant firm;
- d. Project conditions of the work; and
- e. Special conditions of the work.

The consultant firms chosen should have no less than 10 working days from the date of notification to submit proposals to the person and address designated in the letter of designation from the City. The Selection Committee will then review all proposals submitted and schedule interviews with the consultant firms submitting proposals. The interviews will be conducted at an open meeting or meetings.

After the interviews have been completed, the Selection Committee will review the proposals, along with information gathered during the interviews, with attention to the five (5) evaluation factors listed below. Note that no fee estimates shall be included in the submitted proposals.

No.	Evaluation Factors for Proposals	Maximum Points Possible
1	Quality and thoroughness of response to the project scope of work	20
2	Comprehensive, coherent, and detailed work plan	20
3	Realistic work schedule when applicable	10
4	Proposed working office location, need for a local office, and any other representative*	5
5	Identification of sub-consultants and responsiveness to DBE goals and opportunities	5
6	Total Points Possible for LOIs	40
	Total Points for Proposals	100

* Locality preference may be used on a project basis where it is not based on political boundaries.

Following their review, the Selection Committee shall select and rank the qualified consultant firms, as determined through the selection process, and present these to the Mayor along with necessary supporting documentation for final administrative approval.

Negotiation Process

Once the top firm has been designated, the Engineering Department, in consultation with the selected consultant, will prepare a draft contract including a cost estimate for review, which shall contain a breakdown of the consultant's direct cost and indirect cost for

overhead and profit. The contract will establish a maximum ceiling price for work issued under the contract as well as an expiration date. For engineering projects, the contract may be based on a sample contract furnished by the City. For an architectural project, standard AIA contract documents may be used.

The Selection Committee will review the draft contract. If approved, the Mayor, or the Mayor's designee, will enter into negotiations with the selected firm to establish terms of the contract and contract ceiling price that the City deems is fair and reasonable. If a satisfactory contract cannot be negotiated with the selected firm, negotiations will be formally terminated. The Mayor or designee will then enter into negotiations with the second ranked firm on the short list. If negotiations with that firm fail, the Mayor or designee will formally terminate those negotiations and begin to negotiate with the third ranked firm, and so on. If the City cannot negotiate a satisfactory contract with any of the firms on the short list, the City shall either:

1. Reconsider Letters of Interest from additional firms who had responded and are considered competent and qualified; evaluate and rank the firms based on the criteria described herein; and continue the negotiation process, or
2. Terminate all negotiations and begin the selection process again..

When the parties agree the negotiated contract is fair and reasonable, the City will prepare a final contract and submit it to the consultant firm. After review and a determination that it is acceptable, the consultant will sign the contract. The contract will then be put through the City Council approval process and executed by the Mayor and City Clerk.

May 1, 2019

Consultant Selection Process Financial, Legal and Other Professional Services

Unless otherwise dictated by a particular funding agency, the following process shall apply when selecting an attorney or law firm, a financial advisory firm, an auctioneer, an investment adviser, an appraiser, or an accounting or planning service. The purpose of this procedure is to ensure that a qualified consultant is obtained through an equitable, qualification-based selection process.

Annual Statement of Qualifications

The City of Jonesboro Purchasing Agent shall advertise in the local newspaper and on the City website, annually, for a Statement of Qualifications (SOQs) from attorneys and law firms, financial advisers, auctioneers, investment advisers, and accounting services that desire to provide professional services for city projects. Alternatively, the City may advertise for Letters of Interest (LOI) to provide services for a specific project. Either way, the advertisement period should be for no less than two (2) weeks, at least one time each week, with a submission deadline of no less than 10 days following the second advertisement.

Selection Committee

For projects where the professional service fee is expected to be less than \$20,000, the Selection Committee shall consist of the Director of the sponsoring department and one staff person designated by the Mayor, if the services needed are financial; the City Attorney and one staff person designated by the Mayor, if the services needed are legal..

If the fee is expected to be \$20,000 or more, the selection committee shall consist of four persons:

1. the Director of the sponsoring department, or a staff member appointed by that Director;
2. the Mayor or Chief of Staff;
3. the City Attorney (for legal services) or one other administrative staff person who is not a member of the sponsoring department; and
4. the Chairman of the City Council Finance and Administration, or another member of the City Council appointed by the Chairman.

The Mayor or Chief of Staff will serve as chairman of the committee. Each person serving on a Selection Committee should have the expertise necessary to evaluate the annual Statements of Qualifications or Letters of Interest.

Evaluation of Statement of Qualifications or Letters of Interest

The Selection Committee shall evaluate each consultant firm based on the following criteria:

No	Evaluation Factors for Professional Services	Maximum Points Possible
1	The specialized experience and technical competence of the firm with respect of the type of professional services required;	10
2	The capacity and capability of the firm to perform the work in question, including specialized services, within the time limitations fixed for the completion of the project;	10
3	The past record of performance of the firm with respect to such factors as control of costs, quality of work, and ability to meet schedules and deadlines;	10
4	The firm's proximity to and familiarity with the area in which the project is located.	10
	Total Points	40

Following their review, the Selection Committee shall select three (3) qualified consultant firms and present these to the Mayor along with necessary supporting documentation for final administrative approval.

Negotiation Process

The Committee and the selected consultant shall jointly prepare a detailed, written description of the scope of services. The consultant shall then submit a cost proposal and agreement for services based on the requested scope of services.

If the Mayor is unable to negotiate a contract with the first firm, negotiations with that firm shall be terminated and the Mayor shall begin the negotiation process with the next most qualified firm, and so forth. If the Committee is unable to negotiate a contract with any of the three (3) most-qualified consultant firms, the Selection Committee shall re-evaluate the professional services being requested including the scope of services and fee requirements. The Committee shall then re-start the evaluation process based on the new criteria.

When the parties agree the negotiated contract to be fair and reasonable, the Consultant firm will prepare a final draft, sign, and submit it to the City. If the total professional service fee is less than \$20,000, a purchase order request will be submitted to the Mayor for approval. If the fee is over \$20,000, the professional service contract will be put through the City Council process for approval and execution by the Mayor and City Clerk.

May 1, 2019