

ORDINANCE NUMBER 73

AN ORDINANCE PROVIDING FOR THE SELECTION OF PROFESSIONAL CONSULTING SERVICE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ARCADIA, MISSOURI, as follows:

SECTION 1. DEFINITIONS.

A. The term "professional services" shall mean those services within the scope of practice of architecture, engineering, or land surveying, as defined by the laws of the State of Missouri, or those performed by any architect, professional engineer, or registered land surveyor in connection with this professional employment or practice.

Furthermore, the term "professional services" shall encompass the services provided by planning consultants, insurance consultants, computer consultants, accountants, and other persons/firms providing consulting services.

B. The term "firm" shall mean any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice architecture, engineering, or land surveying in the State of Missouri, or to provide professional services as described herein.

SECTION 2. ROSTER OF CONSULTANTS.

A. The City Clerk will maintain a roster, classified by category of professional service, of qualified firms interested in performing professional services for the City. Names of firms will be placed on the roster upon their request, at the request of the Mayor or members of the Board of Aldermen.

B. Each firm meeting the following minimum qualifications shall be deemed to be a qualified firm and meeting the qualifications of the City.

1. Duly authorized to conduct business in the State of Missouri in their particular profession.
2. Professional registration by the State of Missouri, if required.
3. At least one staff professional assigned to each project. Adequacy of personnel will be determined on a contract-by-contract basis against the City's estimate of man-power required to perform the work in the desired time frame.

C. Each firm listed on the roster shall be responsible for maintaining a current resume describing its qualifications and experience with the City Clerk.

Data which should be included is as follows:

1. Firm name, address, telephone numbers.
2. Year established and former firm names (if applicable).
3. Types of services for which it is qualified.
4. Names of principals of the firm and states in which they are registered, if registration is required in that profession.
5. Names of key personnel, with experience of each and length of time in the organization.
6. Number of staff available for assignment.
7. Outside consultants and associates usually retained.
8. List of completed projects on which the firm was principal consultant in the previous three years.
9. Current projects underway and estimated cost of each.

### SECTION 3. CLASSES OF SERVICES.

Projects will be divided into two (2) classes as follows:

Class A - Services for projects where fees will exceed \$10,000. The Board of Aldermen will act as the screening and selection committee.

Class B - Services for projects where fees will not exceed \$10,000. The firm will be selected by a staff committee appointed by the Mayor and approved by the Board of Aldermen which will recommend the firm and appropriate contract to the Mayor and Board of Aldermen for their approval.

It may be necessary on some projects to appoint persons to the selection committee from outside city government who are experts in a particular field and who are disinterested parties in the project at hand. The Mayor may

appoint these persons to either class of committee, with the approval of the Board of Aldermen.

The Board of Aldermen may direct Class A projects to the staff for the selection process if the Board of Aldermen feels the type of project does not warrant the Board of Aldermen's participation until actual selection is being considered. This delegation will be made by motion of the Board of Aldermen. The Board of Aldermen may also direct that representatives of the Board of Aldermen be included during the selection process for Class B projects if they feel there is a need for such inclusion.

#### SECTION 4. GENERAL PROCEDURE AND RESPONSIBILITIES.

A. Project Initiation. When a department in the City identifies a project for which professional services will be necessary, the department will draft a scope of services for the specific project. This scope of services will be submitted to the City Administrator for authorization to initiate the project, and a determination as to which type of screening and selection committee will be required. The scope of services should include the following:

1. A description of the work required and the objectives.
2. The nature of specific tasks and services to be accomplished.
3. The type and amount of assistance to be given by the City department involved.
4. Required time frame.
5. Financial conditions or limitations; grant programs involved.

B. Expressions of Interest. After authorization, the administering department will contact those firms on the roster and those firms responding to advertisements for a written expression of interest in the specific project. The request should invite comment as to the special experience in the project being considered, describe previous experience with similar projects, and the availability of the firm to provide required service within any time limitations.

C. Initial Screening and Requests for Proposals. The expressions of interest will then be presented to the appropriate screening and selection committee for initial screening. Factors to be determined in the initial screening will include:

1. Specialized experience in the type of work required.
2. Record of the firm in accomplishing work on other projects in the required time.
3. Quality of work previously performed by the firm for the City.
4. Recent experience showing accuracy of cost estimates.
5. Community relations including evidence of sensitivity to citizen concerns.
6. Geographic location of the office of the firm which would serve the project.
7. Qualifications and experience of key personnel.
8. Relations with previous clients.

The screening committee will designate three or four firms who will be requested to present detailed proposals on the project and be interviewed.

D. Detailed Proposals. Firms submitting detailed proposals will be asked to provide the following:

1. A resume of the firm principal who will be responsible for the project.
2. A resume of the proposed project supervisor.
3. Resumes of key project personnel.
4. A statement of the ability of the firm to meet required time schedules.
5. A description of how the project would be conducted.
6. A schedule of hourly rates for various services offered and a proposed project fee range.
7. A list of municipal references for similar types of projects.
8. Any other pertinent information the firm wishes to present.

E. Interview and Selection. Upon receipt of the detailed proposals, the selection and screening committee will be convened to review the proposals, interview the prospective firms, and make the final selections as to the firm for the project. Written interview and selection criteria utilizing a point system shall be established prior to receiving detailed proposals on a project. A copy of the system shall be placed on file with the City Clerk. Similar systems for rating shall be used on similar projects and will be standardized where possible. The prime factors to be rated in the final screening are the firm's:

1. Management capabilities
2. Technical capabilities
3. Approach to the project
4. Understanding of City's objectives
5. Proposed work schedule
6. Staff to be assigned
7. Fee and/or schedule of hourly rate
8. Knowledge of local situation
9. Ability to communicate
10. Presentation and attitude
11. Confidence factor

F. Contract Negotiation. The selected firm will then be requested to come in for a final conference with the screening and selection committee to define precisely the scope of service to be provided and to finalize the compensation requirements for the work. A contract is prepared and submitted to the City Counselor for review, and then submitted to the City Administrator for presentation to the Mayor and Board of Aldermen for approval.

If, after reasonable effort, a contract cannot be negotiated, the negotiations with the designated firm shall be terminated and negotiations shall be started with the next firm recommended.

G. Exceptions.

1. In view of the fact that special conditions will occasionally arise that make use of this policy impractical, there can be exceptions made. Reasons for exceptions may include an emergency situation which precludes a selection time frame of at least two months, or an extremely specialized need in which there is only one feasible source of expertise. If it appears there is a need for an exception to the policy, the City Administrator will inform the Mayor and Board of Aldermen to allow them the opportunity to deny the exception.
2. If the number of firms willing and available to perform a specific task is small, the step involving initial screening may be skipped and the selection process will go directly to detailed proposals.

## SECTION 5. COMPENSATION OR FEE.

This amount will include all services to be rendered to the City by the firm, with the exception of certain pass through expenses that will be identified by contract, if applicable, and it will be calculated by one of the following methods, at the preference of the City:

- A. Lump sum or fixed fee
- B. Cost per unit
- C. Hourly basis with total not to exceed a fixed amount.

## SECTION 6. PROHIBITION AGAINST CONTINGENT FEES.

A. Each contract entered into by the Board of Aldermen for professional services shall contain a prohibition against contingent fees as follows:

"No firm shall retain a person, to solicit or secure a City contract for professional services upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business."

B. For the breach or violation of the foregoing provision, the Mayor and Board of Aldermen 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.

## SECTION 7. USE OF PROCEDURES.

The procedures described herein shall be used in all projects requiring outside professional services. Exceptions to this policy shall be as follows:

A. After the City has used this process to select a firm with specialized expertise that is available to do similar required work in that field of expertise which would fall under Class B type projects, if new contracts can be negotiated, the firm can be retained forr additional projects requiring that expertise for a period of no longer than three years. After three years, this procedure shall be used again for selection of professional services.

B. If, after project completion by a firm already selected by the City through this process to do a major project, the City requires professional services on an ongoing consultant basis on that project, the City may retain the services of that firm on a consultant basis for a period of three years. After that period of time, the City shall use this procedure again to select ongoing consultant services.

#### SECTION 8. WAIVER.

The Mayor and Board of Aldermen may waive any and all aforementioned procedural requirements in the best interests of the City.

#### SECTION 9. SEVERABILITY.

The sections, paragraphs, sentences and clauses of this ordinance are severable and if any section, paragraph, sentence or clause of this Ordinance is declared to be unconstitutional by a court of competent jurisdiction, such unconstitutionality shall have no effect upon the remaining sections, paragraphs, sentences and clauses of this Ordinance.

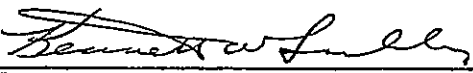
#### SECTION 10. REPEALING CONFLICTING ORDINANCES.

That all ordinances or parts of ordinances in conflict herewith, shall be, and the same are hereby repealed; and this ordinance shall be in full force and effect from and after its passage and approval as provided by law.


#### SECTION 11. EFFECTIVE DATE.

This Ordinance shall take effect immediately after its final passage by the Board of Aldermen of the City of Arcadia, Missouri.

WHEREUPON, this ordinance was read three times and approved by vote of the Board of Aldermen of the City of Arcadia, Missouri on this 10TH day of AUGUST, 1987.

  
Kenneth W. Lumbley  
Mayor of the City of Arcadia

ATTEST:

  
Joyce Callisto, City Clerk