

SECTION 10: REQUEST FOR QUALIFICATIONS FOR OTHER PROFESSIONAL SERVICES

10.1 Other Professional Services Process

This method is used to solicit qualifications from firms interested in providing a professional/other professional type service anticipated to be of formal level over \$50,000.00 when detailed specifications are not written or when no fixed criteria exists. Firms are selected, based on qualifications and may involve interview/ presentations. No pricing is involved under this process until a firm has been selected and the County enters into contract negotiations.

10.2 Initiating the Procurement of Other Professional Services

10.2.1 To initiate a Request for Qualifications the project sponsoring department should provide Contracts Management with the following information:

- 1) Scope
- 2) Project Background
- 3) Estimated Cost
- 4) Estimated Contract Duration
- 5) Qualification Requirements (i.e., experience, financial, etc.)
- 6) Evaluation Criteria
- 7) Any other special qualification requirements

10.2.2 Once received, Contracts will prepare the appropriate qualification document.

- 1) Contracts will contact Risk Management to obtain the insurance limits and County Attorneys office for legal sufficiency for the document.

10.3 Qualification Selection Committee

10.3.1 Committee Responsibility and Function

The Qualification Selection Committee shall be responsible for evaluating the qualifications and capabilities of firms who have submitted Statement of Qualifications in response to the County's announcement soliciting such statements. Evaluation may include such activity as is deemed appropriate by the Committee to verify the qualifications and capabilities of the firms and their ability to furnish the required services.

The Qualification Selection Committee shall establish by consensus which of at least three (3) firms it deems to be most fully qualified and capable to perform the required services.

10.3.2 Committee Membership

The membership of the Qualification Selection Committee shall consist of the following:

10.3 Qualification Selection Committee (Continued)

There shall be three (3) voting members on the Committee as follows:

- 1) A representative from the County Manager's Office (or designee), who shall chair the committee. At the discretion of the Chairman the number of voting members may be expended to five (5), if the complexity and uniqueness of the project has justification.
- 2) The director of the project sponsoring department (or designee).
- 3) The project sponsoring department project manager.
- 4) The Committee may include the County Attorney's office (as an "invited" participant), as a non-voting member, participating as legal counsel to the Committee.
- 5) Other persons, as may be designated and authorized in writing by the County Manager, may participate on the Committee but as non-voting members only.
- 6) Others, at the pleasure of the Chair, may be invited to participate in the Committee discussions.
- 7) No outside industry representatives shall be allowed to sit on the Committee as a voting member but may serve as a non-voting, unless approved by the Board.

10.4 Solicitation and Evaluation of Statement of Qualifications

The public shall not be excluded from observing the proceedings under this Section.

- 10.4.1 Upon completion of the Request for Qualification document the public announcement shall:
- (a) be published once in a newspaper with circulation throughout Lee County and post on the Contracts web site, and
 - (b) be mailed to firms on the Master Bidder's list established by Contracts, and
 - (c) state the deadline date and time for submitting the Statement of Qualifications.

Firms will be given not less than two weeks from the date the public announcement is published to submit their Statement of Qualifications.

10.4 Solicitation and Evaluation of Statement of Qualifications (Continued)

10.4.2 Evaluation and Selection Process

- 1) All Statement of Qualifications are to be submitted to Contracts Management. Contracts on the date and at the time announced as the deadline for submittal for each project, shall open and make a certified record of the Statements of Qualifications received prior to the announced submittal deadline. Statement of Qualifications received after the announced deadline shall be considered ineligible for consideration and shall be returned to the submitter.
- 2) Contracts shall distribute to each of the members of the Qualification Selection Committee a copy of each of the Statements of Qualifications which were received prior to the announced submittal deadline.
- 3) Contracts shall coordinate the scheduling, announcement and arrangements for all meetings of the Qualification Selection Committee.
- 4) The Qualification Selection Committee may request oral, written or visual presentations from, conduct interviews with, or conduct visits to the office, facilities or projects of the contractors it selects from among those submitting Statement of Qualifications.
- 5) At the conclusion of its evaluations the Qualification Selection Committee shall establish by consensus a minimum of three firms most fully qualified and capable to perform the required services. If less than three fully qualified firms are available, the Committee will rank only those fully qualified.
 - a) The Qualification Selection Committee shall evaluate the Firms with an evaluation form utilizing the criteria outline in the qualification package.
- 6) Immediately following the Qualification Selections Committee meeting, the project manager shall forward the Evaluation Sheet form to Contracts to be submitted to the Board for approval.
 - a) Contracts shall prepare brief minutes of the Qualification Selections Committee meetings for placement in the project file.
 - b) Contracts shall notify "informally" all firms who submitted a Statement of Qualifications of the selection, "pending Board approval".
 - c) Contracts shall report the Qualification Selection Committee recommendations and order of preference in the "Blue Sheet" to the Board of County Commissioners for approval.

10.5 Approval Process

Action by the Board of County Commissioners on the recommendation(s) of the Qualification Selection Committee.

10.5.1 The Board of County Commissioners, after consideration of the recommendation(s) and order of preference reported by the Qualification Selection Committee, will take such action as they deem appropriate to approve, in order of preference, the firms that they deem fully and highly qualified and capable to perform the required services.

10.5.2 Subsequent to the approval of the selection of firms by the Board of County Commissioners, Contracts Management shall notify all firms which submitted Letters of Interest of the ranking established by the Board of County Commissioners action.

10.6 Negotiations Process

The negotiations process for the development, approval and award of a Service Provider Agreement or other approved agreement will be administered by the director of the project sponsoring department (or designee) and Contracts as follows:

- (1) The director of the project sponsoring department (or designee), on the basis of (a) a detailed Scope of Professional Services, (b) project guidelines and criteria, and (c) time and schedule of performance developed by the director of the project sponsoring department (or designee), and based on the provisions set forth in the County's Standard Form of Agreement shall negotiate a contract with the number one selected firm at compensation which the director of the project sponsoring department (or designee) determines is fair, competitive, reasonable and adequate. The director of the project sponsoring department (or designee) has the final acceptance responsibility in the price negotiations process.
- (2) Should the director of the project sponsoring department (or designee) be unable to negotiate a satisfactory contract with the firm considered to be the top ranked firm, notify Contracts of the desire to terminate, negotiations with that firm shall be formally terminated by the Contracts Management Office. To expedite the contract development and award process, the decision to terminate negotiations does not require the approval of the Board of County Commissioners or the County Manager. The Contracts Management Office shall notify the number one ranked firm, in writing (with a copy to PDS), that negotiations are terminated and thereafter shall proceed to negotiate a contract (as set forth above) with the number two ranked firm.
- (3) Failing accord with the second ranked firm, notify Contracts of the desire to terminate, Contracts will formally terminate negotiations as set forth above and shall then undertake negotiations with the third ranked firm. If negotiations with the number three ranked firm are not successful, Contracts shall formally terminate negotiations as set forth above.

10.6 Negotiations Process (Continued)

- (4) Thereafter, the Competitive Negotiations Committee may review the list of firms which submitted Letters of Interest to determine if any of the remaining firms are fully qualified and capable of performing the required services and then provide the Board of County Commissioners with its recommendation(s) concerning an additional list of firms in order of preference for approval, or the Board of County Commissioners may authorize negotiations with additional firms listed or may authorize the public announcement, solicitation of Letters of Interest and selection process to begin again.
- (5) When efforts are successful, the director of the project sponsoring department (or designee) or Contracts will be responsible for the compilation of the Agreement document.

10.7 Agreement Award

The award of a contract for other Professional Services requires approval from the Board of County Commissioners over \$50,000.00.

This may be accomplished in two ways:

- a) After the contract has been executed by the successful firm, Contracts Management shall transmit two complete sets of the contract executed by the successful firm to the Chairman of the Board of County Commissioners without such contracts being submitted to the Board for review and approval when all the following conditions are met:
 - 1) The selection and ranking of firms has previously been approved by the Board of County Commissioners or the Request for Qualifications selection process has been waived by the Board; and
 - 2) The amount of compensation to be paid the firm as established in the contract is not more than the estimated compensation amount that was included in the Board's previous action approving the selection and ranking of firms; and
 - 3) The contract has been developed using Lee County's Board approved Standard Form of Agreement or other agreement approved by the County Attorney's office and Contracts Management; and
 - 4) The Agreement has been executed by the consultant; and
 - 5) As evidenced on a Contract Review Checklist, Standard Form CMO:042, submitted to the Board Chairman with the execution sets of the Agreement, the contract has been reviewed and favorably endorsed by the director of the project sponsoring department (or designee), Risk Management, the Contract Manager, and the County Attorney's staff.

10.7 Professional Service Agreement Award (Continued)

After execution by the Board Chairman the Agreements will be forwarded to the Clerk of Courts for dating and filing and distribution of an executed set of the Agreement to Contracts Management for transmittal to the firm with a copy to the project sponsoring department.

- b) For contracts not meeting the criteria in Section 10.7(a) above, Contracts will be responsible for preparing and submitting the required written request (i.e., "Blue Sheet") to have the contract placed on the Board of County Commissioners agenda for approval. The "Blue Sheet" shall be accompanied by at least two complete Agreements executed by the successful firm.
- c) Agreement Execution, Recording and Distribution
After approval by the Board of County Commissioners, the Agreement will be processed by the Department of Public Resources for (1) approval as to form by the County Attorney; (2) execution by the Chairman of the Board of County Commissioners; (3) dating and filing by the Clerk of Courts; and (4) distribution of any remaining executed set(s) of the Agreement to Contracts Management for transmittal to the firm and a copy to the Project Sponsoring Department.
- d) Notice to Proceed
After the contract has been executed by the Chairman of the Board and recorded by the Clerk of Courts, Contracts Management or the director of the project sponsoring department (or designee) shall prepare and send the firm an official written Notice to Proceed letter. A copy of the Notice to Proceed shall be forwarded to Contracts.

10.8 Change Order Process for All Service Provider Agreements (SPA) or Other Agreements

After an Agreement has been approved and the written Notice to Proceed issued to the Consultant, in the event the director of the project sponsoring department (or designee) finds it necessary to have change(s) made in the Services as required, set forth and agreed to by both parties, then such change(s) shall be approved and authorized using the appropriate procedure and form.

10.8.1 PURPOSE - A Change Order is used as a means of the County and the Firm agreeing in writing setting forth and authorizing changes to the agreed upon Scope of Professional Services and Tasks, Compensation and Method of Payment, Time and Schedule of Performance, or Project Guidelines and Criteria.

10.8.2 APPROVAL AND AUTHORIZATION - Change Order approval, execution and authorization levels and amount limitation have been established as follows to expedite the Change Order approval and authorization process.

It will be the responsibility of the Contracts Management office to prepare all Change Orders. Prior to obtaining the firm's signature, Contracts will send the Change Orders to the project sponsoring department for review.

10.8 Change Order Process for All Service Provider Agreements (SPA) or Other Agreements (Continued)

- (a) The director of the project sponsoring department is authorized to approve and execute individual Change Order(s) that are under the \$50,000.00 expenditure authorization.
- (b) The County Manager (or designee) is authorized to approve, and execute individual Change Order(s) that are under the \$100,000.00 expenditure authorization approved by the Board
- (c) Change Orders to be paid to the Firm that exceed the County Manager \$100,000.00 expenditure authorization must be submitted to and approved by the Board of County Commissioners.
- (d) All Change Orders authorized must use Lee County Standard Form CMO:023 (or other Change Order prepared by Contracts), and shall be executed in not less than in duplicate.
- (e) In instances of a decrease change order, no matter what the decrease amount is, no cost, or only a change in the time for execution or completion of the contract work, the director of the project sponsoring department is authorized to approve, execute and authorize individual change orders
- (f) If the amount of a Change Order will make the total contract amount exceed the next level for which a contract has been previously approved, the appropriate authorizing signature must be obtained. (Example: If a Department Director has approved a contract for \$40,000.00 and a Change Order is processed for \$13,000.00, the change order must be approved by the County Manager because the new contract amount exceeds the Department Director level of \$53,000.00).

When a contract is awarded for a total amount under Board level, any change order processed which makes the total dollar amount of the contract exceed the County Manager level of \$100,000.00, that change order will require Board approval. Once Board approval is obtained, any future change order(s) processed under County Manager's level will not require Board approval.

- (g) If an amendment (i.e., changing, deleting from or adding to) is necessary to the "Boiler Plate" articles of the Lee County's Standard Form of Agreement it shall be done by an "Exhibit" to the agreement itself by Contracts Management.
 - 1) Any and all changes must be submitted to Contracts for approval and preparation prior to any final authorizations.
- (h) The Firm shall not be authorized to proceed with the change(s) set forth in the Change Order until the Firm has received an executed set of the Change Order and a written Notice to Proceed is issued by the director of the project sponsoring department (or designee).

10.8 Change Order Process for All Service Provider Agreements (SPA) or Other Agreements (Continued)

- (i) The total amount of Change Orders approved and authorized by the director of the project sponsoring department, the County Manager or the Board of County Commissioners shall not exceed the amount of funds budgeted, allocated or available for the requested Professional Service without Board approval.

10.8.3 SUBMITTALS OF CHANGE ORDERS

- (a) Contracts Management is responsible for forwarding a copy of Change Orders approved, executed and authorized by the director of the project sponsoring department or by the County Manager to the Finance Department, project sponsoring department, and the Clerk of the Board, Minutes Department (if applicable).
- (b) Change Orders requiring Board approval (over the County Manager's \$100,000.00 expenditure authorization), the "Blue Sheet" submitting the Change Order to the Board shall be prepared by Contracts Management and shall be based on and shall include the Change Order form executed by the Firm.
- (c) Upon receipt of notification that the Board has approved the Change Order and subsequent to execution Contracts shall provide the Firm with an executed set of the Change Order.
 - 1) The project sponsoring department may issue the written Notice to Proceed.

10.9 Payment Authorization

Payments for all Agreements shall be initiated by the project sponsoring department on the County's standard form titled "Professional Service Agreement/Service Provider Agreement Invoice Statement, Form No. CMO:024.

The project sponsoring department shall be responsible for preparing requests for payment throughout the duration of the agreement.

A copy of all final payments shall be forwarded to Contracts Management.

10.10 Performance Evaluations of a Service Provider Agreement or Other Agreement

For Service Provider Agreements or Other Agreements the project sponsoring department shall be responsible for the monitoring of all services during the duration of the contract. Should the Project Sponsoring Department experience problems with the Firm, the Project Sponsoring Department is required to complete and place on file with Contracts Management a Performance Evaluation Form. The Performance Evaluation shall be completed on Form No. CMO:041