

SECTION 11: REQUEST FOR PROPOSALS FOR OTHER PROFESSIONAL SERVICES

11.1 Other Professional Services Process

This method is generally used for professional and other professional services anticipated to be of formal level (over \$50,000.00) when detailed specifications may not be written or when fixed criteria may not be fully developed. A general scope of services is provided to interested firms and proposals are received and opened by Contracts Management on a given date at a specified time. Normally, an Evaluation Committee will meet to evaluate the proposals based on the evaluation criteria contained in the specification package. A recommendation is then made to award the proposal to the proper who's proposal is in the best interest of the County. A Formal Proposal may be preceded by a Request for Qualification Statements, with only qualified firms having their proposals evaluated.

11.2 Initiating the Procurement of Other Professional Services

11.2.1 To initiate a Request for Proposals 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

11.2.2 Once received, Contracts will prepare the appropriate proposal document either by a 1-Step Process (one envelope, RFP only) or a 2-Step Process (two envelopes, Qualification Statements plus RFP).

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

11.3 Qualification Selection Committee

11.3.1 Committee Responsibility and Function

The Evaluation Selection Committee shall be responsible for evaluating the qualifications and capabilities of firms who have submitted Proposals in response to the County's announcement soliciting such proposals. 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.

11.3.2 Committee Membership

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

11.3 Evaluation 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 or his designated Assistant County Attorney (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..

11.4 Solicitation and Evaluation of Proposals

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

- 11.4.1 Upon completion of the Request for Proposals document the public announcement shall:
- (a) be published once in a newspaper with circulation throughout Lee County, and posted 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 Proposals.

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

11.4 Solicitation and Evaluation of Proposals (Continued)

11.4.2 Evaluation and Selection Process

- 1) All formal Proposals will be received in the number prescribed in the Proposal Document by Contracts Management and publicly opened by the Contracts Supervisor (or designee) in the presence of the Lee County Clerk (or designee) at a prescribed place, date and time.
 - a) After opening, Contracts will retain the original and distribute a copy to each of the members of the Evaluation Selection Committee a copy of each of the Proposals which were received prior to the announced submittal deadline.
- 2) Contracts shall coordinate the scheduling, announcement and arrangements for all meetings of the Evaluation Selection Committee.
- 3) The Evaluation Selection Committee may request oral, written or visual presentations from, conduct interviews with, or conduct visits to the office, facilities or projects of the firms it selects from among those submitting Proposals.
- 4) At the conclusion of its evaluations the Evaluation Selection Committee shall recommend a responsive and responsible Proposer whose proposal is most advantageous to the County.
 - a) The Evaluation Selection Committee shall evaluate the Firms with an evaluation form utilizing the criteria outline in the proposal package.
- 5) Immediately following the Evaluation Selection Committee meeting, the project manager shall forward the Evaluation Sheet form to Contracts to be submitted to the Board for approval.
 - a) Contracts shall be responsible for recording each the Evaluation Selection Committee meetings for placement in the project file.
 - b) Contracts shall “informally” notify all firms who submitted a Proposal of the selection, “pending Board approval”.
 - c) Contracts shall report the Evaluation Selection Committee recommendations in the “Blue Sheet” to the Board of County Commissioners for approval.
- 6) Rejection of individual proposals may be approved by the Contract Manager (or designee).

11.4 Solicitation and Evaluation of Proposals (Continued)11.4.2 Evaluation and Selection Process (Continued)

- a) If a proposal protest has been timely received pursuant to the protest procedure, rejection of any proposals may be scheduled for approval by the Board of County Commissioners.
- 7) Any formal written protest involving the award of a proposal based on the formal sealed proposal process will be referred to the County's Dispute Committee chaired by the Public Works Director (or designee), see Section 12 of this Manual.

11.5 Award Process

After a firm has been awarded the project by the Board of County Commissioners, Contracts will process the Agreement for execution.

- 1) Contracts will prepare the Agreement for execution by the firm.
 - a) Agreement originals will be forwarded to the firm with instructions as to how to execute the agreement.
- 2) After receipt of the executed agreements from the firm, Contracts will prepare the agreements for final execution by the County
 - a) 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 Contracts Supervisor, and the County Attorney's office.

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.

- 3) Notice to Proceed
After the contract has been executed by the Chairman of the Board and filing 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.

11.6 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 Firm, 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.

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

11.6.1 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.

11.6.2 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.

- (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).

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

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).
- (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.

11.6.3 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.

11.7 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.

11.7 Payment Authorization (Continued)

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.

11.8 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