

Subject: Contracts for Consultant Services	Number: 6-19
	Date Issued: June 1, 2002 Date Revised: July 1, 2013
Responsible Department: City Manager	Approved: <i>Mark Acott</i>

Purpose

To establish a uniform policy and procedure for selecting professional consultants providing professional consulting services.

1. Section 4-107 of the Municipal Code authorizes the City Manager, or his/her designee, to contract for all services required by the City for which an appropriation has been made, including professional consulting services, provided the contract involves an expenditure of City moneys of less than or equal to \$50,000. Professional consulting services contracts exceeding \$50,000, or not meeting the requirements of Section 4-107, must be approved by the City Council.
2. The purpose of this policy is to establish certain guidelines for the City of Fresno to efficiently select and obtain the most highly-qualified and competent consultants who will provide the City quality services at the best value, in a timely fashion.
3. For purposes of this policy, "professional consulting services" means the rendering of expertise upon which the City may rely in making its decisions. Professional consulting services excludes legal services. The term "professional consultants" primarily refers to those persons who have specialized education and considerable experience in the field. Examples of professional consultants include, but are not limited to, architects, auditors, certified public accountants, engineers, landscape architects, management consultants, planners, surveyors, and construction project managers. The term "consultant" may include individuals, partnerships, corporations, joint ventures or any other combination of firms or persons competent to perform the required professional consulting services.

Procedures

Format of Solicitations

The format may be either a Request for Qualifications (RFQ) or Request for Proposals (RFP), or a combination thereof. The suggested format includes: scope of services; qualifications and information required from consultants for selection as outlined in this Administrative Order; reference to the City's standardized contract, to local preference and, for certain federal projects, statement of the Disadvantaged Business Enterprise (DBE) goal.

Distribution Lists

Departments are authorized to maintain files of names and brochures of the various consultants who have expressed a general interest in performing work for the City of Fresno, and to use such files for the purpose of mailing inquiries to various consultants as to their interest in the specific work or studies that the City may undertake from time-to-time. A list of consultants may also be maintained in the Purchasing Division. For all federally funded consulting services, departments shall contact the City's Disadvantaged Business Enterprise (DBE) Program Coordinator in the Purchasing Division for potential DBE firms.

Minimum Distribution Requirements of Solicitations

- A. Over \$50,000: A minimum number of five (5) RFQs/RFPs, shall be distributed, where possible.
- B. \$10,000 - \$50,000: A minimum number of three (3) RFQs/RFPs shall be distributed, where possible.
- C. Under \$10,000: The Department Director is authorized to make a selection after documented telephone or e-mail contacts of potential interested parties.

Advertising

All professional consulting services of \$50,000 and above shall be advertised one-time in a local newspaper of general circulation (The Fresno Bee or Business Journal) at least five (5) days before the due date of the RFQ/RFP, unless a mass mailing of 100 or more notices occurs. Departments may also consider posting on the City's website and on the websites of professional organizations, if allowed.

Selection Criteria

Professional consultant services must be individually selected for a specific project, or for multiple projects on an on-call basis, based upon experience of the consultant, special knowledge of the subject matter, ability to perform the services in the time allowed, record of success on similar work, ability to operate well in the necessary discussions, presentations, coordination and cooperation related to the project, as well as fees to be paid.

The following factors may be considered and evaluated in selecting a professional consultant for a particular study or project:

1. Educational background of the consultant.
2. Relevant experience of the consultant.
3. Demonstrated record of success by the consultant on work previously performed for the City or similar work performed for others.
4. Individuals within the consultant's organization who will have direct charge of work.

5. Whether consultant has adequate staff to perform the work within the time allowance.
6. The ability of the consultant to make effective public presentations of the report and/or design as may be required.
7. The ability of the consultant to work effectively with City staff, other public agencies, and related parties as may be required during the course of the design, study or other technical services.
8. Where appropriate, whether the consultant has adequate knowledge of local conditions.
9. Whether consultant has available experienced, capable and acceptable resource and design professional personnel as may be pertinent to the particular project.
10. Demonstrated continuing interest by the consultant in the success, efficiency and workability of the project after it has been placed in operation.
11. The record of the consultant in keeping costs within project budgets and estimates.
12. Ability of the consultant to furnish adequate and effective supervision services, where such services are an inherent part of a "package" of services for which the consultant is employed.
13. Ability to obtain applicable insurance or bonding for the project.
14. Overall costs for services, including hourly rates, level of professionals assigned, and hours to complete task.

Selection Process

Unless otherwise directed by the City Manager, all professional consulting services up to and including \$50,000, the Director of the requesting department shall serve as the City Manager's designee. All contracts for professional consulting services over \$50,000 are subject to Council approval.

To the extent possible and feasible, a Request for Proposal/Qualifications (RFP/Q) process will be used for selection. Consultants interested in a specific project may be screened if a greater number express interest than can be or should be interviewed for the work involved.

Interviews and selection for all construction management, architectural or engineering services shall be conducted by representatives of the requesting Department and shall include qualified individuals with knowledge and experience related to the proposed project(s). The selection process for federally funded contracts is governed by the Brooks Act (40 U.S.C. §1104; 23 CFR Part 172 and 48 CFR 31.201-3). The selection process for contracts funded by the State is governed by State of California Government Code §4526.

Where any project or study is of a special or unusual character, the City Manager may invite interested citizens and/or appoint other staff members to serve on an interview and selection committee.

All selections must comply with Fresno Municipal Code Section 4-109, which provides for a local preference for all projects not funded by the federal or state government. The provision generally provides a primary preference for all firms located within a 25-mile radius of Fresno City Hall, if there are three or more firms within the area that provide the specific consulting service requested.

Reports from Consultants for Public Access

If the consulting service is for the purpose of producing a report or study, consultants shall make available to the City an electronic copy (PDF format) of the final product, which can be posted on the City's website for public access.

Monitoring Process after Selection/Award

- A. Over \$50,000: A Purchase Order is required to encumber contracts awarded by Council.
- B. \$10,000 - 50,000: Departments will be responsible to provide written information to:
 - 1. The Purchasing Manager or designee for review that the requirements of this Administrative Order have been met and a contract has been executed; and
 - 2. The Purchasing Manager will keep a continuous log of professional consulting services contracts with pertinent information (such as name and address of consultant, type of services provided, and amount and date of contract).
- C. Under \$10,000: Departments shall keep their own record.

Exceptions

To the extent possible and feasible, this process will be used for selection of consultants providing professional services. An RFP/RFQ process is not possible or feasible whenever a determination by the City Manager is made that emergency or exigent circumstances exist, or the consultant is uniquely qualified. When the contract is over \$50,000, the determination is subject to Council's affirmative vote of the Council majority upholding the determination.

Such determinations will be the exception, not the rule. Each determination must be memorialized in writing and signed by the City Manager or a designated Assistant City Manager and maintained in the file for the subject contract.