

**POLICY STATEMENT FOR
TECHNICAL CONSULTANT SELECTION PROCESS
CITY OF RAPID CITY, SOUTH DAKOTA**

I. GENERAL STATEMENT

- A. This policy addressing the selection and hiring of technical consultants shall be utilized when it has been determined that the services of a professional technical consultant or technical consulting firm are needed for a specific public works project. The firm or individual shall be selected according to this policy.

A public works project is defined as any public funded project requiring technical consultant services that is assigned to or sponsored by a city contracting agency (CCA) including all departments, boards, authorities or commissions authorized by the Rapid City Common Council.

These projects may include, but are not necessarily limited to:

Preliminary Planning Investigations; Feasibility Studies; engineering Studies; Conceptual Designs; Master Plans; Landscape Architectural Plans and Specifications; Architectural Design Plans and Specifications; Engineering Design Plans and Specifications; surveys for legal descriptions, design or construction; Construction Contract Administration or Inspection; and Geo-Technical and Testing Services.

Each CCA operating within the authority vested in it by the Common Council shall establish its own administrative procedures in determining if and when outside technical consultant services are required. Its Director/Manager/Executive (DME) shall be responsible to assure that its CCA when selecting technical consultants adheres to the selection process set forth herein. Those projects funded by State or Federal Agencies may be subject to that Agency's selection guidelines. The respective CCA shall adhere to the concept of this technical consultant selection process when adapting its format to specific requirements of the State or Federal guidelines.

- B. Other factors to be considered in this policy are size of contract. This policy shall be utilized for contract fees larger than \$10,000 except under conditions (1) and (2) listed below.
1. The DME will also have the option to select a consultant directly if it has been shown that the scope of work for the consultant service is so specialized as to eliminate any other firm from being listed as a qualified consultant.
 2. For contract fees smaller than \$10,000 the option will be available to the DME to make a direct selection of a qualified consultant or consulting firm, providing that an agreement can be reached on the scope of services and the cost of providing these services.
- C. As a general rule all city contract agencies (CCA) shall follow these guidelines on the number of firms to be interviewed. The numbers may have

to be adjusted according to the scope of services and availability of qualified technical consultants.

CONTRACT FEE AMOUNT

**NUMBER OF CONSULTING FIRMS
TO BE INTERVIEWED**

\$10,000 - \$30,000
\$30,000 - \$150,000
Over \$150,000

Two (minimum)
Three (minimum)
Four (minimum)

- D. Once a project has been identified through this policy where a technical consultant is to be hired or a number of technical consultants are to be interviewed for a project the CCA shall then proceed by implementing the remaining steps pertaining to the final consultant selection, contract administration, and final consultant review and critique.
- E. The purpose of this Policy is to select the best available qualified professional technical consultant or technical consulting firm to furnish and perform professional technical services for the City of Rapid City at a cost that is fair and reasonable to both the City and the consultant.

II. PRE-QUALIFICATION OF CONSULTANTS

- A. The respective city contract agency (CCA) shall keep on file a list of all technical consultants that have submitted a list of their firm's qualifications with statements of interest to be of service to that agency. A master list of these consultants shall be prepared and will define the areas of experience of each firm. This action will be contingent upon the merits of each consultant's qualification submittal. Any consultant failing to make the master list shall be notified and be given an opportunity to resubmit for further consideration. This list will be utilized in the pre-selection process.

Annually the City Public Works Director in behalf of all city contracting agencies (CCA) shall place an announcement in the official newspaper inviting interested technical consultants to make a submittal of qualifications if interested in furnishing consultant services to the respective CCA. The text and frequency of public announcements may vary to meet State or Federal agency requirements. It shall be the sole responsibility of each consultant to annually submit its qualification statement. The information contained within shall be retained by the respective CCA to whom it is addressed to be released only on a "need to know" basis.

- B. Included within the qualification submittal shall be, at a minimum:
 - 1. A statement of current status of professional registration of consulting firm and of principal members of firm with South Dakota Board of Technical Professions;
 - 2. A certificate of insurance including errors and omissions executed by the insurance carrier's authorized agent;
 - 3. The education, experience, and qualifications of the personnel within the submitting firm; and by attachment that of it's associate firm(s), if any.

4. A summary of work that has been done in house by firm's payroll staff for the past five years;
5. A definitive statement of the firm's current qualified areas of service. If this is to be a consortium, the organizational structure must be clearly defined with personnel qualifications and where actual work will be done.
6. A current GSA Standard Form 254;
7. A statement of types of projects and services for which consultant is requesting consideration.
8. Location of office where work will be done and name of responsible person in charge of City contract work.
9. A statement regarding whether any litigation is pending or underway regarding activities of the firm or its principals. If so, what are the circumstances?

III. DEFINITION OF PROJECT, FUNDING, REQUEST FOR PROFESSIONAL SERVICES WITH ATTACHED SCOPE OF WORK

- A. Once a project has been identified as one which will require an outside technical consultant, the City Contracting Agency (CCA) through its DME shall -
 1. Identify the funding source and approximate costs.
 2. Prepare for use of its Board or selected staff, a request for professional services which will include a scope of work (The scope of work shall include, at a minimum, the approximate time frame for completion; the design tasks to be accomplished; details on how the final plans, reports, specifications are to be prepared; required meetings; and other project related information.)
 3. Prepare a clear statement describing proposed project for discussion with Mayor and Council. This statement should be accompanied with staff's best estimate of probable project costs, time line of probable expenditures, and anticipated operation and maintenance costs for a complete project. A schedule of various phases of study, planning, design and construction phasing necessary to accomplish implementation of the complete project must also be available to Council. Various studies and preliminary plans may be required to scope the project prior to preparation of construction documents. As the project develops, the scope of work and estimated costs of fees, construction and operating costs may change, the Common Council shall be kept advised. A fully developed and agreed upon scope of project shall be accomplished prior to issuing notice to proceed with final construction documents.
 - a. If a Civil Engineering type project, precise limits of work and functional results of project is to be identified.

- b. If an architectural project, the expectations must be clearly and openly discussed so they are mutually understood by both staff and Council, and sponsoring user, if there be one.

No further steps are to be undertaken until project scope, character and function has been completely agreed upon and approved by Council.

- 4. The City Contracting Agency (CCA) shall then proceed with the consulting selection process.

IV. PRE-SELECTION COMMITTEE

- A. A committee shall be formed which will have the responsibility of selecting technical consultants for specific project interviews or as defined in the policy may make the direct selection of a consultant for a project.

Requests for Consultant Service Proposals (RFP's) shall be forwarded to all consultants who are pre-qualified to provide the expected services. The Pre-selection Committee will review each submitted proposal based on the pre-determined selection criteria and will select a short-list of firms who will be invited for an interview.

- B. Members

If a Department of Public Works project:

Public Works Director
Engineering Division Manager
Others (if required and appointed by the Public Works Director)

For all other projects:

Director/Manager/Executive (DME)
Select members of City Contracting Agency (CCA)
Director of Department of Public Works, or his/her representative
Others (if required and appointed by DME)

- C. Quarterly Meetings - The Department of Public Works committee shall meet on a quarterly basis to identify the projects which are to be awarded to consultants during the next three months; ~~review all the pre-qualified consultants in relationship to the evaluation criteria and select the group of consultants to be interviewed for each project.~~ Other City Contracting Agencies (CCA) committees will meet as proposed projects require.

~~The overall objective of these meetings is to examine all the consulting work for this entire timeframe and select the consultants for the interviews which will best serve the needs of the City as well as providing opportunities for consulting firms that receive the highest ratings, are well suited for the work; and are available to provide this service in the required timeframe.~~

The committee shall also select the specific interview team for each consultant project. For contracts larger than \$20,000 it shall be the general rule to include as a minimum, one of the members of this pre-selection committee.

The interview team chairperson shall be:

1. Project Manager if a Department of Public Works Project;
2. Selected member of appropriate Board of CCA sponsoring other projects.

Decisions developed at these meetings shall be reported as information at the next City Council meeting.

- D. Supplemental Meetings - Other meetings may be required during the quarter to specifically select consultants to be interviewed on projects which are not identified at the time of the quarterly meeting.

The selection method shall be the same as that which is used at the quarterly meeting.

- E. Evaluation Criteria

1. Size of the contract as compared to the size or ability of the firm and its associate firms and consultants as one team to handle the project;
2. Direct experience with this type of project with local staff (in-house capability);
3. Amount of work done with the City over the last 24 months (Note: Comparable sized firms would be rated together with the highest rating going to the firms with the least amount of work);
4. Ability to expand the firms capabilities by working with other consultants or branch offices (if required);
5. Past performance based upon past project evaluation of prior assignments with City;
6. Consultant's business practices; e.g. licenses, professional stamping of plans and documents, insurance, accounting procedures, ethics.

V. **INTERVIEW COMMITTEE OR TEAM**

Three members of the interview committee including its chairman, one member of the pre-selection committee members and the appropriate project DME shall be selected by the pre-selection committee. These three selected interview team members shall in turn select other members. The total voting members of the committee shall consist of a minimum of five (5) persons including a minimum of three (3) persons who will be working with the project and have necessary expertise to properly and equitably evaluate the ability of the consultant to perform the work.

The committee shall also have the option of appointing non-voting members to the committee. These individuals would be involved in the discussions and interviews that would lead up to the selection of the consultant but would not have a direct vote on the final selection. Their recommendations shall be fully considered by the voting members of the interview committee.

VI. INTERVIEWS AND CONSULTANT SELECTION

- A. For projects that have been defined as requiring the interview process prior to the selection of a qualified consultant, the following procedures shall be followed:
1. The firms selected for the interview shall be given the request for professional services and given approximately two weeks to prepare a statement of interest, with GSA Standard Form 255 and such other information the consultant may elect to provide to the City for review.
 2. Interviews shall be scheduled with those firms that have submitted a statement of interest. Should a firm elect to not submit a statement of interest on a particular project, that act shall not have adverse impact on future consideration.
 3. Interviews evaluation criteria shall include but not necessarily be limited to the following:
 - a. The nine (9) items included in the qualification submittal in Item II.B and the six (6) items of evaluation criteria used by the pre-selection committee in Item IV. E;
 - b. Names of firm's staff to be assigned to project with description of each person's experience and how it relates to this project's specific requirements;
 - c. Name, experience and past performance of person to be assigned as project manager and to have direct contact with City staff;
 - d. Description and how implementation of quality control procedures will impact project;
 - e. Past performance regarding timeliness and completeness of submittal documents, project budget control and construction change orders.
 - f. Willingness and ability to secure additional insurance coverage for a particular project if requested by interview committee.
 - g. If a consortium of individuals or firms, amount and type of work to be done in respective offices and how quality and schedule of work will be controlled by assigned project manager.
 4. After the interviews by the interview committee, a selection of the top firm and alternates 2 and 3 shall be made based on the results of the scores from the interview forms from all committee members.

VII. CONTRACT NEGOTIATION AND CONTRACT APPROVAL

- A. The selected top firm shall be promptly notified and furnished any supplemental data pertaining to Scope of Service and submission dates; and

be asked to submit a “Not to Exceed” cost for each phase or component of the project based on an hourly manpower projection for each project task. A schedule of hourly rates of each manhour classification shall be furnished. These “Not to Exceed” costs and manhour rates shall not be subject to re-negotiation within fifteen (15) months of this submittal.

- B. The interview committee shall review the tasks with respective costs and negotiate with the firm so a final cost can be arrived at by both parties. The negotiations may require adjustment of scope, time requirements and furnished staff to meet the project budget.
- C. If the negotiations prove to be unsuccessful with the top firm, it will be the committee’s option to begin negotiations with the second firm or re-interview the next two firms for the work.
- D. After the successful negotiations on a contract amount, the firm shall prepare and submit to the City Contracting Agency (CCA) a contract for the work which shall include the cost analysis as an attachment to the contract. After review and approval of the contract by the CAA, the contract with support data regarding phasing of work with recommendation will be submitted to the Council.
- E. After review and approval of the contract by the Common Council, the consultant will be given the “Notice to Proceed” for the work.

VIII. CONSULTANT CRITIQUE

After a consultant contract has been completed, a critique of the project shall be completed by the staff and board members of the City Contracting Agency (CCA) which were directly involved with the contract.

A standard format shall be utilized and the results shall be kept with the consultant project file.

IX. OVER-SIGHT COMMITTEE

- A. Any question, objection or grievance concerning a particular consultant selection, or a believed misuse or misinterpretation of the consultant selection procedure raised by any member of the Council, Mayor, staff or citizen of Rapid City shall be referred in writing to this committee. The committee shall periodically review no less than two times annually or as they deem necessary, actions of the various consultant selection committees. They shall be authorized to secure all written reports and interview any staff required to complete their investigation. They shall promptly investigate as they deem necessary, to determine if proper negotiation and selection procedures have been followed. Their report shall be a public document.
- B. The purpose of this over-sight committee is to help assure that the public through the Technical Consultant Selection Procedure is receiving quality service at a fair and reasonable cost and that where possible there has been a reasonable distribution of work only to qualified consultants.

- C. The committee should be of approximately five members with not more than two members of the Council, or one Council member and the Mayor. The remaining three (3) members would be selected from the community; but preferably they would be business or organization executives and managers with no direct business ties to City Hall personnel. They should have experience in evaluation and the hiring and dismissal of employees, or have experience in negotiation of contracts. Members shall be appointed for three-year staggered terms by the mayor subject to confirmation by the Council.

X. IMPLEMENTATION DATE

January 19, 2004 and shall remain in effect until amended or repealed by the Common Council.