



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701

Public Works Department

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MEMORANDUM

TO: Mayor Kooiker and Common Council

FROM: Terry Wolterstorff, Public Works Director *TLW*

DATE: April 24, 2012

SUBJECT: Consultant Selection Procedure Policy revisions

Last year the Public Works Department and Council members Charity Doyle, Ritchie Nordstrom, and Jerry Wright were tasked with reviewing the existing Consultant Selection Policy and preparing revisions to the policy. The policy is a City wide document and is intended to be used for all City Departments and Boards for the selection of technical consultants.

The changes recommended in the policy are intended to make the policy more useable for all Departments and Boards, to make the policy clearer and easier to understand, to maintain a fair and equal process for all, and to ensure the public is receiving value.

The policy is based on the "Qualification Based Selection" process. The revised policy generally complies with this process. The policy has been revised to better clarify the process and clarify how the policy is to be implemented.

The attached policy is presented for Council consideration and approval. The proposed policy will be distributed to the consulting firms listed on the Public Works distribution data base prior to the Public Works Committee meeting. If you have any questions or concerns please feel free to contact me.



Technical Consultant Selection Procedure

For

Public Infrastructure Projects

**City of Rapid City,
South Dakota**

**January 2004
(Revised May 16, 2005; September 8, 2009; and
May 7, 2012)**

**POLICY STATEMENT FOR
TECHNICAL CONSULTANT SELECTION PROCEDURE
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 infrastructure project. The firm or individual shall be selected according to this policy.

A public infrastructure 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' Department Head/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 consultant selection procedure when adapting its format to specific requirements of the State or Federal guidelines.

- B. This policy shall be utilized for all contract fees except under conditions (1) and (2) listed below.
1. The DME will 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 \$25,000 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.

TOTAL ANTICIPATED
CONTRACT FEE AMOUNT FOR
ALL PROJECT COMPONENTS

MINIMUM NUMBER OF CONSULTING
FIRMS TO BE INTERVIEWED

\$0 - \$24,999
\$25,000 - \$49, 999
\$50,000 - \$149,999
Over \$150,000

Two or direct selection per I.B.2.
Two
Three
Four

- 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 City's Public Works Director 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 the City of Rapid City. 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 selection process.

Annually the City Public Works Director on 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 update and maintain as appropriate their qualification statement.

- 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. A definitive statement of the firm's current qualified areas of service.
4. A statement of types of projects and services for which consultant is requesting consideration.
5. Location of office where work will be done and name of responsible person in charge of City contract work.

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 CCA through its DME shall -

1. Identify the funding source(s) 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 the proposed project for discussion with Mayor and Council or governing board. 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, when practical, for a complete project.

A schedule of various phases of study, planning, design and construction necessary to accomplish the complete project shall be prepared and made available to Council. A Request for Consultant Services Proposal (RFP) shall be prepared detailing the scope of work and various phases of the project. The Common Council or governing board shall be presented the probable project costs and summary of the RFP scope of services. The summary shall include the following items when applicable:

- a. If a Civil Engineering type project, limits of work and functional results of project shall 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 or the governing board, and sponsoring user, if there be one.

B. No further steps are to be undertaken until the project costs, scope, character, and function have been agreed upon and Council or the governing

board authorizes proceeding with distribution of an RFP and proceeding with the consultant selection process. After Council or the governing board authorization, the CCA shall proceed with distribution of an RFP and the consultant selection process.

IV. SELECTION COMMITTEE

- A. A committee shall be formed which will have the responsibility of selecting technical consultants for specific projects 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 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

The total voting members of the committee shall typically consist of a minimum of five (5) persons and shall include at a minimum the Project Manager and three (3) persons who will be working with the project and have the necessary expertise to properly and equitably evaluate the ability of the consultant to perform the work. In general the voting members shall be comprised of the following:

- Department Head/Director/Manager/Executive (DME) or their designee from their Department
- Select members of City contracting agency (CCA)
- The Project Manager
- Others that are involved or are knowledgeable of the project components and issues.
- Others (if required and appointed by the DME)

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.

C. RFP / Proposal Evaluation Criteria:

RFP / Proposal evaluation criteria shall include but not necessarily be limited to the following:

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. The education, experience, and qualifications of the personnel within the submitting firm; and by attachment that of its' associate firm(s), if any;
3. Name, experience and past performance of person to be assigned as project manager and to have direct contact with City staff;
4. Names of firm's key staff to be assigned to project with description of each person's experience and how it relates to this project's specific requirements;
5. Ability to expand the firm's capabilities by working with other consultants or branch offices (if required);
6. A summary of similar work that has been done in house by firm for the past five years;
7. The firm's prior experience with other relevant agencies for the past five years;
8. The firm's organizational structure must be clearly defined with personnel qualifications and where actual work will be done.
9. Location of office where work will be done and name of responsible person in charge of the proposed contract.
10. A statement regarding whether any litigation is pending or underway regarding activities of the firm or its principals within the last five years and the circumstances of the litigation.
11. A current certificate of insurance including errors and omissions executed by the insurance carrier's authorized agent;
12. Direct experience with this type of project with local staff (in-house capability) and firm's familiarity with City design criteria and standards. If the firm's familiarity with City design criteria and standards is limited then the firm's familiarity with other municipalities' and agencies' criteria and standards shall be considered;
13. Firm's Management Procedures; Past performance meeting budgets & schedules, successful QA/QC processes, and accuracy of construction cost estimates.

V. INTERVIEW COMMITTEE

The Selection Committee established under Section IV shall serve as the Interview Committee.

- A. The following procedures shall be followed for the interview process:

1. Interviews shall be scheduled with those firms that have been short listed and shall be given approximately two weeks to prepare for the interview. Should a firm elect to not be interviewed on a particular project, that act shall not have an adverse impact on future consideration.
2. Interview evaluation criteria shall include but not necessarily be limited to the following:
 - a. Firm's project approach and demonstration of project understanding and issues.
 - b. Past design and construction administration performance based upon prior assignments with City. If the firm's prior assignments with the City are limited then the firm's prior assignments with other municipalities and agencies shall be considered;
 - c. Past performance of firm's implementation of quality control and quality assurance (QA/QC) procedures as it pertains to completeness of drawings and specifications, design errors, project constructability, and meeting the intent of the project;
 - d. Past performance, regarding timeliness and completeness of submittal documents, project budget control and construction change orders;
 - e. 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.
 - f. Name, experience and past performance of person to be assigned as project manager and to have direct contact with City staff;
 - g. Names of firm's staff to be assigned to project tasks with description of each person's experience and how it relates to this project's specific requirements;
3. 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 all committee members from both the proposal evaluation and the interview evaluation. The scores, from the criteria under Section IV. C., used for short listing, shall be combined with the scores from the interview criteria, above, in the overall selection of the top firm and alternates 2 and 3.

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.

- B. The DME or his or her designee (typically the Project Manager) 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, a contract shall be prepared for Council or the governing board’s consideration and action. A City standardized contract for professional services shall be utilized when the CCA has one available. In the event the CCA doesn’t have a standardized contract they may utilize one from another CCA or ask the firm to prepare a contract based on standard business practices.

VIII. CONSULTANT CRITIQUE

After a consultant contract has been completed, a critique of the project shall be completed by the staff members who were directly involved with the project. The critique shall be reviewed by the DME or their designee. If the firm desires a meeting to review the critique one shall be scheduled.

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

IX. GRIEVANCE PROCEDURES

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 shall be referred in writing to the Office of the Mayor and the governing board chairman. The Office of the Mayor may request the Public Works Committee or governing board to review actions of the various consultant selection committees.

X. IMPLEMENTATION DATE

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

Revised May 16, 2005
Revised September 8, 2009
Revised May 7, 2012