



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes Public Works Council Committee

Tuesday, April 30, 2019

4:30 PM

Municipal Center

SPECIAL CALLED MEETING

1. Call To Order

2. Roll Call by City Clerk Donna Jackson

Present 6 - Gene Vance; Mitch Johnson; John Street; Charles Coleman; LJ Bryant and Ann Williams

Absent 1 - Chris Moore

3. Other Business

[COM-19:029](#)

DISCUSSION OF THE GUIDELINES FOR PROFESSIONAL SERVICE PROVIDERS FOR THE CITY OF JONESBORO

Attachments: [Construction revision 4-25-19.docx](#)
 [Construction revision 4-29-19.docx](#)

Roy Ockert, interim Chief of Staff, said I have handed out the latest revision and I distributed a combined policy to all of you earlier last week. I want to give you a little bit of background. The two policies we had were prepared by the Engineering Department last year and we believe they complied with state law, but it occurred to me what needed to be done was to combine those two, if possible, into one policy that would cover all construction projects. In effect, what I did was put together a policy that basically followed the procedure that is prescribed for projects of \$2 million or more for everything over \$20,000 or more and a fee. In effect, we're creating a process that will take longer to accomplish selection, probably from 45 days to about 60 to 70 days, but it will give each selection committee more information and more relevant information to make their selection. That's what I tried to accomplish in combining these two into one. I invited feedback and I have had some feedback. The latest version I have given out incorporates some of that feedback into it. I wanted to go over the changes that I made to what I distributed to you earlier and since this is a working session, you all may want to entertain other changes, as well. I thought the proposed changes that were made are helpful. There is only one change on Page 1, in yellow, and it was suggested to us previously regarding Mr. Dennis Zolper's ordinance, last year, that we did not need to ask for a list of all projects, but we're asking for a list of substantial projects. We could specify an amount, but I didn't think that was necessary because this is really up to each company as to what projects they think are substantial. We wouldn't disqualify anybody for not listing all of their projects anyway, or certain ones. That is the only change on Page 1.

On Page 2, we get into the project in which the professional fee is expected to be \$20,000 or more. The process changes from using Statements of Qualifications,

SOQs, as the basis for our information to a different process in which we advertise for Letters of Interest, LOIs. I have outlined that the selection committee would include at least four members. The change we made from the previous version is that the Mayor or Chief of Staff would be the chair of the committee. We would suggest that the chair of the Public Works Committee or another member of the City Council, that he might appoint, would be the fourth member. It leaves open the possibility that the Mayor could add a fifth person from any one of those various departments, but we specify that we would have at least four members on the selection committee. In the next paragraph, it states that each person serving should have the expertise necessary to evaluate the documents that are involved in the process, such as SOQs and LOIs, and later on, the proposals themselves. At the bottom of Page 2 on the scoresheet, we are suggesting that they include Form 330 as a requirement for the evaluation process.

On Page 3, what I envision is once we have these LOIs, the committee, for example, is wanting to build a roundabout then we get the LOIs from everybody who thinks they can build a roundabout. We eliminate maybe half, maybe two-thirds, or maybe none, but we look at those companies that we think could build a roundabout. There would be at least three, but there could be more. That would be the basis for going forward. We would do the scoresheets and we would then go on to the next step, which is a Request for Proposals, RFPs. This is where it gets a little more complicated and, for the consultants, it gets more expensive. All of those firms from three to however many there are would be invited to submit a proposal. We would give them a detailed scope of work document that includes these five items and they would have approximately 10 working days, which is a number I'm not positive about, but 10 working days is what I have or maybe it needs to be 15. Somebody else could tell us better as to what that should be, but we give those firms a certain time-period to produce their proposals. Now, if there are 10 firms that we invite to submit proposals and only five of them do, then that's fine. This process is going to be expensive for the firms that submit proposals. They are going to have to spend \$2,000, \$3,000, or \$4,000 to do this, but we get more information that is project specific. From my standpoint as a member of the selection committee, I believe we'd have enough information to go forward, and we would also have an interview. Once we've had a time-period where the selection committee could review those proposals, and that's probably going to be at least another five days. We would need time to review the proposals and then we'd set interviews based on the five evaluation factors I have listed below. We would then evaluate that and add the points we have to the previous point total that we had for LOIs. That would be a total of 100 points. The committee would narrow it down to three firms and then rank those three. That makes it a three-step process in order to get that done, and my estimate is that it is going to take 60 to 65 days. At the bottom of the page, we are changing that we want the Engineering Department to prepare the draft contract in consultation with the consulting firm. I think previously we said that the consulting firm would prepare the contract and in reality, that's the way it is done anyway.

On Page 4, we're just making a couple of corrections. Under number one, we said LOIs and really meant the submitted RFPs or proposals. The last paragraph is changed to confirm that the city prepares the final contract and submits it to the consulting firm, rather than the other way around. Those are my suggested changes in response to feedback we have heard and I submit that to you Chairmember Street, as to where we stand right now.

Councilmember Gene Vance asked, after the RFPs, how many are you going interview? I didn't quite understand. Mr. Ockert said any number that submit a proposal. Councilmember Vance said so you're going to interview everybody. City

Attorney Carol Duncan said up to five. Mr. Ockert said if five present a proposal, then we will interview five. Mr. Duncan said I think up to \$2 million it's up to five, but I'm looking for it to follow up. I don't think you can go over five if it's over \$2 million. Mr. Ockert said \$2 million is out now. Ms. Duncan said I'm talking about under state law. Mr. Ockert said I understand the state law, but state law says three to five, I think. Ms. Duncan said right, but no more than five. So, it wouldn't be unlimited is what I'm saying. Councilmember Vance said I just wanted to make sure I understood that we were going to interview more than one. Mr. Ockert said we might have to alter that to say three to five.

Chairmember Street said I really like what you have here and those changes aren't real substantial, but they do clarify some of the concerns that one of the surveyors originally had a problem with regarding submitting every bit of his work experience. So, letting him submit the substantial jobs he feels are appropriate is a very good change, along with some of the others you put in here. Would you explain Form 330? You included that on the LOIs. Mr. Ockert said I'd rather one of our engineers explain that. I'm told that it is something that needs to be done in the process, but I'm not sure what it is. Mr. Vance, I just looked it up and the state law does prescribe that it can be no more than five so, we would have to clarify that. Councilmember Vance said so, at least more than one in your proposal. Mr. Ockert said yes. It would be more than one.

Engineering Director Craig Light said the SF 330 Form is a standard form used by the Federal Government when we do highway department projects that require the SOQs to be submitted in that format. It's very user-friendly and puts everybody in the same format when we go to look for things. We'd like it in that format. It would make it much easier to go through the proposals and the qualifications. Councilmember Dr. Charles Coleman asked, did you say state and federal. Mr. Light said I believe it's a federal document, but the state highway department requires it for projects we do through them. Chairmember Street asked if anyone else had questions, suggestions, or changes on what's been presented.

Councilmember Ann Williams said this is kind of a technical question and something we always need to be concerned about, but is there any issue as far as the Freedom of Information Act, FOIA, regarding the meetings of elected officials and committee meetings being public or not? Mr. Ockert said my belief is that the way it is structured, it is an advisory board and the meetings will not be open except as we specify that they are open. I'm suggesting, in here, that the interviews be open. Chairmember Street said I appreciate that. It is my understanding that all the records the committee produces would be open, would be public records and would be preserved as such for some period of time. Councilmember Mitch Johnson said even though it seems like it may slow the selection process down, I really like the whole scope of this how everything is walked through and detailed. I don't think anybody can say that due diligence wasn't done through this whole process.

Councilmember L.J. Bryant asked if Ms. Duncan was fairly comfortable with the FOIA question that Councilmember Williams asked. Ms. Duncan said what we were talking about is that the Arkansas Municipal League and the Attorney General tend to lean more towards two or more constitutes a meeting, but I guess it will depend on if the Mayor or his designee attend because sometimes they count the Mayor and sometimes they don't. We've always kind of followed the rule of three or more. Our general rule has always been that three councilmembers make a meeting, and some places would say that the Mayor counts as that because he can vote to break a tie. I think if the interviews are open then we'll probably be fine because most likely it's going to be the Mayor's designee sitting in as opposed to the actual Mayor. Then it

wouldn't bring up an FOIA question. Chairmember Street said I'm sure it will be advertised and it's not a secret. So, when the interviews are conducted they will be public. That was my big concern. You can do that on any meeting. They can open any meeting that doesn't have two of us in it for the public. This specifies in here that at least the interviews will be conducted in an open, public meeting. I do like that.

Mr. Mike Cameron, 1612 Leaf Cove, said this is purely semantics, but, for instance, on the last page, you all request a request for proposal or RFP, and we, as consultants, respond to the request. On a letter of intent or LOI, you request a letter of intent and we submit a letter of intent. Ms. Duncan asked Mr. Cameron if he was talking about subsection one. Mr. Cameron said there might be a couple others. Ms. Duncan said so, you're saying that the city sends out a request for proposal and requests a letter of intent. Mr. Cameron said yes, but when it is going to end up in an ordinance, to get it right before it's drafted would be handy. Ms. Duncan said okay.

Councilmember Bryant said on Page 2, it is talking about at least four members and it seems like in point three that, seemingly, the Mayor could designate an unlimited number of people, including one from each department. Would that be possible or am I not thinking through that correctly? Councilmember Dr. Coleman said when you said departments, what are you talking about. Councilmember Bryant said it says here that a representative of at least one of the following departments and it says the Mayor will designate which departments. So, is it clear there that the Mayor is only going to designate one person from one department, not seemingly maybe multiple people from different departments? Mr. Ockert said well, it might not be clear enough. What I'm trying to do is leave it open to add a fifth person on a committee if the Mayor decides that we need five for some reason, but that's not necessary. I kept it to four. We dropped back from having two from different departments. The previous suggestion we had was that the committee include at least three departments represented.

Councilmember Dr. Coleman said in the selection committee, and I guess I'm just asking because it bothers me, you're selecting individuals who have no background in engineering and technology and just somebody from a department just to be on a committee that has no background on this type of information. How is that going to happen? Mr. Ockert said well, I have no background as an engineer and I've been on three committees, so far. You can either have engineers on there or you can have somebody who is not an engineer. You can't really do it both ways. We have a mixture of one engineer and three non-engineers, but that's how you all want to set the committees. I haven't been a you all yet, so I don't know what you're talking about. Mr. Ockert said I think what you need is somebody who is conscientious enough to do their homework. Councilmember Dr. Coleman said okay. Councilmember Vance said with the Form 330 within the LOI and then specific responses to an RFP, that's going to help the layman from that other department to understand what is going on. I think you do have it, and it may need to be reworded, but you do have it up in the top where it says at least four members with no more than one from a city department. So, I don't see there being three from one department on the committee the way you say it here. Mr. Ockert said I think it's important for us to include an engineer on there because there are some things that are going to have to be interpreted, and we've reserved to have one engineer on every committee. Chairmember Street said the city engineer or a designated engineer from engineering would be your source for expertise, but you may want to have a department head from parks if it's a project involving the parks department or related projects. They might be able to contribute a lot to the committee.

Councilmember Vance said if I remember right, we were looking at several different

professionals, which would include attorneys, land surveyors, and architects, and we were talking, or it was proposed, at one time, to have a member of the department that was involved with that particular project and then other representatives from the city from other departments. So, that's kind of why I think it has evolved this way, but I do think that if it's architectural selection for a parks process that there should be a representative from the parks along with other representatives as named by the Mayor. Chairmember Street said that makes sense and that's logical. Councilmember Vance said we have to leave it at least somewhat loose for the Mayor to appoint the committee. Mr. Ockert said the project manager would ordinarily be the director of parks if it were a parks project. Chairmember Street said there might be some gray areas, but that gives the Mayor some leeway in deciding who's actually best to sit on that committee for that project.

Councilmember Vance asked if this was going to be an ordinance or a resolution. Mr. Ockert said we have an ordinance before you that would adopt this by reference. We had two previous policies that would have adopted by reference. What I'm proposing is to substitute this for those two, but the ordinance would adopt this by reference and that would then be in the City Clerk's office. Rather than have four pages added to the ordinance, that was our idea. We also have two other policies that would be adopted by ordinance. Ms. Duncan said the cost is quite excessive if you don't adopt it by reference. That was part of the problem. Councilmember Vance said I'm aware of that, but it is an ordinance. Ms. Duncan said it's an ordinance and we still have the one for legal, accounting, and all of that, which would also be attached as a separate. Councilmember Vance said you say this would be available in the City Clerk's office, but would it be available on the website? Mr. Ockert said I would hope so. I would certainly ask that it be available, and, as I understand it, if we then wanted to make a change we're going to have to amend the ordinance. Is that correct? Ms. Duncan said that's correct. The reference to it being in the City Clerk's office is just the adoption by reference procedure. Once it's adopted, it will be on the website, and probably once it's pending, it'll be in Legistar on the website.

Chairmember Street asked the committee what they thought about taking this and studying it a little more, unless they had some major changes, and then bring it back to Public Works. Ms. Duncan said in the form of an ordinance. Councilmember Vance said I make a motion that we table this until the next Public Works meeting on May 7, and at that time be prepared to either amend or pass it the way it is, seconded by Councilmember Ann Williams. Chairmember Street said I have a motion and a second to postpone temporarily until the next Public Works meeting on May 7 to make final changes or adopt and forward to the City Council. All voted aye.

Read

4. Adjournment

A motion was made by Councilperson Mitch Johnson, seconded by Councilperson LJ Bryant, that this meeting be Adjourned. The motion PASSED with the following vote.

Aye: 5 - Gene Vance; Mitch Johnson; Charles Coleman; LJ Bryant and Ann Williams

Absent: 1 - Chris Moore